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Standing committee on Veterans affairs
Minutes of proceedings

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HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968

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STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

PROCEEDINGS

No. 1 – 23

THURSDAY, OCTOBER 17, 1968 – 69
– " – 3

INCLUDING

Appendix "A":

Revised Main Estimates (1968-69) of the Department of Veterans Affairs

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

29079—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault
and Messrs.

Bigg,
Boulanger,
Émard,
Guay (*St. Boniface*),
Hopkins,
Knowles (*Norfolk-Haldimand*),
Latulippe,
MacRae,
Marshall,
McIntosh,
Mongrain,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Whicher—(20).

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Francis replaced Mr. Rochon on October 11, 1968

Mr. Weatherhead replaced Mr. Roy (Timmins) on October 15, 1968

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HOUSE OF COMMONS
TUESDAY, October 8, 1968.

Resolved,—That the following Members do compose the Standing Committee on Veterans Affairs:

Messrs.

Bigg,	Latulippe,	Rochon,
Boulanger,	Legault,	Roy (*Timmins*),
Émard,	MacRae,	Saltsman,
Guay (*St. Boniface*),	Marshall,	Stafford,
Hopkins,	McIntosh,	Thomas (*Moncton*),
Knowles (*Norfolk-Haldimand*),	Mongrain,	Turner (*London East*),
	Peters,	Whicher—(20).

FRIDAY, October 11, 1968.

Ordered,—That the name of Mr. Francis be substituted for that of Mr. Rochon on the Standing Committee on Veterans Affairs.

TUESDAY, October 15, 1968.

Ordered,—That the name of Mr. Weatherhead be substituted for that of Mr. Roy (Timmins) on the Standing Committee on Veterans Affairs.

WEDNESDAY, October 16, 1968.

Ordered,—That, saving always the powers of the Committee of Supply in relation to the voting of public moneys, the items listed in the Revised Main Estimates for 1968-69, relating to Veterans Affairs, be withdrawn from the Committee of Supply and referred to the Standing Committee on Veterans Affairs.

Attest.

ALISTAIR FRASER
The Clerk of the House of Commons

29079—1½

MINUTES OF PROCEEDINGS

THURSDAY, October 17, 1968.
(1)

The Standing Committee on Veterans Affairs met this day at 11.30 o'clock a.m., for the purpose of organization.

Members present: Messrs. Bigg, Emard, Francis, Guay (*St. Boniface*), Hopkins, Knowles (*Norfolk-Haldimand*), Latulippe, Legault, MacRae, Marshall, Mongrain, Saltsman, Stafford, Thomas (*Moncton*), Turner (*London East*), Weatherhead, Whicher—(17).

The Clerk attending and having called for nominations for the election of a Chairman, it was moved by Mr. Guay (*St. Boniface*), seconded by Mr. Whicher that Mr. Francis be elected Chairman of this Committee.

Mr. Thomas (*Moncton*) moved, seconded by Mr. Turner (*London East*),

Agreed,—That nominations be closed.

The Clerk put Mr. Guay (*St. Boniface*) motion and it was *resolved* in the affirmative. Mr. Francis took the Chair and thanked the Committee for the honour.

The Chairman called for nominations for the election of a Vice-Chairman.

It was moved by Mr. Marshall, seconded by Mr. Knowles (*Norfolk-Haldimand*),

That Mr. MacRae be elected Vice-Chairman.

Mr. Hopkins moved, seconded by Mr. Mongrain,

That Mr. Legault be elected Vice-Chairman.

On motion of Mr. Guay (*St. Boniface*), seconded by Mr. Marshall,

Agreed,—That nominations be closed.

The Chairman put Mr. Marshall's motion which was defeated by a show of hands (Yeas 3 Nays 9).

The Chairman declared Mr. Carl Legault elected Vice-Chairman of this Committee.

Thereupon, Mr. Emard made allusion to the procedure used in the selection of Committee officials.

On motion of Mr. Mongrain, seconded by Mr. Latulippe,

Mr. Mongrain moved, seconded by Mr. Bigg,

That the Committee print the Minutes of Proceedings and Evidence of this Committee in both English and French under the same cover. It was *agreed* that this motion be referred to the Steering Committee for its consideration and report.

Agreed,—That the Committee print 500 copies in English and 250 copies in French of its Minutes of Proceedings and Evidence, with the understanding that additional copies will be printed when required.

It was moved by Mr. Mongrain, seconded by Mr. MacRae,

Agreed,—That the Sub-Committee on Agenda and Procedure be comprised of the Chairman, the Vice-Chairman and one (1) other member of this Committee from each party be appointed by the Chairman after the usual consultations with the Whips of the different parties.

Moved by Mr. Marshall, seconded by Mr. Legault,

Resolved,—That the items listed in the Revised Main Estimates for 1968-69 relating to the Department of Veterans Affairs be printed as an appendix in Issue No. 1 of the Proceedings of this Committee (*See Appendix "A"*).

The Committee directed the Clerk to provide copies of the Report of The Committee To Survey The Work And Organization Of The Canadian Pension Commission as well as twenty-five (25) copies of the Summary of Recommendations of the said Report.

The Chairman asked the Clerk to read the Orders of Reference.

At 12.10 o'clock p.m. the Chairman adjourned the Committee to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

APPENDIX "A"

VETERANS AFFAIRS

REVISED ESTIMATES, 1968-69

VETERANS AFFAIRS

No. of Vote	Service	1968–69	1967–68	Change	
				Increase	Decrease
		$	$	$	$
(S)	Minister of Veterans Affairs—Salary and Motor Car Allowance (Details, page 559)	17,000	17,000		
	ADMINISTRATION				
1	Departmental Administration (Details, page 559)	5,742,000	5,702,200	39,800	
	WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS				
5	Administration, including the expenses of the War Veterans Allowance Board (Details, page 560)	6,596,400	6,452,400	144,000	
10	War Veterans Allowances, Civilian War Allowances and Assistance in accordance with the provisions of the Assistance Fund Regulations (Details, page 562)	108,680,000	115,721,000	.....	7,041,000
15	Other Benefits, including Education Assistance, Hospital Insurance Premiums or payments in lieu thereof re recipients of War Veterans Allowance and Civilian War Allowance, repayments under subsection (3) of section 12 of the Veterans' Rehabilitation Act in such amounts as the Minister of Veterans Affairs determines, not exceeding the whole of amounts equivalent to the compensating adjustments or payments made under that Act, where the persons who made the compensating adjustments or payments received no benefits under the Veterans' Land Act, or where, having had financial assistance under the Veterans' Land Act, are deemed by the Minister on termination of their Veterans' Land Act contracts or agreements to have derived thereunder either no benefits or benefits that are less than the amounts of the compensating adjustments or payments, and grants as detailed in the Estimates (Details, page 563)	3,446,200	2,710,200	736,000	
(S)	War Service Gratuities, Re-Establishment Credits and repayments under section 13A of the War Service Grants Act of compensating adjustments made in accordance with the terms of the Veterans' Land Act (Details, page 564)	510,000	505,000	5,000	
—	Appropriation not required for 1968–69 (Details, page 564)	.....	1	.....	1
		119,232,600	125,388,601	.....	6,156,001

No. of Vote	Service	1968–69	1967–68	Change	
				Increase	Decrease
		$	$	$	$
	PENSIONS				
20	Administration (Details, page 565)	3,201,000	3,212,000	.....	11,000
25	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; Newfoundland Special Awards; Burial Grants; and Gallantry Awards (World War II and Special Force) (Details, page 566)	225,229,000	198,979,000	26,250,000	
		228,430,000	202,191,000	26,239,000	
	TREATMENT SERVICES				
30	Operation and Maintenance including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for hospital and related services (Details, page 567)	53,780,000	55,574,900	.....	1,794,900
35	Hospital Construction, Improvements, Equipment and Acquisition of Land including contributions to Provinces and other authorities towards such costs (Details, page 569)	6,569,000	6,076,000	493,000	
38	Treatment and Related Allowances (Details, page 570)	3,080,000	2,610,000	470,000	
		63,429,000	64,260,900	.....	831,900
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT				
40	Administration of Veterans' Land Act; Soldier Settlement and British Family Settlement; upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property, taxes, insurance and maintenance of public utilities; and to authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible, and for such other work on other properties as may be required to protect the interest of the Director therein (Details, page 570)	5,414,000	5,338,600	75,400	

No. of Vote	Service	1968–69	1967–68	Change	
				Increase	Decrease
		$	$	$	$
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT (Continued)				
45	Grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 38 of the Veterans' Land Act, grants to veterans settled on Dominion Lands in accordance with an agreement with the Minister of Indian Affairs and Northern Development under section 38 of the Veterans' Land Act and grants to Indian veterans settled on Indian Reserve Lands under section 39 of the Veterans' Land Act (Details, page 572)	110,000	130,000	.....	20,000
(S)	Provision for reserve for conditional benefits, Veterans' Land Act (Details, page 573)	3,520,000	3,508,000	12,000	
		9,044,000	8,976,600	67,400	
	SUMMARY				
	To be voted	**421,847,600**	402,506,301	19,341,299	
	Authorized by Statute	**4,047,000**	4,030,000	17,000	
		425,894,600	**406,536,301**	**19,358,299**	

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		Approximate Value of Major Services not included in these Estimates		
		Accommodation (provided by the Department of Public Works)	2,910,500	2,250,100
		Accommodation (in this Department's own buildings)	8,775,000	8,011,800
		Accounting and cheque issue services (Comptroller of the Treasury)	3,608,600	3,935,800
		Contributions to Superannuation Account (Treasury Board)	6,076,700	4,367,300
		Contributions to Canada Pension Plan Account and Quebec Pension Plan Account (Treasury Board)	879,500	862,800
		Employee surgical-medical insurance premiums (Treasury Board)	160,300	417,900
		Employee compensation payments (Department of Labour)	124,400	182,600
		Carrying of franked mail (Post Office Department)	73,600	56,600
			22,608,600	20,084,900
		Statutory—Minister of Veterans Affairs—Salary and Motor Car Allowance		
		Salary (1)	15,000	15,000
		Motor Car Allowance (1)	2,000	2,000
			17,000	**17,000**
		ADMINISTRATION		
		Vote 1—Departmental Administration		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Deputy Minister ($24,840)		
1	1	Senior Officer 3 ($20,500–$25,750)		
4	4	Senior Officer 1 ($16,500–$21,250)		
2		($18,000–$21,000)		
8	2	($16,000–$18,000)		
20	6	($14,000–$16,000)		
17	37	($12,000–$14,000)		
5	6	($10,000–$12,000)		
	7	($8,000–$10,000)		
2		(Part Time)		
		Administrative and Foreign Service:		
1		($16,000–$18,000)		
8	1	($14,000–$16,000)		
11	14	($12,000–$14,000)		
30	10	($10,000–$12,000)		
30	30	($8,000–$10,000)		
4	19	($6,000–$8,000)		
		Technical, Operational and Service:		
3	3	($8,000–$10,000)		
7	6	($6,000–$8,000)		
23	10	($4,000–$6,000)		
2	15	(Under $4,000)		

Positions (man-years) 1968-69	Positions (man-years) 1967-68	Details of Services	Amount 1968-69	Amount 1967-68
			$	$
		ADMINISTRATION (Continued)		
		Vote 1 (Continued)		
		Salaried Positions: (Continued)		
		Administrative Support:		
3	3	($8,000–$10,000)		
50	53	($6,000–$8,000)		
348	345	($4,000–$6,000)		
69	88	(Under $4,000)		
		Local Assistance Abroad:		
13		(Full Time)		
662	661			
(661)	(661)	Salaries....(1)	3,949,000	3,965,000
		Allowances....(1)	8,000	7,200
		Travelling Expenses—Staff....(2)	90,000	75,000
		Freight, Express and Cartage....(2)	5,000	13,500
		Postage....(2)	10,000	5,600
		Telephones and Telegrams....(2)	54,000	43,000
		Publication of Departmental Reports and other Material....(3)	12,000	8,500
		Advertising and Publicity....(3)	45,000	35,000
		Corps of Commissionaires Services....(4)	32,000	27,500
		Last Post Fund....(4)	460,000	435,000
		Books of Remembrance....(4)	12,000	2,500
		Memorial and Remembrance Ceremonies....(4)	113,000	143,000
		Rental of Office Machines....(5)	65,000	60,400
		Repairs and Upkeep of Equipment....(6)	5,000	5,000
		Battlefields Memorials....(6)	100,000	95,000
		Maintenance of Departmental Cemeteries and Plots....(6)	36,000	44,000
		Campaign Stars and Medals, including cost of distribution....(7)	3,000	3,000
		Stationery, Supplies and Office Machines....(7)	150,000	145,000
		Office Furnishings and Fixtures....(9)	18,000	20,000
		Commonwealth War Graves Commission....(10)	555,000	538,000
		Sundries....(12)	20,000	31,000
			5,742,000	**5,702,200**
		Expenditure		
		1965–66.... $ 2,665,251		
		1966–67.... 5,218,947		
		1967–68 (estimated).... 5,690,000		
		WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS		
		Vote 5—Administration, including the expenses of the War Veterans Allowance Board		
		VETERANS' WELFARE SERVICES		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Senior Officer 1 ($16,500–$21,250)		
3		($10,000–$12,000)		
7		($8,000–$10,000)		
		Administrative and Foreign Service:		
2	2	($14,000–$16,000)		
4		($12,000–$14,000)		
16	4	($10,000–$12,000)		
58	37	($8,000–$10,000)		
300	72	($6,000–$8,000)		

Positions (man-years)		Details of Services		Amount	
1968–69	1967–68			1968–69	1967–68
				$	$
		WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS (Continued)			
		Vote 5 (Continued)			
		VETERANS' WELFARE SERVICES (Continued)			
		Salaried Positions: (Continued)			
		Technical, Operational and Service:			
	161	($6,000–$8,000)			
5	115	($4,000–$6,000)			
18	4	(Under $4,000)			
		Administrative Support:			
4	2	($8,000–$10,000)			
44	45	($6,000–$8,000)			
449	448	($4,000–$6,000)			
133	155	(Under $4,000)			
		Local Assistance Abroad:			
2		(Full Time)			
1,046	1,046				
(1,046)	(1,046)	Salaries	(1)	5,762,500	5,600,000
		Travelling Expenses—Staff	(2)	250,000	252,000
		Travelling Expenses—Applicants, Recipients and Others	(2)	2,000	17,000
		Postage	(2)	39,000	38,000
		Telephones and Telegrams	(2)	73,500	60,000
		Professional and Special Services	(4)	1,000	18,000
		Corps of Commissionaires Services	(4)	38,000	37,000
		Training—Educational Services	(4)	6,200	2,500
		Rental of Office Machines	(5)	34,000	30,000
		Repairs and Upkeep—Motor Vehicles	(6)	7,000	7,500
		Repairs and Upkeep—Equipment and Furnishings	(6)	10,000	17,000
		Stationery, Supplies and Office Machines	(7)	44,000	44,000
		Materials and Supplies	(7)	5,000	5,000
		Office Furnishings and Fixtures	(9)	15,000	30,000
		Acquisition of Motor Vehicles	(9)	10,000	10,000
		Sundries	(12)	3,800	2,500
				6,301,000	6,170,500
			Expenditure		
		1965–66	$ 3,942,308		
		1966–67	5,831,476		
		1967–68 (estimated)	6,162,000		
		WAR VETERANS ALLOWANCE BOARD—ADMINISTRATION			
1	1	Chairman ($20,750)			
1	1	Deputy Chairman ($18,500)			
5	5	Member ($16,250)			
		Salaried Positions:			
		Administrative and Foreign Service:			
2		($10,000–$12,000)			
1	3	($8,000–$10,000)			
		Administrative Support:			
1	1	($8,000–$10,000)			
9	10	($6,000–$8,000)			
6	9	($4,000–$6,000)			
5	1	(Under $4,000)			
31	31				

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS (Continued)		
		Vote 5 (Continued)		
		WAR VETERANS ALLOWANCE BOARD—ADMINISTRATION (Continued)		
(31)	(31)	Salaries (1)	275,000	263,000
		Pensions—Retired Board Members (1)	5,000	5,000
		Travelling Expenses—Staff (2)	2,500	2,000
		Postage (2)	300	300
		Telephones and Telegrams (2)	2,500	1,500
		Stationery, Supplies and Office Machines (7)	6,000	6,000
		Office Furnishings and Fixtures (9)	4,000	4,000
		Sundries (12)	100	100
			295,400	281,900
		Expenditure		
		1965–66 $ 230,531		
		1966–67 276,661		
		1967–68 (estimated) 279,000		
		Total, Vote 5	**6,596,400**	**6,452,400**
		Expenditure		
		1965–66 $ 4,172,839		
		1966–67 6,108,137		
		1967–68 (estimated) 6,441,000		
		Vote 10—War Veterans Allowances, Civilian War Allowances and Assistance in accordance with the provisions of the Assistance Fund Regulations		
		WAR VETERANS ALLOWANCES AND CIVILIAN ALLOWANCES		
		North West Field Force	11,000	13,000
		South African War	430,000	568,000
		World War I	54,535,000	63,600,000
		World War II and Special Force (Korea)	42,500,000	40,400,000
		Dual Service (World Wars I and II)	1,845,000	2,045,000
		Civilian War Allowances	2,960,000	2,495,000
		(10)	102,281,000	109,121,000
		Expenditure		
		1965–66 $ 99,901,624		
		1966–67 103,629,448		
		1967–68 (estimated) 99,000,000		
		ASSISTANCE IN ACCORDANCE WITH THE PROVISIONS OF THE ASSISTANCE FUND REGULATIONS (10)	6,399,000	6,600,000
		Expenditure		
		1965–66 $ 5,699,092		
		1966–67 5,867,068		
		1967–68 (estimated) 6,550,000		
		Total, Vote 10	**108,680,000**	**115,721,000**

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS (Continued)		
		Vote 10 (Continued)		
		Expenditure		
		1965–66 ... $105,600,716		
		1966–67 ... 109,496,516		
		1967–68 (estimated) ... 105,550,000		
		Vote 15—Other Benefits, including Education Assistance, Hospital Insurance Premiums or payments in lieu thereof re recipients of War Veterans Allowance and Civilian War Allowance, repayments under subsection (3) of section 12 of the Veterans' Rehabilitation Act in such amounts as the Minister of Veterans Affairs determines, not exceeding the whole of amounts equivalent to the compensating adjustments or payments made under that Act, where the persons who made the compensating adjustments or payments received no benefits under the Veterans' Land Act, or where, having had financial assistance under the Veterans' Land Act, are deemed by the Minister on termination of their Veterans' Land Act contracts or agreements to have derived thereunder either no benefits or benefits that are less than the amounts of the compensating adjustments or payments, and grants as detailed in the Estimates		
		Correspondence Courses ... (4)	18,000	21,000
		Children of War Dead (Education Assistance) ... (10)	811,000	856,000
		University and Vocational Training ... (10)	52,000	49,000
		Training and Aftercare of Blinded Pensioners by Canadian National Institute for the Blind ... (10)	73,000	65,000
		Special Welfare and Placement Services ... (10)	17,200	17,200
		Grant to Army Benevolent Fund ... (10)	18,000	18,000
		Grant to Royal Canadian Legion ... (10)	9,000	9,000
		Awaiting Returns Allowances ... (10)	33,000	37,000
		Assistance to Canadian Veterans—Overseas District (10)	36,000	30,000
		Repayments under Section 12(3), Veterans Rehabilitation Act ... (10)	4,000	5,000
		Hospital Insurance Premiums, or Payments in lieu, for Recipients of War Veterans Allowance and Civilian War Allowance ... (10)	2,375,000	1,603,000
			3,446,200	**2,710,200**
		Expenditure		
		1965–66 ... $ 1,155,148		
		1966–67 ... 2,663,687		
		1967–68 (estimated) ... 2,668,200		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			$	$
		WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS (Continued)		
		Statutory—War Service Gratuities, Re-Establishment Credits and Repayments under section 13A of the War Service Grants Act of compensating adjustments made in accordance with the terms of the Veterans' Land Act		
		STATUTORY—WAR SERVICE GRATUITIES (CHAP. 289, R.S.).....(10)	10,000	5,000
		Expenditure		
		1965-66..... $ 2,263		
		1966-67..... 8,356		
		1967-68 (estimated)..... 5,000		
		STATUTORY—RE-ESTABLISHMENT CREDITS (CHAP. 289, R.S.).....(10)	250,000	300,000
		Expenditure		
		1965-66..... $ 216,974		
		1966-67..... 182,727		
		1967-68 (estimated)..... 175,000		
		STATUTORY—REPAYMENTS UNDER SECTION 13A OF THE WAR SERVICE GRANTS ACT OF COMPENSATING ADJUSTMENTS MADE IN ACCORDANCE WITH THE TERMS OF THE VETERANS' LAND ACT.....(10)	250,000	200,000
		Expenditure		
		1965-66..... $ 195,731		
		1966-67..... 211,405		
		1967-68 (estimated)..... 250,000		
		Total, Statutory Item.....	**510,000**	**505,000**
		Expenditure		
		1965-66..... $ 414,968		
		1966-67..... 402,488		
		1967-68 (estimated)..... 430,000		
		Appropriation not required for 1968-69		
		To provide that, effective the 1st day of July, 1967, the definition of "civilian" for the purposes of Part XI of the Civilian War Pensions and Allowances Act be read and construed as though for paragraph (g) of subsection (1) of section 75 of the said Act there were substituted the following: (g) a person who served in the United Kingdom with the Newfoundland Overseas Forestry Unit during World War II (i) for a period of more than six months, or (ii) for any period, if the service was terminated on medical grounds.....(1)	.....	1

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		PENSIONS		
		Vote 20—Administration		
1	1	Chairman, Canadian Pension Commission ($23,500)		
1	1	Deputy Chairman, Canadian Pension Commission ($21,000)		
15	15	Commissioner ($18,500)		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Medical Officer 6 ($21,840–$22,880)		
15	15	($18,000–$21,000)		
39	39	($16,000–$18,000)		
1	1	($14,000–$16,000)		
		Administrative and Foreign Service:		
1		($12,000–$14,000)		
2	1	($10,000–$12,000)		
7	3	($8,000–$10,000)		
5	11	($6,000–$8,000)		
		Technical, Operational and Service:		
4	4	($8,000–$10,000)		
11		($6,000–$8,000)		
	11	($4,000–$6,000)		
		Administrative Support:		
4	3	($8,000–$10,000)		
35	37	($6,000–$8,000)		
176	178	($4,000–$6,000)		
36	37	(Under $4,000)		
354	358			
(354)	(358)	Salaries....(1)	2,705,000	2,675,000
		Allowances....(1)	.....	5,000
		Travelling Expenses—Staff....(2)	85,000	83,000
		Travelling Expenses—Applicants, Pensioners and Escorts....(2)	185,000	200,000
		Postage....(2)	14,000	13,500
		Telephones and Telegrams....(2)	30,000	18,500
		Professional and Special Services....(4)	54,000	85,000
		Repairs and Upkeep of Equipment....(6)	4,000	4,000
		Stationery, Supplies and Office Machines....(7)	30,000	30,000
		Office Furnishings and Fixtures....(9)	15,000	25,000
		Compensation for Loss of Earnings....(10)	75,000	70,000
		Sundries....(12)	4,000	3,000
			3,201,000	**3,212,000**
		Expenditure		
		1965–66.... $ 2,858,096		
		1966–67.... 3,120,072		
		1967–68 (estimated).... 3,212,000		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			$	$
		PENSIONS (Continued)		
		Vote 25—Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; Newfoundland Special Awards; Burial Grants; and Gallantry Awards (World War II and Special Force)		
		PENSIONS FOR DISABILITY AND DEATH, INCLUDING PENSIONS GRANTED UNDER THE AUTHORITY OF THE CIVILIAN GOVERNMENT EMPLOYEES (WAR) COMPENSATION ORDER, P.C. 45/8848 OF NOVEMBER 22, 1944, WHICH SHALL BE SUBJECT TO THE PENSION ACT; AND INCLUDING NEWFOUNDLAND SPECIAL AWARDS		
		North West Field Force and General	3,000	8,000
		The Flying Accidents Compensation Order	82,000	66,000
		World War I	67,600,000	60,650,000
		World War II	149,475,000	131,335,000
		Civilians, World War II	765,000	707,000
		Defence Forces—Peacetime Services	4,490,000	3,720,000
		Special Forces (Korea)	2,350,000	2,025,000
		Newfoundland Special Awards	35,000	38,000
		Burial Grants	400,000	400,000
		(10)	225,200,000	198,949,000
		Expenditure		
		1965-66 $185,532,099		
		1966-67 195,883,055		
		1967-68 (estimated) 206,792,000		
		GALLANTRY AWARDS—WORLD WAR II AND SPECIAL FORCE (10)	29,000	30,000
		Expenditure		
		1965-66 $ 27,226		
		1966-67 27,326		
		1967-68 (estimated) 28,000		
		Total, Vote 25	**225,229,000**	**198,979,000**
		Expenditure		
		1965-66 $185,559,325		
		1966-67 195,910,381		
		1967-68 (estimated) 206,820,000		

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		TREATMENT SERVICES		
		Vote 30—Operation and Maintenance including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for hospital and related services		
		TREATMENT SERVICES—OPERATION OF HOSPITALS AND ADMINISTRATION INCLUDING AUTHORITY, NOTWITHSTANDING THE FINANCIAL ADMINISTRATION ACT, TO SPEND REVENUE RECEIVED DURING THE YEAR FOR HOSPITAL AND RELATED SERVICES		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Senior Officer 3 ($20,500–$25,750)		
72	73	Medical Specialist 2 ($17,500–$25,750)		
6	6	Medical Officer 6 ($21,840–$22,880)		
81	37	($18,000–$21,000)		
6	46	($16,000–$18,000)		
31	9	($14,000–$16,000)		
7	35	($12,000–$14,000)		
22	12	($10,000–$12,000)		
115	64	($8,000–$10,000)		
102	175	($6,000–$8,000)		
175	205	(Under $4,000)		
1	1	(Part Time)		
		Administrative and Foreign Service:		
6		($14,000–$16,000)		
5	2	($12,000–$14,000)		
14	10	($10,000–$12,000)		
63	36	($8,000–$10,000)		
10	36	($6,000–$8,000)		
		Technical, Operational and Service:		
1	1	($12,000–$14,000)		
9	8	($8,000–$10,000)		
288	224	($6,000–$8,000)		
4,879	4,345	($4,000–$6,000)		
412	1,374	(Under $4,000)		
1	2	(Part Time)		
		Administrative Support:		
5	5	($8,000–$10,000)		
81	86	($6,000–$8,000)		
793	798	($4,000–$6,000)		
328	382	(Under $4,000)		
1		(Part Time)		
		Prevailing Rate Positions:		
1,396	1,466	(Full Time)		
8,911	9,439			
(8,910)	(9,438)	Continuing Establishment	43,310,000	42,400,000
(75)	(75)	Casuals and Others	300,000	300,000
(8,985)	(9,513)	Salaries and Wages (1)	43,610,000	42,700,000
		Overtime (1)	789,000	721,000
		Night Differential Payments for Operating Services (1)	217,000	211,000
		Unemployment Insurance Contributions (1)	46,000	57,000
		Nursing Assistants—Trainees' Allowances (1)	60,000	62,000
		Laboratory Technicians—Trainees' Allowances (1)	60,000	66,000
		Travelling Expenses—Staff (2)	250,000	210,500
		Travelling Expenses—Patients and Escorts (2)	710,000	765,000
		Freight, Express and Cartage (2)	50,000	53,000

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Positions (man-years) 1968-69	Positions (man-years) 1967-68	Details of Services	Amount 1968-69	Amount 1967-68
			$	$
		TREATMENT SERVICES (Continued)		
		Vote 30 (Continued)		
		TREATMENT SERVICES—OPERATION OF HOSPITALS AND ADMINISTRATION ETC. (Continued)		
		Postage (2)	65,000	65,000
		Telephones and Telegrams (2)	207,000	205,000
		Publication of Medical Services Journal, Canada (3)	13,000	13,500
		Hospitalization in other than Department of Veterans Affairs Institutions (4)	7,660,000	7,799,000
		Fees—Doctors and Consultants, Department of Veterans Affairs Institutions (4)	2,456,000	3,452,000
		Corps of Commissionaires Services (4)	780,000	804,000
		Canadian Red Cross Society—Arts and Crafts Program (4)	161,000	133,000
		Funerals (4)	620,000	550,000
		Cemetery Charges (4)	176,000	145,000
		Grave Markers (4)	213,000	150,000
		Laundry (4)	340,000	308,000
		Medical Education—Tuition (4)	80,000	16,500
		Service Contracts—Building (4)	110,000	100,000
		Prosthetic Service—Department of National Health and Welfare (4)	650,000	828,000
		Prescription Service—Drugs (4)	1,809,000	1,590,000
		Other Professional and Special Services (4)	4,680,000	5,316,000
		Rental of Buildings, Works and Land (5)	149,000	69,400
		Repairs and Upkeep of Buildings and Works, including Land (6)	752,000	547,000
		Repairs and Upkeep of Equipment (6)	300,000	254,000
		Stationery, Supplies and Office Machines (7)	225,000	185,000
		Repair Supplies (7)	300,000	298,000
		Materials and Supplies (7)	8,121,000	8,403,000
		Light and Power (7)	355,000	372,000
		Water Rates, Taxes and Other Public Utility Charges (7)	165,000	161,000
		Sundries (12)	35,000	52,000
			76,214,000	76,661,900
		Less—Recoverable Costs—Treatment of Patients, Staff Meals and Accommodation, etc. (13)	22,800,000	21,452,000
			53,414,000	55,209,900

	Expenditure	Revenue
1965-66	$ 71,959,445	$24,645,036
1966-67	75,400,049	23,430,726
1967-68 (estimated)	77,027,000	22,400,000

		TREATMENT SERVICES—MEDICAL RESEARCH		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	($16,000-$18,000)		
1	1	($12,000-$14,000)		
5	5	($8,000-$10,000)		
6	6	($6,000-$8,000)		
1	1	(Part Time)		

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		TREATMENT SERVICES (Continued)		
		Vote 30 (Continued)		
		TREATMENT SERVICES—MEDICAL RESEARCH (Continued)		
		Salaried Positions (Continued)		
		Technical, Operational and Service:		
12	12	($6,000–$8,000)		
33	33	($4,000–$6,000)		
1	1	(Part Time)		
60	60			
(59)	(59)	Salaries....(1)	226,000	228,000
		Travelling Expenses—Staff....(2)	3,000	3,000
		Travelling Expenses—Patients and Escorts....(2)	1,000	1,000
		Fees of Specialists engaged in Research....(4)	118,000	115,000
		Other Professional and Special Services....(4)	5,000	5,000
		Special Research Drugs....(7)	1,000	1,000
		Research Supplies....(7)	12,000	12,000
			366,000	365,000
		Expenditure		
		1965–66.... $ 417,726		
		1966–67.... 417,764		
		1967–68 (estimated).... 365,000		
		Total, Vote 30....	**53,780,000**	**55,574,900**
		Expenditure Revenue		
		1965–66.... $ 72,377,171 $24,645,036		
		1966–67.... 75,817,813 23,430,726		
		1967–68 (estimated).... 77,392,000 22,400,000		
		Vote 35—Hospital Construction, Improvements, Equipment and Acquisition of Land including contributions to Provinces and other authorities towards such costs		
		OPERATION OF HOSPITALS		
		Hospital Construction and Improvements....(8)	5,226,000	4,772,000
		Construction or Acquisition of Equipment, Furnishings and Fixtures....(9)	1,292,000	1,254,000
			6,518,000	6,026,000
		Expenditure		
		1965–66.... $ 1,684,304		
		1966–67.... 2,938,102		
		1967–68 (estimated).... 5,688,000		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			$	$
		TREATMENT SERVICES (Continued)		
		Vote 35 (Continued)		
		MEDICAL RESEARCH		
		Acquisition of Equipment and Furnishings.....(9)	51,000	50,000
		Expenditure		
		1965-66..... $.....		
		1966-67.....		
		1967-68 (estimated)..... 50,000		
		Total, Vote 35.....	**6,569,000**	**6,076,000**
		Expenditure		
		1965-66..... $ 1,684,304		
		1966-67..... 2,938,102		
		1967-68 (estimated)..... 5,738,000		
		Vote 38—Treatment and Related Allowances....(10)	**3,080,000**	**2,610,000**
		Expenditure		
		1965-66..... $ 2,621,200		
		1966-67..... 2,579,615		
		1967-68 (estimated)..... 2,818,000		
		SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
		Vote 40—Administration of Veterans' Land Act; Soldier Settlement and British Family Settlement; upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property; taxes, insurance and maintenance of public utilities; and to authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible, and for such other work on other properties as may be required to protect the interest of the Director therein		
		ADMINISTRATION OF VETERANS' LAND ACT; SOLDIER SETTLEMENT AND BRITISH FAMILY SETTLEMENT		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Director of Soldier Settlement and Director, Veterans' Land Act ($20,000)		
1	1	($16,000-$18,000)		
1		($10,000-$12,000)		
		Administrative and Foreign Service:		
10	1	($14,000-$16,000)		
	9	($12,000-$14,000)		
40	2	($10,000-$12,000)		
155	53	($8,000-$10,000)		
87	125	($6,000-$8,000)		

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		SOLDIER SETTLEMENT AND VETERANS' LAND ACT (Continued)		
		Vote 40 (Continued)		
		ADMINISTRATION OF VETERANS' LAND ACT; SOLDIER SETTLEMENT AND BRITISH FAMILY SETTLEMENT (Continued)		
		Salaried Positions (Continued)		
		Technical, Operational and Service:		
2	2	($12,000–$14,000)		
1	1	($10,000–$12,000)		
	2	($8,000–$10,000)		
15	116	($6,000–$8,000)		
2	2	($4,000–$6,000)		
		Administrative Support:		
1	2	($8,000–$10,000)		
38	39	($6,000–$8,000)		
232	274	($4,000–$6,000)		
71	27	(Under $4,000)		
657	657			
(657)	(657)	Continuing Establishment	4,460,000	4,325,000
(8)	(8)	Casuals and Others	23,000	30,000
(665)	(665)	Salaries and Wages (1)	4,483,000	4,355,000
		Travelling Expenses (2)	350,000	367,000
		Postage (2)	42,500	42,500
		Telephones and Telegrams (2)	62,500	55,000
		Freight, Express and Cartage (2)	2,000	200
		Professional and Special Services (4)	379,000	416,000
		Expenses of Regional Advisory Committees and Provincial Advisory Boards (4)	4,000	4,000
		Educational and Photographic Services (4)	6,500	7,500
		Repairs and Upkeep of Motor Vehicles (6)	3,100	3,000
		Repairs to Office Furnishings (6)	2,000	3,500
		Repairs to Office Machines and Equipment (6)	2,900	1,500
		Stationery, Supplies and Office Machines (7)	47,500	46,500
		Office Furnishings and Fixtures (9)	2,000	6,500
		Motor Vehicles—Purchase and Replacement (9)	3,000	2,500
		Sundries (12)	7,000	2,000
			5,397,000	5,312,700
		Expenditure		
		1965–66 $ 4,340,324		
		1966–67 5,043,260		
		1967–68 (estimated) 5,414,700		
		UPKEEP OF PROPERTY, VETERANS' LAND ACT, INCLUDING ENGINEERING AND OTHER INVESTIGATIONAL PLANNING EXPENSES THAT DO NOT ADD TANGIBLE VALUE TO REAL PROPERTY, TAXES, INSURANCE AND MAINTENANCE OF PUBLIC UTILITIES		
		Consulting Engineers, Surveyors, etc. (4)	1,000	1,000
		Maintenance of Public Utilities (6)	6,000	8,800
		Taxes (10)	6,500	12,500
		Sundries (12)	500	600
			14,000	22,900
		Expenditure		
		1965–66 $ 28,314		
		1966–67 28,911		
		1967–68 (estimated) 60,000		

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		SOLDIER SETTLEMENT AND VETERANS' LAND ACT (Continued)		
		Vote 40 (Continued)		
		TO AUTHORIZE, SUBJECT TO THE APPROVAL OF THE GOVERNOR IN COUNCIL, NECESSARY REMEDIAL WORK ON PROPERTIES CONSTRUCTED UNDER INDIVIDUAL FIRM PRICE CONTRACTS AND SOLD UNDER THE VETERANS' LAND ACT AND TO CORRECT DEFECTS FOR WHICH NEITHER THE VETERAN NOR THE CONTRACTOR CAN BE HELD FINANCIALLY RESPONSIBLE, AND FOR SUCH OTHER WORK ON OTHER PROPERTIES AS MAY BE REQUIRED TO PROTECT THE INTEREST OF THE DIRECTOR THEREIN ..... (6)	3,000	3,000
		Expenditure 1965–66 ..... $ ..... 1966–67 ..... 1,910 1967–68 (estimated) 300		
		Total, Vote 40	**5,414,000**	**5,338,600**
		Expenditure 1965–66 ..... $ 4,368,638 1966–67 ..... 5,074,081 1967–68 (estimated) 5,475,000		
		Vote 45—Grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 38 of the Veterans' Land Act, grants to veterans settled on Dominion Lands in accordance with an agreement with the Minister of Indian Affairs and Northern Development under section 38 of the Veterans' Land Act and grants to Indian veterans settled on Indian Reserve Lands under section 39 of the Veterans' Land Act		
		GRANTS TO VETERANS SETTLED ON PROVINCIAL LANDS IN ACCORDANCE WITH AGREEMENTS WITH PROVINCIAL GOVERNMENTS UNDER SECTION 38 OF THE VETERANS' LAND ACT, AND GRANTS TO VETERANS SETTLED ON DOMINION LANDS IN ACCORDANCE WITH AN AGREEMENT WITH THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT UNDER SECTION 38 OF THE VETERANS' LAND ACT ..... (10)	90,000	110,000
		Expenditure 1965–66 ..... $ 111,065 1966–67 ..... 95,417 1967–68 (estimated) 80,000		

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		SOLDIER SETTLEMENT AND VETERANS' LAND ACT (Continued)		
		Vote 45 (Continued)		
		GRANTS TO INDIAN VETERANS SETTLED ON INDIAN RESERVE LANDS UNDER SECTION 39 OF THE VETERANS' LAND ACT.....(10)	20,000	20,000
		Expenditure 1965–66..... $ 19,258 1966–67..... 9,228 1967–68 (estimated)..... 20,000		
		Total, Vote 45.....	**110,000**	**130,000**
		Expenditure 1965–66..... $ 130,323 1966–67..... 104,645 1967–68 (estimated)..... 100,000		
		Statutory—Provision for reserve for conditional benefits, Veterans' Land Act.....(10)	**3,520,000**	**3,508,000**
		Expenditure 1965–66..... $ 3,202,633 1966–67..... 3,541,213 1967–68 (estimated)..... 3,675,000		

OFFICIAL REPORT OF MINUTES

OF

PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations and/or a translation into English of the French.

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Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER,

The Clerk of the House.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

TUESDAY, OCTOBER 29, 1968

Respecting

Revised Main Estimates (1968-69) of the Department of Veterans Affairs

---

Statement by The Honourable Jean-Eudes Dubé, Minister of Veterans Affairs.

ROGER DUHAMEL, F.R.S.C.
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29081—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Bigg,	Latulippe,	Stafford,
Boulanger,	MacRae,	Thomas (*Moncton*),
Émard,	Marshall,	Turner (*London East*),
Guay (*St. Boniface*),	McIntosh,	Weatherhead,
Hopkins,	Mongrain,	Whicher—(20)
Knowles (*Norfolk-Haldimand*),	Peters,	
	Saltsman,	

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Laniel replaced Mr. Hopkins on October 25, 1968

ORDER OF REFERENCE

HOUSE OF COMMONS

FRIDAY, October 25, 1968.

Ordered,— That the name of Mr. Laniel be substituted for that of Mr. Hopkins on the Standing Committee on Veterans Affairs.

ATTEST

ALISTAIR FRASER
The Clerk of the House of Commons

29081—1½

MINUTES OF PROCEEDINGS

TUESDAY, October 29, 1968.
(2)

(*Text*)

The Standing Committee on Veterans Affairs met this day at 10:40 o'clock a.m. The Chairman, Mr. Lloyd Francis, presided.

Members present: Messrs. Bigg, Boulanger, Émard, Francis, Latulippe, Legault, MacRae, Mongrain, Peters, Saltsman, Stafford, Turner (*London East*), Weatherhead—(13).

In attendance: From the Department of Veterans Affairs: Honourable J. E. Dubé, Minister; Mr. E. A. Coté, Deputy Minister; Mr. F. T. Mace, Assistant Deputy Minister; Dr. J. S. Hodgson, Assistant Deputy Minister; Mr. Peter Curd, Executive Assistant; Mr. C. K. H. Kendall, Special Assistant to the Minister; Mr. T. A. Murray, Assistant Departmental Secretary; Mr. E. J. Rider, Director General, Veterans Welfare Services; Mr. K. S. Ritchie, Director General, Treatment Services; Mr. R. W. Pawley, Director General, Soldiers Settlement and VLA Branch; Mr. J. E. Walsh, Director, Financial Management. *From the War Veterans Allowance Board:* Mr. W. T. Cromb, Chairman; Mr. W. G. H. Roaf, Deputy Chairman; Mr. P. Benoit, Executive Assistant. *From the Canadian Pension Commission:* Mr. T. D. Anderson, Chairman. *From Royal Canadian Legion:* Messrs. Robert Kohaly, President, Donald M. Thompson, Secretary General and Murray MacFarlane, Chief Pensions Officer. *From The War Amputations of Canada:* Mr. H. C. Chadderton, Executive Secretary.

The Committee proceeded to the study of the Revised Main Estimates (1968-69) of the Department of Veterans Affairs.

The Chairman called Item (1), Departmental Administration and introduced the Honourable J. E. Dubé, Minister of Veterans Affairs and

Messrs. Robert Kohaly, President, Donald M. Thompson, Secretary General and Murray MacFarlane, Chief Pensions Officer, all of the Dominion Command, Royal Canadian Legion. Also Mr. H. C. Chadderton, Executive Secretary, The War Amputations of Canada and Secretary of the "Wood's Commission".

The Minister introduced his officials and read a statement.

The Committee posed questions to the Minister.

It was *agreed* that the Minister's statement be appended to this day's evidence. (*See Appendix "B"*).

It was moved by Mr. Peters, seconded by Mr. Weatherhead,

Resolved,—That the Committee increase the printing of its Minutes of Proceedings and Evidence from 500 to 1000 copies in English and from 250 to 500 in French.

Mr. Mongrain moved, seconded by Mr. Latulippe,

That all Steering Committees meet together and study the possibility of the printing of Committee Proceedings in Bilingual and Parallel form.

Mr. Peters moved,—That the Chairman ask the Standing Committee on Procedure of the House to deal with this important and pressing problem.

The Committee *agreed* that Mr. Mongrain withdraw his motion.

At 11:00 o'clock a.m. the Chairman adjourned the Committee to 9:30 a.m. on Tuesday, November 5, 1968.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, October 29, 1968

• 0942

The Chairman: Gentlemen, I call the meeting to order. Mr. Stafford and Mr. McIntosh, I am told, are on their way over and we have to leave this room at 11 o'clock. The first item on the agenda is calling of Item 1 of the departmental administration estimates.

I am very pleased to see so many people in attendance. Especially we are delighted to have with us this morning the Minister of Veterans Affairs, the Hon. Jean-Eudes Dubé, who will make a statement. I believe Mr. Dubé is going to introduce the officials of the Department with his statement and will say a bit about their background.

We also have with us this morning some other distinguished guests who are very welcome indeed and I would like to introduce them briefly. The President of Dominion Command of the Royal Canadian Legion, Mr. Kohaly. You are very welcome, Mr. Kohaly. I understand that you come from the West and that you are a lawyer by profession.

We have with us the Secretary General of the Legion, Mr. Donald Thompson; and we have with us also the Chief Pensions Officer, Mr. Murray MacFarlane. We are very happy to have you here, Mr. MacFarlane.

We have also one other guest I would like to introduce—a man who is Secretary of the Woods' Commission and who is Executive Secretary of the War Amputations of Canada, Mr. Chadderton.

I now call upon the Minister.

The Hon. Jean-Eudes Dubé (Minister of Veterans Affairs): Mr. Chairman and gentlemen, I am delighted to have been invited to appear before the Committee on Veterans Affairs in order to present for the first time the estimates of my Department. As the hon. Members will appreciate, I was appointed as the Minister in July of 1968 and I will not, of course, have mastered all the details pertaining to my portfolio.

In our study of the estimates we will be assisted by officials from the Department of Veterans Affairs, the Canadian Pension Commission and the War Veterans Allowance Board. These two agencies, the Commission and the Board, are separate and distinct from the Department although they report to the Minister of Veterans Affairs.

Since I have taken over this portfolio I have come to realize how well structured the Department is and how competent the Department, Commission and Board officials are, and when I speak in terms of competency I mean their effectiveness in achieving the broad objectives set out by Parliament under the Veterans Charter. I have also found that those members of my Department, of the Commission and the Board with whom I have had dealings have a great understanding of veterans' problems and a very sympathetic approach to all matters affecting those persons who are still receiving direct service from the Department and these agencies.

I think, Mr. Chairman, it would be appropriate for me to now introduce to the Committee some of the officials who may be of assistance to the Committee.

[*Interpretation*]

Mr. Chairman, I would like to introduce my Deputy Minister, Mr. Ernest Côté, who served overseas for five years during the Second World War; he was an officer of the Royal 22nd Regiment and served in England, Normandy, Belgium and Holland. Mr. Côté also served in two other federal departments before being appointed Deputy Minister of Veterans Affairs on March 1, 1968.

[*English*]

We have the Chairman of the Canadian Pension Commission, Mr. T. D. Anderson, who is sitting next to Mr. Côté. Mr. Anderson served from 1941 to 1945 in Canada and in Europe as RCAF aircrew. Mr. Anderson has been the Commission chairman for nine years and, previous to this appointment he served as the Dominion Secretary of the Royal Canadian Legion. He has a great knowledge of veteran's problems and will be of considerable help to the Committee.

Next is Mr. F. T. Mace, Assistant Deputy Minister of the Department of Veterans Affairs. Mr. Mace served with distinction as an ordinance officer in World War II and has been with the Department for 20 years. He has served in a number of capacities including, for a period, that of acting Deputy Minister. Mr. Mace has a wealth of knowledge of the Department and I have found his judgment and appreciation of the problems to be unexcelled.

• 0950

Then, Dr. J. S. Hodgson, Assistant Deputy Minister, who has had a very wide variety of experience, apart from his World War II experience as a naval officer. He has been associated with the Unemployment Insurance Commission, the Central Mortgage and Housing Corporation, he was Assistant Secretary to the Cabinet and at one time he was Assistant Deputy Minister (Finance) for the Department of National Defence. He joined the Department of Veterans Affairs the first of this month.

We then have Mr. W. T. Cromb, Chairman of the War Veterans Allowance Board, who also has had a very long and distinguished regimental affiliation. In his case it was with the Loyal Edmonton Regiment, and he served overseas in World War II. Mr. Cromb worked in the Department of Veterans Affairs as a regional administrator, and for the last eight years he has been Chairman of the War Veterans Allowance Board. Mr. Cromb, who is now standing up, is no stranger to you. He has appeared before this Committee, of course, and he has a great knowledge of matters affecting veterans allowances, and his sympathetic and dynamic approach to their solution is very well known by the veterans.

Then we have Mr. Jack Walsh, who served mainly in Italy during World War II. He is the Director of Financial Management. He has been with the Department for ten years. Mr. Walsh brings with him a considerable experience with the new financial management processes which were adopted as a result of the Glassco Commission recommendations.

There are many more officers of the Department here this morning, and they will be introduced later on as they are called by the Committee to appear before you and to testify as to their various branches.

I believe as Minister of Veterans Affairs, and you as members of this Committee on Veterans Affairs, that we have a duty to consider the problems affecting the veterans of Canada. As you may know, there are still one million veterans in this country. Of course, the very large majority of our veterans have been rehabilitated. Nevertheless, 14 per cent of our veterans are pensioned, about 8 per cent are in need of veterans' allowances and about 1 per cent of their number are continuously in need of hospital care. As many of us are new to the subject matter of this Department, it would seem a useful thing for all of us if we examined at greater length than usual the matters facing the Department and which arise out of these estimates, so that we can better focus our attention on the solutions to these problems.

In general it is fair to say that while the Veterans Charter which, as you know, is embodied in a series of acts, was successful after World War II in rehabilitating the vast majority of Canada's fighting forces into the Canadian economy, there still remains a number of individuals who have been physically or mentally maimed by war and who are still in need of assistance. The compensation approved by Parliament after World War I—and improved greatly in 1944 for these people who were physically maimed—is a continuing debt on the nation. It is a tangible expression of the nation's gratitude to those who voluntarily physically assumed the defence of the country in time of need. There also still remains a number of people who are economically distressed and for whom provision is being made in these estimates under the War Veterans Allowances heading.

• 0955

Turning to the 1968-1969 Estimates, and these are the estimates which are before us now, I think it would be helpful if I spoke about the figures in broad terms. Our total estimates amount to about $426 million. Of this sum of $426 million, about $108 million is devoted to War Veterans Allowances and it is estimated that $225 million will be needed to pay pensions under the Pension Act. These items, pensions and allowances, therefore account for over 75 per cent of the departmental estimates. Treatment services this year are estimated to cost $63 million, or something less than 15 per cent of the total expenditures. The administration of the Veterans Land Act and Welfare Services and General Administration account for the bal-

ance. It should be noted, however, that the establishment of veterans under the Veterans' Land Act is provided for by loans from a revolving fund which has an authorized ceiling of $530 million. The loans for the fiscal year are NOT reflected in these Estimates.

The *increases* in the Departmental Estimates *over* 1967-68 amount to $19.3 million. These increases are due largely to a pension increase in the amount of $26 million voted by Parliament in March 1968 and also by a slight increase in Treatment Services. On the other hand, because largely of the Guaranteed Income Supplement, the charge to War Veterans Allowances will likely diminish by $7 million or a *net increase* of $19.3 million for the Department.

The continuing workload of the Canadian Pension Commission includes disability pensions to 139,000 veterans plus another 30,000 pensions to widows, orphans and parents. War Veterans Allowances are paid to 85,000 veterans and veterans' dependants. Treatment is provided for an average daily patient load of 8,000 veterans; and there are other benefits to about 930 veterans and their immediate families, such as education for the children of the war dead.

So much, then, Mr. Chairman, for the continued compensation for loss of life and limb, and to widows of veterans; although I should also underline that a very large percentage of veterans in this category have learned to live with their disabilities and are quite competitive in making a substantial contribution to the nation's economy.

[*Interpretation*]

As indicated above, Mr. Chairman, the Hospital Treatment Services Branch of the Department continues to treat 8,000 patients a day. The 9 hospitals in the Department constitute the largest hospital network in Canada.

The policy is to give the best possible service to the veterans. This implies a constant quest for better techniques and methods of treatment. The fact is that veterans require more and more treatment for chronic diseases and less of what might be termed active treatment. The result is that it becomes more and more difficult for our institutions to maintain a high standard of care unless they affiliate themselves with university hospitals and provincial establishments. It is for this reason that the government adopted the policy of affiliating our establishments with university, municipal or provincial authorities, so as to be up to date in the field of treatment needed by veterans.

The members of this Committee will certainly recall the affiliation in October 1966 of the Sunnybrook Hospital with the University of Toronto. All I can say is that this affiliation seems to be quite satisfactory. In addition, an agreement was made in March of 1968 for the affiliation of the Ste. Foy Hospital to the medical centre of Laval University. The transfer was made on September 1, 1968, and the official ceremony will take place before the end of the year.

• 1000

An agreement was also made last spring to affiliate the Lancaster Hospital with the General Hospital in Saint John, New Brunswick. This agreement provides for a transfer on July 1, 1970.

I might add that similar agreements were made and implemented some years ago in the provinces of Newfoundland, Saskatchewan and Alberta.

It seems that this approach is quite justified especially since medical insurance and hospital programs are becoming increasingly available throughout the country.

To come back to the affiliation of the 9 hospitals managed by the Department, some of our hospitals are in modern and satisfactory buildings. It will be possible, apparently, to reach agreements after the necessary consultations with the provinces or other authorities providing an allocation of money is made available to cover capital expenditures. However some of our hospitals are still old wooden military barracks some fifty years old. It is not possible to ask for a new hospital to take over the hospitals and the veterans in such conditions. This is why in some cases we must build anew. This is true of the Ste. Anne de Bellevue Hospital in Montreal which started building in June 1968.

All things considered, during the next few years, the estimated cost in 1968 of the improvements will be about $75 million. I believe that it is wise to repeat here what my predecessor, the Honourable Roger Teillet, said in the Commons on March 16, 1964, concerning the agreements to be reached with bodies other than the Department:

> At this point I would like to make it unequivocally and emphatically clear that no such agreements will be entered into by the government unless certain sine

qua non conditions are met. These conditions, three in number, are as follows: First, accommodation for the treatment of service connected disabilities among veterans must be immediately available at all times, and treatment must be provided in accordance with standards prescribed by the Department of Veterans Affairs. Second, community institutions of acceptable standards must be available to look after the workload created by other classes of veterans, which means that such veterans will be able to obtain treatment in their own communities, near their own friends and families. Finally, satisfactory arrangements must be made for the continued employment of professional and other staffs now serving in our institutions.

[*English*]

Mr. Chairman, the rehabilitation phase of the Department's program is now drawing to a close. As of October 31, 1968, which is the last day of this month, several of the benefits under the Veterans Charter are being phased out. October 31st is the final date for (a) using Re-establishment Credit, (b) claiming War Service Gratuity, (c) purchasing Veterans Insurance, and (d) establishing eligibility under the Veterans' Land Act. This phasing out was agreed to by Parliament in 1962.

I should emphasize that in the case of the Veterans' Land Act it is only the period for qualification under the Act that is terminating at the end of this month. Veterans who have established their eligibility will have until March 31, 1974, or up to 5½ years, in which to obtain new loans under the Act.

These changes were well publicized in the newspapers and otherwise, and the fact that some 5,000 applications are being received each week by VLA leads me to believe that the notices given have been fully adequate.

The strong demand from veterans for VLA assistance is partly related to the deadline for establishing eligibility, but it has been rising gradually over the years. Ten years ago, VLA loans were running at about $18 millions a year. Five years ago the total had risen to $30 millions, and in the last two years it was $83 millions and $103 millions respectively, the average for the five years being approximately $60 millions.

During 1968 the government was obliged to take steps to moderate the use of public funds for this purpose, as for others, and it set the figure for this year specifically at $74 millions, which was 25 per cent above the five-year average. The officers of the Veterans' Land Administration worked out a procedure designed to ensure that the veterans with the greatest need would receive first consideration and that those who could afford to do so would be asked to wait until the beginning of the 1969-70 fiscal year for their loans. Veterans whose loans were deferred have been most co-operative, and their understanding attitude is greatly appreciated. I think that this understanding springs from the fact that veterans are aware of the fact that governments must sometimes dampen down inflationary pressures in the Canadian economy; and that those who suffer most from inflation are those who have limited incomes or who have to rely on pensions.

Members of the Committee will have noted that a Resolution has been placed on the Order Paper relating to an amendment to the Veterans' Land Act. This amendment would permit certain interest rates under the Act to be established from time to time in relations to the cost of money in the economy in general. I shall be dealing with this matter more fully when Parliament considers the resolution and the amending bill. The Committee will appreciate that at the present time I cannot anticipate the debate in the House.

The Veterans Welfare Services constitute an important part of the Department's and related agencies' work. This Branch does practically all the welfare and social investigations for the War Veterans Allowance Board and for the Canadian Pension Commission. Indeed, it provides the district management of, and adjudication and processing functions for, the War Veterans Allowances and Civilian War Allowances. Involved in these matters is the provision of grants (such as the educational grants to the children of War Dead), as well as benefits and allowances and, indeed the extension of social case work and rehabilitation counselling services to those veterans who are qualified for these purposes.

• 1010

No doubt you are wondering about the future of the Woods Committee Report which as you know is The Survey of the Work and Organization of the Canadian Pension Commission, which was presented to my predecessor, The Honourable Roger Teillet, in March, 1968. This report was commissioned by Minister Teillet in 1965. The Woods Com-

mittee did a very thorough study of the organization and operation of the Canadian Pension Commission and has made some very far-reaching recommendations. Many of these recommendations will require major amendments to the Pension Act if they are to be put into effect.

On the other hand, there are several suggestions which can be adopted by the Canadian Pension Commission without legislative amendment. In a number of cases this has already been done, and in others, the Canadian Pension Commission officials involved are working out the most effective means by which to implement the proposals. Some of these proposals are rather involved and will call for extensive changes in the existing organization. However, each Member of the Standing Committee now has a copy of the Report which you will be asked to deal with very shortly. Perhaps that is all that need be said regarding the Report at this time. As soon as the Committee has considered the 1968-69 Estimates, the Woods Committee Report will then be referred to you.

Quite apart from the Woods Committee Report, there is the question of basic rates of pay and allowances for disability pensions. As you may know, the question of the basis upon which pension rates should be paid, as well as how these rates might be regularly reviewed, was considered by a committee made up of officers of the Department and the Canadian Pension Commission. The Committee made two separate confidential reports to me on these two matters which are now in my hands.

In this connection, I think it is important to know that there have been three revisions of the pension rates since 1964. The first one was effective from September 1, 1964, and represented a 10 per cent increase across the board. The second one became effective on September 1, 1966, and was a 15 per cent increase in the basic rates only, (that is the pension for the veterans only) and the widow's pensions. The third one, which went into effect on January 1, 1968, was a 15 per cent increase, again across the board and including all pensioners. Since these reports to which I referred a moment ago contain some very complicated suggestions and would have far-reaching effects on the whole structure and future of the pensions I feel that I should take sufficient time to consider them most carefully before putting forward any specific proposals. I have these questions under consideration at the moment, and I want to assure you that they are not being overlooked.

As you are no doubt aware, the question of the rates was not included in the terms of reference of the Woods Committee, although I realize that they made some reference to it.

Meanwhile, I should point out that the work of the Canadian Pension Commission must go on, as claims for pensions continue to reach the Commission in substantial numbers. It is of interest to note that applications from the peacetime servicemen and women, while still comprising less than 12 per cent of total claims, have in recent months shown a moderate increase. The great bulk of all claims still arises out of service in the two Great Wars.

• 1015

It would be useful, at this stage, to say something about the general administration of the Department.

In the area of personnel management, the Department has given a high priority to manpower planning and staff development. By means of staff training, attendance at Public Service Commission sponsored courses and university courses and seminars, employees are being encouraged to develop their skills. A comprehensive program of personnel appraisal aimed at identifying potential skills as well as training needs is also part of the program of career planning. The Department is participating in the Public Service Commission's sponsored "Career Assignment Program" which combines an extensive staff course with systematic assignment of persons selected amongst the participating departments.

In accordance with the recommendations of the Woods-Gordon financial management study which, in 1964, followed the Glassco Commission and related specifically to the Department of Veterans Affairs, all field units of the Department now report directly to one of the Head Office program managers. As a result, delegation of responsibility and accountability are much more clearly defined. A modern system of budgetary control utilizing the Comptroller of the Treasury's computers has replaced the former accounting system, giving all local managers prompt and detailed financial information on their operations. This decentralization of responsibility is already paying dividends in better management. A system of "Operations Audit" has

been introduced this year and the reports of the auditors are proving to be of benefit to managers at all levels.

In a Department of 11,300 employees and 5 major programs, communication between staff and management is always somewhat difficult to achieve. I welcome, therefore, the recent initiative of the Department in establishing *"Carillon"*, a "house organ" to be published every two or three months by the Departmental staff to provide a two-way stream of information between staff and management and to develop, to the highest degree possible, the *esprit de corps* of this Department. Copies of the first issue are available to Members of this Committee.

Members of the Committee will also be interested to know that, on the 50th anniversary of the end of World War I, which is this year, the Government is organizing a veterans' *pilgrimage* overseas and a series of ceremonies will be organized in Ottawa culminating in a State Dinner in November to be attended by the Governor General, the Prime Minister and two former Prime Ministers who are themselves veterans of the first war. 100 members representing units of World War I will proceed early in November to the World War I battlefields in France and Belgium. Another 100 veterans will be brought to the nation's capital for Remembrance Services on November 11th. I was deeply honoured that one of my predecessors, Brig. the Honourable Milton F. Gregg, should have agreed to be Honorary Commandant of the overseas contingent. In his task this year, Brig. Gregg will be assisted by Brig. J. L. Melville, as Commandant, and my Deputy Minister, Mr. Côté, will be of the group in order to facilitate this pilgrimage.

• 1020

This, Mr. Chairman, I know, has been a rather long statement. But this being my first appearance and several of the members on this Committee being themselves newly elected and therefore new members on this Committee, I felt I had to cover most of the areas of the Department. I understand it has been traditional for this Committee to be non-partisan and I trust we will want to continue this somewhat unique tradition.

May I thank the members of the Committee for the courteous hearing which they have given me this morning and may I add also that the officials of the Department will be available to answer detailed questions in the course of your study of the Estimates.

The Chairman: Mr. Dubé, I know I speak for all members of the Committee in thanking you very much for the statement.

One or two have indicated that they have questions that they would like to direct to you, with your permission?

Mr. Peters: Mr. Chairman, I am sure we all appreciated Mr. Dubé's remarks. They were fairly comprehensive. I am sure that as he learns about the department he can help us, too.

This has always been a very interesting department because it has been non-partisan.

I noticed that in your remarks you referred to the dropping of a number of our programs. It is my opinion that some of them perhaps should not have been dropped.

As I understand it, there was originally in the act a termination period for these which probably could not have been chosen at that time without there having been a consideration of . . .

Mr. Mongrain: On a point of order, Mr. Chairman, the French translation is not working. Oh, it is on now.

[*English*]

Mr. Boulanger: I want to raise a point of order on what the interpreter has just said that here we go again. He has been speaking for half an hour, and according to his arrangement that is all he has to do. He has no replacement.

In Quebec we teach that we should be bilingual in our relations and with our neighbours. Perhaps we should set the example here and arrange at least for an interpreter to be replaced when he should be. He has already done half an hour's work, and it was very good. Now he is alone and he has to stop.

The Chairman: All I can say is. . .

Mr. Boulanger: Now he has to start another half an hour. It may be that most of us understand. I do not know about Mr. Latulippe, but I am having a hard time. If I do not raise this point this morning someone else will. If this man does not continue on duty we will have half an hour without translation.

I am not suggesting that we stop. I just want to point out that we have to be extremely careful in our Committee to arrange for translation for the French members in line with the bilingualism that we talk about.

[*Interpretation*]

I spoke to you in English for that reason.

[*English*]

I am suggesting that we make sure that we are setting an example.

[*Interpretation*]

The Chairman: Mr. Boulanger, I have done my best, as have the others who work here on the Hill. We must have translators. But, unfortunately, we are short of them this morning. The Clerk told me earlier that the person translating had to leave. I hope we can finish soon and...

[*English*]

I hope our proceedings will not take too long. We knew that this little problem existed, and we have done our best to try to meet the requirements. If there is a little difficulty it will not be for a long period. It is not from the lack of effort to have the translation services available.

Mr. Boulanger: Mr. Chairman, on the same point of order, I understand what you have tried to do, but that does not meet the argument.

I have been here since 1962, and this is typical of what happens. It is not your fault. I know that we do our best. In the old days, in 1962, we had such members as Mr. Grégoire and others who kept fighting this all the way. We were accused on our side of not defending the right to bilingual translation services. Therefore, I have raised it this morning. I am not directing any criticism at you, Mr. Chairman. It is a question on which you always have to give the same answer.

• 1025

I do not know why people are not coming here to work as translators. Is it a question of salary? We lost one three weeks ago. She went to work in New York in the United Nations because she was not getting the proper treatment.

The Chairman: You have made a point, Mr. Boulanger. I do not know what we can do by further discussion at this stage. I would ask you and other Members of the Committee to bear with the situation and see if we can proceed. I have no alternative. I have nothing more constructive to suggest at this point.

Mr. Mongrain?

Mr. Mongrain: On a point of order, Mr. Chairman. I hope you take note of what Mr. Boulanger says and that you insist as much as possible that those responsible for this situation find ways and means of improving the situation as soon as possible. There is no motion, but I agree with what Mr. Boulanger has just said.

Mr. Boulanger: There is no question of making a motion. He knows this is a problem. We will not have any translation for half an hour, but carry on. I will try to follow as much as I can and if I miss any words, I will let you know.

[*Intepretation*]

The Chairman: Very well, sir.

[*English*]

Mr. Peters: Mr. Chairman, what I was saying is that some of our veterans' legislation, including the Veterans' Land Act, as the Minister has mentioned, is terminating in October, at the end of this month. I would think that when we or those who were here passed that Act in the days after the war, this period of 1968 was a long piece away. I suppose it was 20 years. There was an automatic termination date set.

This is one of the projects, I think, that the Canadian Government, as far as veterans are concerned, could be highly proud of. I think it certainly set a pattern and those who have been in the Veterans' Land Act have been outstanding people. I am thinking of Rutherford and others who developed this program, which later was accepted as the type of farm legislation for credits in all fields.

I am wondering if the Minister would not consider at this time an automatic extension of this period of time so that this and several other projects could be continued. The argument, I suppose, is that there is an age category that would take advantage of this.

In the light of the Farm Credit Corporation, for instance, that we are discussing in the House at the present time, we are finding that the age of people who apply for loans is considerably higher than we expected it was going to be. Almost 3 per cent of the applications for loans are from people over 60 years of age, and I am just wondering if the Minister would not feel that this is the kind of program that he should extend, perhaps by order in council, and then bring to the House for consideration after the Committee has had some period of time to discuss it.

So far as I know, on the Veterans Affairs Committee we have never discussed the termination of the Veterans' Land Act, and it may well be that there is good reason to continue this piece of legislation. I wonder if the Minister has been advised by his officials of the advantages of extending this and whether he has any advice to offer the Committee as to what can be done if it is the wish of the Committee to extend the Veterans' Land Act beyond the end of this month.

I was particularly interested in the statement he made that the loans have gone up very greatly in the last five years, and I know that in my own area some people have made application hurriedly to get under it. I was just wondering if the Minister would not consider extending this for a period of time so that the Committee can have a look at it. Maybe we would then make the recommendation, after discussion, that the Veterans' Land Act be continued for another period of time.

Mr. Dubé: Mr. Chairman, first of all I should make it quite clear that what expires at the end of the month is not the V. L. Act. It is just the time for qualification. Once veterans have qualified themselves, and this they must do before October 31, they still have until 1974 to make their application for the actual loan.

• 1030

Now to answer your broader question, my understanding is this. This legislation was all part of the Veterans' Charter, and the purpose of the Veterans' Charter at the end of the Second World War, around 1944, was to provide measures of rehabilitation; and I think I am correct in saying that at the time, in 1944, there were no set dates for that. There was just a general intent to help veterans to be re-established.

In 1962 it was felt that after so many years veterans had by that time been rehabilitated and re-established and that some of these programs would have to be phased out. As I said, this decision was made in 1962. We must face the fact that the war ended in 1944, almost 25 years ago. But the main measures, of course, will continue.

If you recall what I said in my statement, financially the most important item is still the pensions, on which we spend about $200 million a year; then allowances, about half of that—close to $100 million a year; then treatment. As to the Veterans' Land Act, as I said, it will continue until 1974.

The Department has made quite an effort to publish the deadline date in the papers. For the past five or six months notices have appeared everywhere and it is obvious that the publicity has been successful because applications for qualification are coming in by the hundreds and by the thousands. So veterans do know now that they have to qualify themselves before the end of the month. It would be placing the Minister or anyone in a very difficult position if I were at the same time to tell you there is a deadline and then to tell you that there is no deadline. The deadline has been established and that is it.

Mr. Peters: Well, Mr. Minister, in light of the fact that there have been thousands of applications I do not see anything under the Veterans' Charter that could not fit in with other policies. If veterans are in a position to take advantage of it, I think special consideration, because they are veterans, should be given to allow this, and for this reason I think there would be some justification for it. Certainly it would not be just my opinion; it would have to be the opinion of the other members as well, from their own experience in their own ridings.

But it would seem to me that if there is still a large number—and you say that because of the notices that were put in the paper this has certainly accelerated it—and if there is still this anxiety on the part of veterans to take advantage of that type of legislation, it would be within the purview of this Committee's deliberations, I would presume, to recommend that kind of legislation. And rather than making the recommendation, all I am asking is that the Minister give some consideration to an extension of this until it can be discussed, because to my knowledge it has really never been discussed by the Committee. We do have legislation providing for termination in 1962, but still, at the time, it was a long piece off, and this has been one of the problems with the termination of that type of legislation.

The Chairman: I wonder if we can pursue this any further at this point. The item before us is the Estimates and there will be other opportunities for discussion. I think, Mr. Peters, as you are on the Steering Committee, if you want to raise further items for consideration at a later date...

Mr. Peters: Except that the Minister is going to have to make this decision soon because of the termination date of the 31st of this month.

An hon. Member: Tomorrow.

Mr. Peters: It comes tomorrow, and either he makes the decision or you introduce a new piece of legislation or re-introduce legislation.

• 1035

Mr. Dubé: There will be no decision before tomorrow. But, of course, as Mr. Chairman says, the Committee is master of its own rules and if it wishes to discuss that in particular, the Director General of the Veterans' Land Administration will be available at any time. As a matter of fact, I expect the Committee will discuss all angles of all programs and not only that one.

[*Interpretation*]

Mr. Boulanger: Mr. Chairman, if you would allow me to expand on what my colleague has said, on the week-end, I also had a somewhat alarming experience, although I agree with you that the advertising is quite good.

There is a Mr. Drapeau in Montreal, I believe, who works in the Department and was on television in Montreal. However, I found out on Saturday and Sunday, after seeing the Legion preparations for the November 11 holiday, where I met many members of both the Legion and Naval Veterans Association of Canada, that there is still a surprisingly large number of people who, through ignorance, do not know their rights or who, through lack of attention, have not taken advantage, or not realized what it was necessary to do.

They had to go to one of the meetings Mr. Drapeau asked for, in order to be entitled. This sounds silly but that is how it was. I told them that it was not necessary to go to a meeting to get a form. There are some people—I do not know how many and there is the danger we might lose some—who might not avail themselves of their privileges because, through ignorance, they are not doing what they should. They don't read or get around and meet people. I met three over the week-end.

Mr. Dubé: It is not the Minister's or the Department's wish to be unjust. It is difficult to say what will take place after a deadline. The deadline has not yet arrived. I think we have to wait for this deadline.

[*English*]

The Chairman: If I can interrupt this line of questioning, it does seem to me the deadline has been published quite adequately and previous sessions of the Committee were better formed to anticipate the extension—the possible extension. I would like to pass to the next question, bearing in mind our own deadline of time. Mr. MacRae had his hand up. Then Mr. Mongrain and then Mr. Émard.

Mr. MacRae: I want to ask Mr. Dubé—you have mentioned certain hospitals that have been transferred now to civilian authority and there are certain others in the process of being transferred—is it the intention to transfer all veterans hospitals eventually from the Department to civilian authority?

Mr. Dubé: If it is the intention to transfer all hospitals?

Mr. MacRae: Yes, all of them.

Mr. Dubé: I do not know if I would word the policy in these terms, but the substance of the problem is this, that as you may realize most of our veterans are not getting any younger and the sicknesses which are being dealt with in our hospitals are mostly now chronic cases. You will realize that if a hospital has only, or too great, a proportion of chronic cases, it will become more and more difficult to attract doctors and nurses to deal with them because it is obvious that young doctors coming out of medical school, or nurses, will want to work in hospitals that have active cases. So we feel that it is for the welfare of the veterans—those who are patients, those who are sick—that they get the best possible service. And it is felt the best possible service is to link our hospitals with institutions which have active treatment cases. It may involve the transfer of all our hospitals. It may involve another formula. We will have to adapt ourselves to changing times. But the basic principle, at least in my mind, is to give the patients, the veterans, the best possible medical service. At the present time this is being done by transfer.

Mr. MacRae: What is the answer then to the question, Mr. Dubé. Is it the intention to transfer all veterans hospitals eventually to civilian authority? That is the answer I was seeking.

• 1040

Mr. Dubé: I would think so. Of course, as I said in my statement, there are transfers which would be very difficult to make and

there are others which would be easier. Each case will have to be judged on its own merits. If you wish a direct policy from me, the only thing I could say would be that the Department will have to do what is best to give the best possible medical service, and it looks like transfers at least in those cases.

Mr. MacRae: Another question, Mr. Chairman. You mentioned, Mr. Dubé, that certain changes have been made in regulations as a result of the Woods Committee report? Could you give a brief rundown of those fairly quickly so we know just exactly what is happening?

Mr. Dubé: Yes. I think that this question would be better answered by Mr. Anderson, the Chairman of the Canadian Pension Commission. He is here if you want him to give an answer now, or he could give it at a later date.

The Chairman: We will be going into the Woods Committee report in fairly substantial detail following the estimates, Mr. MacRae.

Mr. MacRae: I would like to ask about what is happening to the Woods Committee report very briefly since we are on that. How many committees in the Department are working on it. Mr. Dubé, at the moment? I presume you have committees working on it as well as individuals, giving it a great deal of individual study. What committees do you have working on it?

Mr. Dubé: There is one committee, an interdepartmental committee, working on it, studying it, and preparing advice to the Minister.

Mr. MacRae: So there is one official committee working?

Mr. Dubé: I know of one, yes.

Mr. MacRae: Just one. That will be fine. Thank you, Mr. Chairman.

Mr. Mongrain: Mr. Chairman, I have two quite brief remarks. I apologize before making them, as I realize they might not be quite in order. We are discussing the Minister's statement. However, I believe that these remarks have to be made as soon as possible. I have read from the minutes—I have an English copy right here—and would like to point out that it says...

[*English*]

Thereupon, Mr. Emard made allusion to the procedure used in the selection of Committee officials.

[*Interpretation*]

This is not an adequate record. Unless Mr. Emard objects, I think we should add a sentence or two to explain what types of allusions were made by Mr. Emard. If we have to refer to this four or five months from now we will not know what he said. And what he said was important and worth-while.

Secondly, I would like to propose, Mr. Chairman, that at our request you convene a meeting of all steering committees of all the committees to discuss this question of simultaneous publication in both languages of the committees' proceedings. I know that in one committee a solution to this problem was found and this is something that should apply to all committees. It would be most useful if the steering committees could meet to settle this question once and for all.

The Chairman: Moved by Mr. Mongrain, seconded by Mr. Latulippe that the steering committees meet to discuss the matter of simultaneous interpretation and publication.

Mr. Mongrain: Not only to discuss it, but to find a solution to the problem. I believe that one has been found but I am not going to discuss it now.

[*English*]

The Chairman: Moved by Mr. Mongrain, seconded by Mr. Latulippe, that the steering committees get together and seek a means of resolving the method of publication in the two official languages of the *Minutes of Proceedings and Evidence.*

[*Interpretation*]

Is that all right, Mr. Mongrain?

Mr. Mongrain: Yes.

[*English*]

The Chairman: Is there any further discussion?

Mr. MacRae: The steering committees or...

The Chairman: He wants the steering committees of the different committees to get together and treat it as a general problem. That is my understanding.

Some hon. Member: In other words, there would be a half a dozen people from, say, 20 committees or so—

The Chairman: Something like that. There are 24 committees with an average of 6—144 people.

Mr. Mongrain: I say steering committees, but it might not be necessary that we have them all. Most of the members are from the same party and that is why I mentioned the steering committees?

Mr. Peters: Mr. Chairman, I am in agreement with this because I think we have to solve this vexing problem, but I would think that this should be referred to the Procedure Committee of the House where they have a representation. And I presume if the referral was made in this motion from this Committee to the Procedure Committee of the House, this matter could probably be expedited by that Committee better than setting up an *ad hoc* committee of all the steering committees of the various Committees. It seems to me there would be a considerable duplication of this Committee, and I would be prepared to move an amendment that this Committee recommend the immediate attention of the Committee on Procedure of the House to solve this particular problem.

• 1045

Mr. Mongrain: That would suit me, Mr. Chairman, and I would second that.

The Chairman: Would you like to withdraw your motion?

Mr. Peters: Well, he can make the motion, but there is a motion I would like to...

Mr. Mongrain: Let us withdraw our motion and if Mr. Peters wants...

[*Interpretation*]

The Chairman: Does Mr. Latulippe agree?

Mr. Mongrain: But you specify immediately.

[*English*]

Mr. Peters: I would move, then, Mr. Chairman, that this committee ask the Committee on Procedure of the House to take under advisement the subject of printing committee reports in both languages and that they be charged with bringing in a report «*tout de suite*».

Mr. Mongrain: I would second that, Mr. Chairman.

The Chairman: Moved by Mr. Peters, seconded by Mr. Mongrain that the matter be referred to the Committee on Procedure of the House with the recommendation that they deal with it as soon as possible. Any further discussion? Motion carried.

[*Interpretation*]

The Chairman: Mr. Émard.

Mr. Émard: Mr. Chairman, my question has to do with the Veterans' Act by which lands are granted to veterans. I would like to know if it is the wish of the Committee or the wish of the Department represented here to reduce the area of land required by the Department for veterans to establish themselves for grant purposes. From my own experience—I settled this year on one of those lots—I was obliged to buy land at $10,000 in a swamp area.

Mr. Dubé: A swamp.

Mr. Émard: In a swamp area because I wanted to stay within the confines of the village where I live. This law might have been a good one 20 or 25 years ago, when it was easy to obtain land outside city limits, on the outskirts of Montreal or Toronto, for example, but you know that today land sells at an exorbitant price and, in my case, we also have taxes for sewers in proportion to the length thereof.

• 1050

Also, there are a lot of taxes which I have to pay because I have too much land. I would have been satisfied with the 10,000 square feet of land but with this new reduction, I was able to get about 17,000 square feet of land. If I could sell a part of this land, I would have less taxes to pay and it would cost me less.

I am sure that there are a lot of veterans today who cannot avail themselves of this Act because land is to too expensive in the first place and it is difficult to find a large piece of land, and also because you have to pay additional taxes when you have a very large lot. I know that the Department has already reduced the size—in the first place, it was half an acre, then it became 17,000 feet—but I think that if it were possible to limit this to 10,000 square feet many people could take advantage of the opportunity.

Mr. Dubé: Mr. Chairman, we must not forget that the original purpose of this law was

to help veterans settle on a farm, to embark on agriculture. That is why there was a limit of land. With the passing of the years, we have reduced this to half an acre.

I agree that half an acre of land is quite a large lot and that it is very expensive, mainly in cities such as Montreal, Ottawa or Toronto. But the objective of the law is still the same. The objective has not changed. The objective of the law is not to replace the Central Mortgage and Housing Corporation's help in housing, but to help veterans settle on the land and farm.

There is an exception, and that is when you have a veteran with at least a 50 per cent pension because of disability. Then we reduce this half acre of land by 20 per cent, I think. But the main objective of the law was to help the farmer. The same problem was faced by my predecessor and he had a study carried out on it. Then I came to the conclusion that the law should stick to its objective, that is to say to help the veteran settle as a farmer. This law has been in existence since 1944; it is coming to an end. Do you think it is worthwhile to change it now and to make an ordinary housing law out of it similar to the Central Mortgage and Housing Corporation? Would there not be a duplication of the Central Mortgage and Housing Corporation? That is the problem.

Mr. Émard: Mr. Minister, I believe that your Department has recognized the fact that we had too much land already because you consented to reduce the requirement from one acre to half an acre. You know that the law itself is not applied very much. I know no veteran who cultivates a piece of land next to his house. I do not know of one. Maybe there are many of them, perhaps farther from Montreal, but I do not believe the law is applied as it was conceived because, personally, I would have to cultivate my land, which is full of rocks; and all the people I know are not cultivating their land.

We have a surplus of farmers at the present time and the agricultural produce is being sold at very low prices, at lower prices than it should sell, and all the farmers are complaining. So, I do not believe that veterans who want to settle on a piece land think it necessary to have lots of that size. Furthermore, by following this up I am sure you would help many people settle down.

It would not be a duplication of the Central Mortgage and Housing Corporation Act because the Act dealing with land for veterans has a lot of advantages which are not available under the Central Housing and Mortgage Corporation Act. I think that veterans are really entitled to what you offer in the Act and it would be a shame if they could not make use of it, especially at the present time when it is so difficult to build because interest rates are so high. By reducing the size of lots you would give veterans a good chance of benefiting from the $600 available under the Act—no, I think $1,400—repayable within ten years.

I think the first mortgage is $6,000, with the interest around 4 per cent. The other $12,000 you may obtain at 5 per cent. These interest rates are much better than those of the Central Mortgage and Housing Corporation and I think the veterans have a right to benefit from them. Therefore, could you help them by giving them the possibility of availing themselves of this?

Mr. Dubé: Thank you very much, Mr. Emard, for what you said. When the Director of this Act is before you, perhaps the Committee will have the chance to discuss the matter in greater detail.

• 1055

[*English*]

The Chairman: Mr. Emard has raised a question. I think we can deal with this, as the Minister has indicated, when the Director General of the Veterans' Land Administration is before the Committee. Are there any other questions? I have this 11 o'clock deadline.

Mr. Latulippe?

[*Interpretation*]

Mr. Latulippe: I agree entirely regarding the loans to veterans made in this way because the veterans certainly contributed to many things that the rest of the population did not contribute to. Veterans must enjoy certain advantages and benefits. I believe that these advantages should be considered and that the veterans should enjoy them because, as Mr. Emard said, there are many veterans who do not cultivate their land. I do not know of any myself.

Mr. Mongrain: Who grow grass...

Mr. Latulippe: Who grow grass? I do not know of any of them. For all of them, it is a place to live during the winter because, under those conditions, areas of that size are no longer cultivated. Veterans cannot benefit from this Act as they should. This Act should

be amended so that they might have the advantages that they are entitled to, which would be logical. In the cities of Montreal and Toronto I heard that it was very difficult. But it is difficult in any municipality, as it is where I live, a municipality numbering some eight thousand people, where they have to go a great distance to obtain a piece of land large enough to build on. And if they were able to take advantage of this, I think it would make their situation easier and would give them the possibility of doing something, of accomplishing something. Otherwise, they cannot benefit from it. It would be to the advantage of the veterans and of the Committee to study this matter very thoroughly so as to enable veterans to participate fully in the loans made available to them.

[*English*]

The Chairman: It is now very close to 11 o'clock and we must leave this room because another committee must take over. There is one item I would like to raise. Do we have permission of the Committee to append the statement of the Minister to the Minutes of Proceedings and Evidence? I think it would be very helpful if it were reproduced. And is there any other item to be raised?

Mr. Mongrain: One question Mr. Chairman. Could the Minister tell us which of those gentlemen will be here at our next meeting?

[*Interpretation*]

Mr. Dubé: I believe that the Procedure Committee will have to meet. The Committee will decide on the proper order. It will be up to your Committee and to your Chairman to decide. Our officials are available to you in the order you will request.

[*English*]

The Chairman: Thank you very much, Mr. Minister.

APPENDIX "B"

Notes of an address by the Honourable J. E. Dubé, Minister of Veterans Affairs, to the Parliamentary Committee on Veterans Affairs—October 29, 1968.

I am delighted to have been invited to appear before the Committee on Veterans Affairs to present, for my first time, the estimates of my Department. As Honourable Members will appreciate, I was appointed as Minister in July, 1968 and will not, of course, have mastered all the details affecting my portfolio.

In our study of the Estimates we will be assisted by officials from the Department of Veterans Affairs, from the Canadian Pension Commission and the War Veterans Allowance Board. These two agencies, as members will appreciate, are separate and distinct from the Department though they report to the Minister of Veterans Affairs. From the time I have taken over this portfolio, I have come to realize how well structured the Department is and how competent are the Departmental, Commission and Board officials. When I speak in terms of competency I mean that they are effective in achieving the broad objectives set out by Parliament under the Veterans Charter. I have also found that those members of the Department, of the Pension Commission and the Board, with whom I have had dealings, have a great understanding of the veterans' problems and a sympathetic approach to all matters affecting those persons who are still receiving direct service from the Department and these agencies.

I think it might be appropriate for me to introduce here to the Committee some of the officials who may be of assistance to it:

Monsieur le Président, il y a d'abord, mon sous-ministre, *M. E. A. Côté* qui a servi outremer cinq ans durant la deuxième guerre mondiale. Officier du Royal 22e Régiment, il a servi en Angleterre, en Normandie, en Belgique et en Hollande. M. Côté a servi auprès de deux autres ministères fédéraux avant d'être nommé sous-ministre des anciens combattants le 1er mars, 1968.

Then there is the Chairman of the Canadian Pension Commission, *Mr. T. D. Anderson.* He served from 1941-45 in Canada and in Europe as R.C.A.F. Air Crew. Mr. Anderson has been Commission Chairman for 9 years and served, previous to this appointment, as Dominion Secretary of the Royal Canadian Legion. He has a great knowledge of veterans' problems and will be of considerable use to the Committee.

Mr. F. T. Mace, Assistant Deputy Minister of the Department of Veterans Affairs, served with distinction in World War II as an Ordnance Officer and has been with the Department for 20 years, serving in a number of capacities, including, for a period, Acting Deputy Minister. Mr. Mace has a wealth of knowledge of the Department and I have found that his judgment and appreciation of the problems is unexcelled.

Dr. J. S. Hodgson, Assistant Deputy Minister, has had a wide variety of experience apart from World War II as a Naval Officer. He has been associated with the Unemployment Insurance Commission, Central Mortgage and Housing Corporation, as Assistant Secretary to Cabinet and, at one time, as Assistant Deputy Minister (Finance), Department of National Defence, and joined the Department of Veterans Affairs the first of this month.

Mr. W. T. Cromb, Chairman, War Veterans Allowance Board, has had a long and also very distinguished regimental affiliation with the Loyal Edmonton Regiment, served overseas in World War II. He worked in the Department of Veterans Affairs as a Regional Administrator and, for the last 8 years has been Chairman of the War Veterans Allowance Board. Mr. Cromb is no stranger to you because of his knowledge of matters affecting veterans allowances and his sympathetic and dynamic approach to their solution.

The Director of Financial Management, *Mr. Jack Walsh,* served mainly in Italy during World War II and has been with the Department for 10 years. He brings with him a considerable experience of the new financial management processes adopted as a result of the Glassco Commission recommendations.

There are other officers of the Department who will be brought in as may be required.

I, as Minister of Veterans Affairs and you, as members of the Veterans Affairs Committee, have a duty to consider the problems affecting the veterans of Canada. They represent one million Canadians. Admittedly, the very large majority have been rehabilitated. Nevertheless, 14% of them are pensioned, and about 8% are in need of veterans allow-

ances while about 1% of their number are continuously in need of hospital care. So many of us are new to the subject-matter of this Department that it would seem a useful thing for us all if we examined at greater length than usual the matters facing the Department, and arising out of these estimates so that we can then better focus our attention on the solution to these problems.

In general, it is fair to say that, while the Veterans Charter (embodied in a series of Acts) was successful after World War II in rehabilitating the vast majority of Canada's fighting forces into the Canadian economy, there still remain a number of individuals who have been physically or mentally maimed by war and who are in need of assistance. The compensation approved by Parliament after World War I and improved greatly in 1944 for those people who were physically maimed is a continuing debt on the Nation—a tangible expression of its gratitude to those who voluntarily assumed physically the defence of the country in time of need. There still remain, too, a number of people who are economically distressed and for whom provision is being made in these Estimates under the War Veterans Allowances heading.

Turning now to the 1968-69 Estimates, I think it would be helpful if I spoke about the figures in broad terms. Our total estimates amount to about $426 millions. Of this sum, about $108 millions are devoted to War Veterans Allowances while $225 millions are estimated to be needed to pay pensions under the Pension Act. These items account, therefore, for over 75% of the departmental estimates. Treatment Services are estimated to cost, this year, $63 millions or something less than 15% of the total expenditures. The administration of the Veterans Land Act and Welfare Services and General Administration Account for the balance. However, it should be noted that the establishment of veterans under the Veterans' land Act is provided for by loans from a revolving fund which has an authorized ceiling of $530 millions. The loans for the fiscal year are NOT reflected in these Estimates.

The *increases* in the Departmental Estimates *over* 1967-68 amount to $19.3 millions. The increases are due largely to a pension increase ($26 millions) voted by Parliament in March 1968 and by a slight increase in Treatment Services. On the other hand, because largely of the Guaranteed Income Supplement, the charge to War Veterans Allowances will likely diminish by $7 millions or a *net increase* of $19.3 millions for the Department.

The continuing workload of the Canadian Pension Commission includes disability pensions to 139,000 veterans plus another 30,000 pensions to widows, orphans and parents. War Veterans Allowances are paid to 85,000 veterans and veterans' dependants. Treatment is provided for an average daily patient load of 8,000 veterans; and there are other benefits to about 930 veterans and their immediate families, such as education for the children of the war dead.

So much, then, for the continued compensation for loss of life and limb, and to widows of veterans; although I should also underline that a very large percentage of veterans in this category have learned to live with their disabilities and are quite competitive and making a substantial contribution to the nation's economy.

Tel qu'indiqué plus haut, les services de Traitements hospitaliers du Ministère continuent à soigner 8,000 patients par jour. Les 9 hôpitaux du Ministère constituent le plus grand réseau hospitalier du Canada. La ligne de conduite est de donner le meilleur service possible aux anciens combattants. Ceci implique la recherche constante de meilleures techniques et modalités de traitement. Le fait est que les anciens combattants requièrent de plus en plus de traitements destinés à palier aux maladies chroniques et de moins en moins de traitements dits «actifs». Il en résulte qu'il devient de plus en plus difficile pour nos institutions de maintenir un standard élevé de soins à moins qu'elles ne s'affilient aux hôpitaux universitaires et aux institutions provinciales. C'est pour cette raison que le gouvernement a adopté la politique d'affilier nos institutions à celles des compétences universitaires ou provinciales ou municipales afin d'être à la page dans le domaine des soins requis par les anciens combattants. Les membres de ce Comité se souviendront peut-être de l'affiliation, en octobre 1966, de l'hôpital Sunnybrook à l'Université de Toronto. A tout compter, cette affiliation s'avère bien satisfaisante. En plus, un accord a été conclu en mars 1968 visant l'affiliation de l'hôpital Ste-Foy au Centre hospitalier de l'Université Laval. Le transfert a été effectué le 1er septembre 1968 et des cérémonies officielles marqueront ce fait avant la fin de l'année. Un accord a été conclu le printemps dernier pour affilier l'hôpital Lancaster avec l'hôpital générale à Saint-Jean, au Nouveau-Brunswick; cet accord prévoit un transfert le 1er juillet 1970.

Il serait peut-être bon de signaler que des accords similaires ont été conclus, il y a de ça quelques années, et mis en vigueur en rapport avec les traitements hospitaliers des anciens combattants des provinces de Terre-Neuve, de la Saskatchewan et de l'Alberta.

Il semble bien que cette ligne de conduite est bien justifiée d'autant plus que les programmes d'assurances médicales et hospitalières semblent en voie de se généraliser à travers le pays.

Pour revenir aux affiliations des 9 hôpitaux gérés par le Ministère, certains de nos hôpitaux sont d'une construction assez moderne et satisfaisante. Il sera possible (semble-t-il) de conclure des accords, après les consultations requises, avec les autorités provinciales ou autres moyennant certaines mises de fonds en immobilisations. Par contre, quelques-uns de nos hôpitaux sont, en réalité, d'anciennes barraques militaires en bois dont certaines sont vieilles de 50 ans. Il n'est pas possible de demander à un autre hôpital de prendre à sa charge, et ces hôpitaux et les anciens combattants dans de pareilles circonstances. C'est pourquoi, dans certains cas, nous devons construire à neuf. C'est le cas de l'hôpital de Ste-Anne-de-Bellevue dont la construction a été mise en chantier le 6 juin 1968. A tout compter, au cours des prochaines années, le coût estimatif en 1968 de ces améliorations sera d'environ $75 millions.

Je crois qu'il est bon de répéter ici ce que mon prédécesseur, l'honorable Roger Teillet, disait aux Communes le 16 mars 1964, relativement aux conventions à conclure avec les organismes autres que ceux du Ministère:

> «Qu'il me soit permis ici de clarifier avec insistance et sans équivoque le point suivant: le gouvernement ne conclura aucune entente de ce genre, à moins que certaines conditions *sine qua non* ne soient remplies. Voici quelles sont ces conditions, au nombre de trois: *Premièrement*, des locaux devront être immédiatement disponibles en tout temps pour le traitement des invalidités des anciens combattants attribuables à leur service, et ce traitement devra leur être fourni selon les normes prescrites par le ministère des Affaires des anciens combattants. *Deuxièmement*, des établissements de la collectivité, aux normes acceptables, devront être à la disposition des autres catégories d'anciens combattants, ce qui signifie que ceux-ci pourront obtenir des traitements dans leur propre localité, près de leurs amis et de leurs familles. *Enfin*, des arrangements satisfaisants devront être pris pour assurer le maintien de l'emploi du personnel professionnel et autre actuellement en service dans nos établissements.»

The rehabilitation phase of the Department's program is now drawing to a close. As of October 31, 1968 several of the benefits under the Veterans Charter are being phased out. October 31st is the final date for (a) using Re-establishment Credit, (b) claiming War Service Gratuity, (c) purchasing Veterans Insurance and (d) establishing eligibility under the Veterans' Land Act. This phasing out was agreed to by Parliament in 1962.

I should emphasize that in the case of the Veterans' Land Act it is only the period for qualification under the Act that is terminating at the end of this month. Veterans who have established their eligibility will have until March 31, 1974, or up to 5½ years, in which to obtain new loans under the Act.

These changes were well publicized in the newspapers and otherwise, and the fact that some 5,000 applications are being received each week by VLA leads me to believe that the notice given has been fully adequate.

The strong demand from veterans for VLA assistance is partly related to the deadline for establishing eligibility, but it has been rising gradually over the years. Ten years ago, VLA loans were running at about $18 millions a year. Five years ago the total had risen to $30 millions, and in the last two years it was $83 millions and $103 millions respectively, the average for the five years being approximately $60 millions.

During 1968 the government was obliged to take steps to moderate the use of public funds for this purpose, as for others, and it set the figure for this year specifically at $74 millions, which was 25% above the five-year average. The officers of the Veterans' Land Administration worked out a procedure designed to ensure that the veterans with the greatest need would receive first consideration and that those who could afford to do so would be asked to wait until the beginning of the 1969-70 fiscal year for their loans. Veterans whose loans were deferred have been most co-operative, and their understanding attitude is greatly appreciated. I think that this understanding springs from the fact that veterans are aware of the fact that governments must sometimes dampen down inflationary pressures in the Canadian economy;

and that those who suffer most from inflation are those who have limited incomes or who rely on pensions.

Members of the Committee will have noted that a Resolution has been placed on the Order Paper relating to an amendment to the Veterans' Land Act. This amendment would permit certain interest rates under the Act to be established from time to time in relations to the cost of money in the economy in general. I shall be dealing with this matter more fully when Parliament considers the resolution and the amending bill. The Committee will appreciate that at the present time I cannot anticipate the debate in the House.

The Veterans Welfare Services constitute an important part of the Department's and related agencies' work. This Branch does practically all the welfare and social investigations for the War Veterans Allowance Board and the Canadian Pension Commission. Indeed, it provides the district management of, and adjudication and processing functions for, the War Veterans Allowances and Civilian War Allowances. Involved in these matters is the provision of grants (such as the educational grants to the children of War Dead), as well as benefits and allowances and, indeed the extension of social case work and rehabilitation counselling services to those veterans who are qualified for these purposes.

No doubt you are wondering about the future of the Woods Committee Report which is The Survey of the Work and Organization of the Canadian Pension Commission, presented to my predecessor, The Honourable Roger Teillet, in March, 1968. This report was commissioned by Minister Teillet in 1965. The Woods Committee did a very thorough study of the organization and operation of the Canadian Pension Commission and has made some very far-reaching recommendations. Many of these will require major amendments to the Pension Act if they are to be put into effect.

On the other hand, there are several suggestions which can be adopted by the Canadian Pension Commission without legislative amendment. In a number of cases this has already been done, and in others, the Canadian Pension Commission officials involved are working out the most effective means by which to implement the proposals. Some of these proposals are rather involved and will call for extensive changes in the existing organization. However, each Member of the Standing Committee now has a copy of the Report which you will be asked to deal with shortly. Perhaps that is all that need be said regarding the Report at this time. As soon as the Committee has considered the 1968-69 Estimates, the Woods Committee Report will then be referred to you.

Quite apart from the Woods Committee Report, there is the question of basic rates of pay and allowances for disability pensions. As you may know, the question of the basis upon which pension rates should be paid, as well as how these rates might be regularly reviewed, was considered by a committee made up of officers of the Department and the Canadian Pension Commission. The Committee made two separate confidential reports on these two matters which are now in my hands.

In this connection, I think it is important to know that there have been three revisions of the pension rates since 1964. The first one was effective from September 1, 1964, and represented a 10% increase across the board. The second one became effective on September 1, 1966, and was a 15% increase in the basic rates only, (that is the pension for the veterans only) and the widows' pensions. The third one, which went into effect on January 1, 1968, was a 15% increase, again across the board and including all pensioners. Since these reports to which I referred a moment ago contain some very complicated suggestions and would have far-reaching effects on the whole structure and future of the pensions I feel that I should take sufficient time to consider them most carefully before putting forward any specific proposals. I have these questions under consideration at the moment, and I want to assure you that they are not being overlooked.

As you are no doubt aware, the question of the rates was not included in the terms of reference of the Woods Committee, although I realize that they made some reference to it.

Meanwhile, I should point out that the work of the Canadian Pension Commission must go on, as claims for pensions continue to reach the Commission in substantial numbers. It is of interest to note that applications from the peacetime servicemen and women, while still comprising less than 12% of total claims, have in recent months shown a moderate increase. The great bulk of all claims still arises out of service in the Great Wars.

It would be useful, at this stage, to say something about the general administration of this Department.

In the area of personnel management, the Department has given a high priority to manpower planning and staff development. By means of staff training, attendance at Public Service Commission sponsored courses and university courses and seminars, employees are being encouraged to develop their skills. A comprehensive program of personnel appraisal aimed at identifying potential skills as well as training needs is also part of the program of carrer planning. The Department is participating in the Public Service Commission's sponsored "Career Assignment Program" which combines an extensive staff course with systematic assignment of persons selected amongst the participating departments.

In accordance with the recommendations of the Woods, Gordon financial management study which, in 1964, followed the Glassco Commission and related specifically to the Department of Veterans Affairs, all field units of the Department now report directly to one of the Head Office program managers. As a result, delegation of responsibility and accountability are much more clearly defined. A modern system of budgetary control utilizing the Comptroller of the Treasury's computers has replaced the former accounting system, giving all local managers prompt and detailed financial information on their operations. This decentralization of responsibility is already paying dividends in better management. A system of "Operations Audit" has been introduced this year and the reports of the auditors are proving to be of benefit to managers at all levels.

In a Department of 11,300 employees and 5 major programs, communication between staff and management is always difficult to achieve. I welcome, therefore, the recent initiative of the Department in establishing *"Carillon"*, a "house organ" to be published every two or three months by the Departmental staff to provide a two-way stream of information between staff and management and to develop, to the highest degree possible, the *esprit de corps* of this Department. Copies of the first issue are available to members of this Committee.

Members of the Committee will be interested to know that, on the 50th anniversary of the end of World War I, the Government is organizing a veterans *pilgrimage* overseas and a series of ceremonies will be organized in Ottawa culminating in a State Dinner in November to be attended by the Governor General, the Prime Minister and two former Prime Ministers. 100 members representing units of World War I will proceed early in November to the World War I battlefields in France and Belgium. Another 100 veterans will be brought to the nation's capital for Remembrance Services on November 11th. I was deeply honoured that Brig. the Honourable Milton F. Gregg should have agreed to be Honorary Commandant of the overseas contingent. In his task this year, Brig. Gregg will be assisted by Brig. J. L. Melville, as Commandant, and my Deputy Minister will be of the group in order to facilitate this pilgrimage.

This, Mr. Chairman, has been a rather long statement. But this being my first appearance and several of the members of the Committee being newly elected, I felt I had to cover most of the areas of the Department. It has been traditional for this Committee to be nonpartisan and I trust we will want to continue this somewhat unique tradition. May I thank the members of the Committee for a courteous hearing and say that the officials of the Department will be available to answer detailed questions in the course of your study of the Estimates.

Government
Publications

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

TUESDAY, NOVEMBER 5, 1968

Respecting

Revised Main Estimates (1968-69) of the Department of Veterans Affairs

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WITNESSES:

From the Department of Veterans Affairs: Mr. F. T. Mace, Acting Deputy Minister; Mr. J. E. Walsh, Director Financial Management and Mr. P. E. Reynolds, Director of Legal Services and Chief Pensions Advocate.

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Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
MacRae,
Marshall,
McIntosh,
Mongrain,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—(20)

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

TUESDAY, November 5, 1968.
(3)

[*Text*]

The Standing Committee on Veterans Affairs met this day at 11.15 o'clock a.m. The Vice-Chairman, Mr. Carl Legault, presided.

Members present: Messrs. Bigg, Boulanger, Émard, Guay (*St. Boniface*), Laniel, Legault, MacRae, Marshall, Thomas (*Moncton*), Turner (*London East*), Weatherhead, Whicher—(12).

In attendance: From the Department of Veterans Affairs: Mr. F. T. Mace, Acting Deputy Minister; Mr. T. A. Murray, Assistant Departmental Secretary; Mr. P. E. Reynolds, Director, Legal Services and Chief Pen. Adv.; Mr. D. K. Ward, Deputy Chief Pensions Advocate; Mr. E. J. Rider, Director General, Veterans Welfare Services; Mr. R. J. Wood, Chief Budget & Administration, Welfare Services; Mr. J. E. Walsh, Director, Financial Management; Mr. R. A. Hanson, Chief, Financial Services Division; *From the War Veterans Allowance Board:* Mr. W. T. Cromb, Chairman; Mr. P. Benoit, Executive Assistant; *From the Canadian Pension Commission:* Mr. T. D. Anderson, Chairman, Mr. A. L. Fortey, Secretary; Mr. F. G. Stockley, Chief, Budget & Administration; Mr. F. G. Whitall, Claims and Review Branch; *From the Royal Canadian Legion:* Mr. D. M. Thompson, Secretary General; Mr. Leo J. Trottier, Pensions Officer; *From the War Amputations of Canada:* Mr. H. C. Chadderton, Executive Secretary.

The Clerk read the First Report of the Subcommittee on Agenda and Procedure as follows:

YOUR SUBCOMMITTEE RECOMMENDS

That we meet on the following days and dates to study the Departmental Estimates:

Tuesday, November 5
Tuesday, November 19
Tuesday, November 26

On November 5—Item (1) Departmental Administration will be studied and allowed to stand pending last minute questions. This will be followed by: Item 5, Welfare Administration; Item 10, Allowances and Assistance Fund; Item 15, Other Benefiits.

On November 19—Item 20, Pensions Administration; Item 25, Pensions and Gallantry Awards; Item 30, Treatment—Operation and Maintenance; Item 35, Treatment—Hospital Construction.

On November 26—Item 38, Treatment and Related Allowances; Item 40, V.L.A. Administration etc.; Item 45, V.L.A. Grants to Veterans; Complete Item (1) Departmental Administration.

Mr. Émard moved, and it was
Agreed,—That the Report of the Subcommittee be adopted as read.

29083—1½

The Committee resumed the study of Item (1), Departmental Administration.

The Chairman introduced Mr. F. T. Mace, Acting Deputy Minister who explained the administration of the Department of Veterans Affairs and answered questions posed by the Committee.

It was *agreed* that Item (1) stand pending last minute questions.

Item 5—Welfare Administration was adopted.

At 12.40 o'clock p.m., on motion of Mr. Laniel, the Committee adjourned to Tuesday, November 19, 1968.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, November 5, 1968

• 1112

The Vice-Chairman: Gentlemen, I see a quorum. We shall proceed, because time is passing fast.

The first item on the Agenda is the Report of the Steering Committee. I will ask Mr. Levesque to read it.

(See Minutes of Proceedings)

The Vice-Chairman: Gentlemen, you have heard the Report of the Steering Committee. Would someone move that it be adopted as read?

Mr. Émard: I so move.

Mr. Bigg: I will second the motion.

Motion agreed to.

On Item No. 1, Departmental Administration.

The Chairman: Gentlemen, I thought perhaps we could hear a statement by Mr. Mace and deal with Item 1 and then let it stand and proceed with Item 5. That would afford us the opportunity of coming back to Item 1 if any general discussion is desired after the votes are passed. Mr. Mace?

Mr. F. T. Mace (Assistant Deputy Minister, Department of Veterans Affairs): Mr. Chairman, perhaps my first remark should be to say that we are pleased to be here. The officials of the Department rather welcome this opportunity to discuss, in a somewhat informal atmosphere, the Estimates of the Department and to provide you gentlemen with whatever information you may require.

• 1115

It may be appropriate, particularly because we have a number of new Members on the Veterans Affairs Committee, to preface my remarks with a few short explanatory comments on the organization of the Department.

You should bear in mind, first of all, that the Department is, in part, a sort of troika. It consists of three separate entities, namely, the Department itself, the Canadian Pension Commission and the War Veterans Allowance Board. These three entities operate quite separately, but nevertheless report to Parliament through the one minister, the Minister of Veterans Affairs. Although they do operate separately they nevertheless work together very, very closely.

The Estimates of all of these three entities are brought together under the Estimates of the Department of Veterans Affairs but are shown quite separately, with one slight exception, in these Estimates.

The Department consists mainly of four basic programs: Veterans' Land Act, Treatment Services, Welfare Services, and Veterans Bureau. You will see that these programs are recognized in the Estimates and you will, with one exception, be dealing with these different programs. The exception is the Veterans Bureau which is included in the vote that we now have under consideration. I will come back to this particular aspect a little later.

The Departmental Administration vote is a sort of conglomerate vote. It covers mainly all the expenses relating to the operation of headquarters in Ottawa, with the addition that "Legal Services", which is included in Departmental Administration, also contains the legal services which operate in the field. All our statistics listed are part of "Legal Services", and "Legal Services" is integrated with the Veterans Bureau.

Therefore, we have a Directorate of Legal Services and a Chief Pension Advocate. This official wears two hats, but for budget and Estimates purposes he is part of the Departmental Administration vote.

Included in this head office organization we have, of course, all the expenses related to the Minister and his staff, apart from the provision of the Minister's salary and motor car allowance, which, of course, is a statutory provision; but all of the Minister's travelling expenses, and so on, are contained in this vote.

We have, of course, the staffs of the Deputy Minister, the two Assistant Deputy Ministers and the various ancillary services which are germane to any department, namely, personnel services; financial services; and, in our case, an engineering division which takes care of the construction and maintenance of our departmental hospitals.

Then we have services such as our departmental secretary, public relations, management services, internal audit and records which, in the Department of Veterans Affairs, is quite a large operation because, as you are probably aware, we still maintain in our possession the records of the veterans of both World War I and World War II, and we have a very large War Service Records Division which is located out at Tunney's Pasture.

Off hand, I think that pretty well covers the subdivisions of the head office administration which, as I said before, makes up this sort of conglomerate vote of Departmental Administration.

• 1120

Unless you have any particular questions about our organization I will turn to page 560 of the Blue Book, gentlemen, where we have the details of the vote. Perhaps I should give you some general information about certain of the items contained in that vote because I am sure that, for some of you this may be the first opportunity you have had to consider them.

You will notice that this vote remains relatively stable. If you look at the positions the variation there is that 662 positions are provided in these Estimates as opposed to 661 for the previous year; and the vote total is in the neighbourhood of $5,742,000 as opposed to $5,702,000. This, I think, points up that there is not too much change in this particular vote from time to time.

Perhaps we could now get down to the details of the make-up of this vote.

Salaries are self-evident. Allowances are primarily foreign service allowances which we pay to staff that we employ in London, England, and on the Continent.

Incidentally, there was one omission in my description of our organization. This vote also provides for the staff that we employ in our London, England, office, and on the Continent, relative to the maintenance of battlefield memorials.

Travelling Expenses: As I said before, this item includes those expenses incurred by the Minister and his staff.

Freight, Express and Cartage: That is a self-evident administrative expense. The reduction there is accounted for by the fact that we now charge the different programs with such expenses as arise from the shipping of stationery supplies from our central stationery stores.

Postage: This, once again, is an obvious expense. The increase here was in anticipation of the increase in postage rates, which actually has not yet come about.

Telephones and Telegrams: There is no particular problem here.

Publication of Departmental Reports and other Material: Although I am not too sure I believe this includes the new departmental magazine. I think you gentlemen got a copy of "Carillon", which was distributed to you last year, and of which we have just had our first issue. This costs about $2,000. Included in that item, of course, is the normal departmental report that all departments are required to table in the House.

Advertising and Publicity: As you will notice, this is a little bit heavier this year. One of the expenses we were faced with, of course, was to ensure that adequate publicity was given to the close-off of certain veterans' benefits. We made provision for the reprinting of a number of our information booklets, to the extent of some $14,000. As you gentlemen may be aware, we issue a certain number of booklets on war veterans' allowances under VLA. These are give-away booklets and are available to veterans. They describe the details of the particular veterans' benefit involved.

Corps of Commissionaires Services: This is exactly what it says. The rates paid to the commissionaires, of course, is in accordance with the contract which is negotiated with the Corps through the Department of Defence Production. They contract with the Corps for service required by the Federal Government as a whole and we merely employ under the terms of that contract. This, primarily, is provision for the ceremonies which took place last year. Relative to last year's figure, there was a big ceremony at Vimy on the occasion of fiftieth anniversary of Vimy Ridge; and this year, of course, as you know, we are incurring considerable expense in commemorating the fiftieth anniversary of the end of World War I.

• 1125

The Last Post Fund: I am not sure whether or not this was explained at the last meeting.

It is a body incorporated under a Dominion or Federal charter, I suspect, the main purpose of which is to ensure that any indigent veteran is buried in a proper manner. Having taken care of the burial of this veteran the Fund recovers from the Department the cost of that funeral and burial.

Books of Remembrance: The main expense here is the production of a Book of Remembrance relative to the Newfoundland veterans who gave their lives in World War I and World War II. Books of Remembrance were being produced, I expect, or on the way, prior to Confederation, so that there are a few Newfoundlanders in the books which are deposited in the House, but this is the production of a special book. It is under way now and in due course it will be deposited in the Memorial Chamber in the House of Commons alongside the other books.

Rental of Office Machines: This is a self-evident administrative cost, as is that of Repairs and Upkeep of Equipment.

Battlefield Memorials: This is an item of expense incurred partly by the Department but probably to a greater extent by the Commonwealth War Graves Commission, on our behalf in maintaining the 13 Canadian Battlefield Memorials which are located in Belgium and France. The most notable of those are the wonderful memorial at Vimy Ridge and, so far as Newfoundland people are concerned, the memorial at Beaumont Hamel Park which commemorates the glorious deeds of the Royal Newfoundland Regiment.

Maintenance of Departmental Cemeteries and Plots: This item relates to those relatively few departmental cemetery plots which are owned by the Department. We do own a number of small cemeteries, or a plot within a cemetery, as is the case here at Beechwood in Ottawa, and we are faced with the annual maintenance of these particular plots.

In addition, we are also in a position, through the provision of these funds, to give some assistance to a civilian cemetery which has a veterans' corner which we do not feel is up to reasonable standards. We can assist them financially to bring this plot up to an adequate standard of condition.

Campaign Stars and Medals:—this is a very small item now. There are still those who have not yet asked for their medals or campaign stars arising from World War II, primarily. We do have to continue a small item for expense.

Stationery, Supplies and Office Machines: Once again this is a self-evident administrative cost; as is Office Furnishings and Fixtures which you see is of moderate amount.

The Commonwealth War Graves Commission: The largest item in this vote, apart from salaries, is Canada's share amounting to roughly 9.6 per cent and based on the percentage of Canadian dead to the total number of graves, in the various Commonwealth war graves cemeteries all over the world.

Canada, of course, is represented on the Commonwealth War Graves Commission by the Canadian High Commissioner in London.

It acts as a completely Commonwealth body. It administers and maintains all of these cemeteries and certain other C.W.G.C. memorials such as the one at Brookwood in England, which is a memorial to all the airmen of the Commonwealth who have no known graves. Canada, as do the rest of the countries of the Commonwealth, shares proportionately in the cost of operating the Commission.

• 1130

Sundries: This is a small slush fund which everybody needs once in awhile.

That gives us, as I said, a grand total of $5,742,000.

Mr. Chairman, I think and hope that I have covered the details of this Vote adequately but I would be quite happy to answer any questions, if there are any

I will be assisted by Mr. Jack Walsh, our Director of Financial Management. One of Mr. Walsh's prime responsibilities is the production of these estimates.

The Vice-Chairman: Thank you very much, Mr. Mace.

Gentlemen, the officials of the Department were presented to you at the last meeting. I would like to bring to your attention that we also have with us today Mr. Thompson, the Dominion Secretary-General and, with him, Mr. Trottier of the Royal Canadian Legion.

We are now ready for questions, Mr. Émard.

Mr. Émard: Mr. Mace, may I speak French?

Mr. Mace: I am sorry, but my French is not too good.

The Vice-Chairman: We have interpreters present.

[*Interpretation*]

Mr. Émard: Mr. Mace, I'm surprised to see that there is no increase of the amount allocated for salaries in your Department. Could you explain this, in view of the generous increase given to many employees?

[*English*]

Mr. Mace: I think the main reason, Mr. Émard, is the fact that the provision in 1967-68 of $3,965,000 was, in fact, more than the actual expenditure which was in the neighbourhood of $3,785,000. So in fact there is very close to $200,000 increase in the salaries provision.

Mr. Émard: How many employees do you have throughout the whole Department?

Mr. Mace: I think it is in the neighbourhood of 11,000.

Mr. Émard: Many of the hospital employees, around where I live anyway, which is Ste. Anne de Bellevue, have received retroactive pay amounting to quite a large amount of money and it seems to me that if you multiply 11,000 employees throughout your Department by the retroactive pay increase that has been given out the amount of $200,000 is not enough.

Mr. Mace: Of course the item you are looking at, Mr. Émard, only covers roughly the 660 employees in head office.

Mr. Émard: Oh, I see.

Mr. Mace: In so far as the hospital staff is concerned I would suggest that this might be covered when you come to the Treatment Services vote. You will notice there that there is a much larger increase in the salaries provision.

Mr. Émard: How many Commissionaires are there in the Corps of Commissionaires? Maybe I have the wrong slant on this whole thing. Is this figure only for the Corps of Commissionaires working for your Department here in Ottawa?

Mr. Mace: Yes, this is so. This is the provision for the Commissionaires who are just working here at the head office building.

Mr. Émard: I will have further questions later.

Mr. Mace: You will note that the Corps of Commissionaires Services under Treatment Services are provided for in the amount of $780,000. We employ by far the greater number of commissionaires in our hospitals. This is just at the head office building.

• 1135

The Vice-Chairman: Does this complete your line of questioning?

Mr. Émard: Yes, for now, Mr. Chairman.

The Vice-Chairman: Are there any other questions.

Mr. Laniel: I am just trying to make a comparison. Would a comparison between our participation in the maintenance of our cemeteries abroad—I am looking at the Commonwealth War Graves Commission—and our participation in the maintenance of departmental cemeteries and plots in Canada indicate that we do more for our cemeteries abroad than we do for them in Canada?

Mr. Mace: The answer is yes, of course, Mr. Laniel, because we actually do not own very many cemetery plots here in Canada.

Mr. Laniel: There is an increase of perhaps 3 per cent in our contribution to the Commonwealth War Graves Commission compared to the previous year and a reduction of nearly 20 per cent for the maintenance of departmental cemeteries and plots. What is the reason for this?

Mr. Mace: Could I refer back to what I said when I was explaining this item. This also includes a provision whereby we can help non-departmental cemeteries. If any cemetery has a soldier's plot and we become aware of the fact, that this plot is not in very good condition—the stones have been allowed to sink and the landscaping generally is not up to an adequate standard—we can suggest to the cemetery that this should be improved and if they are not in a very good financial position we are then in a position to offer them some assistance. Many cemeteries are not in good financial position because, as you probably realize, the perpetual maintenance charge which was levied many years ago is now inadequate, even if it were funded, to cover the cost of that maintenance at today's prices. However, once we have contributed to this, the chances are this will not have to be done again. I suspect that our program last year was a little heavier in this respect than it is expected to be this year.

Mr. Laniel: There is a reason for my question. The people in continental Europe and U.K. seem more concerned about cemeteries,

they seem to be closer—perhaps it is because they were involved in the war, and I am wondering if the Department is doing enough here in Canada. I am not so sure that you should just sit back and wait for people to ask you for money. Also, we have in Canada memorials of Canadian wars with the United States which I believe are looked after by Northern Development. I do not agree with that because when we speak of veterans I think we should speak of all veterans and these should include people that have made Canadian history—not only those who protected democracy in the world but those who have protected this country and perhaps have established the basis of this country. I think the Department should look into the possibility of making an inventory of memorials and cemeteries and doing some general long-term planning. We go abroad to participate in all kinds of ceremonies and I wonder if we, as a veterans organization, as a veterans department do our share and participate sufficiently in the commemorations of battles and wars that were fought in Canada.

Mr. Mace: I think you are quite right with regard to the attitude of the Europeans and the way in which they maintain their cemeteries. These people have lived with many wars and I think they are more conscious of this.

I think one of the reasons against our achieving the same sort of level of maintenance is our climate. If you go out to Beechwood Cemetery during the wintertime it is just a mass of snow, which is not the case of course in the cemeteries in England, France or Belgium. But I would suggest, sir, that there is no criticism of the condition of the cemeteries that we ourselves own and maintain. I am sure that you would find the soldiers' plot out at Beechwood Cemetery in very, very good condition, comparable to what you would find generally in Europe.

• 1140

Mr. Laniel: I did attend a week ago the commemoration of the 155th anniversary of the Battle of Chateauguay at Allans Corner, and if it had not been for the local people of the local veterans' association, that would have been it. There was actually no involvement from the Department and I am sure the Department did not find out about it, I cannot blame the Department directly, but I think there is a lack of co-ordination and there might be some planning for the years to come.

Mr. Mace: Well, this is a very interesting thought, Mr. Laniel, and I will bring it to the Minister's attention. Concerning your other comment about national memorials this is, as you say, the responsibility of the other department and, of course, as you know they have quite a big job. There are hundreds of memorials that they take care of—the bigger ones like the Citadel in Halifax, Fort Henry, and so on and, as you know, the rehabilitation of the big Louisburg fort, I guess.

I suggest to you that it might be better in the long run if you did have an agency that was specializing in the maintenance of these memorials. We have no responsibility relative to any memorials in Canada; this is certainly the case at the moment.

Mr. Laniel: I have another question on another line. Do you know what is the situation right now at the different Polish cemeteries in Europe, like the ones at Monte Cassino and Bretteville-sur-Laize, I think, in France? Well, I think that one the French government has decided to look after it, but do you know whether anyone has checked the situation, especially the one at Monte Cassino where we found that the stones were quite deteriorated when we passed a few years ago?

Mr. Mace: No, I am not aware, sir, of this situation at all. May I ask you a question? Is this a cemetery in which the...

Mr. Laniel: It is not administered by the Commonwealth War Graves Commission and there is a political involvement there, I know. I am just asking the question because I think you should be concerned, although you are not directly responsible. The veterans' association, mainly through the Army, Navy and Air Force, has been in contact with the Italian government and the French government and there has been correspondence. I am just asking a question about the situation as it is now.

Mr. Mace: I am sorry; I have no information on that, Sir. I will check. Our departmental secretary generally has responsibility for this area of activity and he is in Montreal but will be back at noon. I will check with him this afternoon to see whether we know, but I do not think we are aware of this situation. You said at Monte Cassino, did you?

Mr. Laniel: I have forgotten the right name of it, but it is at Monte Cassino.

Mr. Mace: Yes.

Mr. Laniel: Thank you.

The Chairman: Mr. MacRae?

Mr. MacRae: I notice from page 560 that the expenditures almost doubled in 1967. Of course, I realize this is passed, but whenever we are dealing with the taxpayers' money we have a certain latitude. What would be the major reason, Mr. Mace, for the almost double expenditures there?

• 1145

Mr. Mace: I think this is rather misleading, Mr. MacRae. It comes about solely from the reorganization of the Department and the regrouping of expenditures.

As you know, we used to have a district administration organization. This has disappeared and part of those expenditures have been absorbed within the programs. You will remember I referred to the Veterans Bureau and the legal expenses. All of the district legal expenses and the Veterans Bureau costs are now brought into this vote.

Mr. MacRae: It is just that everything did not cost twice as much one year as it did the year before. Is regrouping the answer?

Mr. Mace: That is right. The reorganization of the Department and a reshuffling of the budget, as it were.

Mr. MacRae: I thank you. Now, my next question deals with the Corps of Commissionaires that are employed. You mention in your headquarters here, they were contracted for through the Department of Defence Production. Is it general throughout the whole of the Department that all Corps of Commissionaires that are hired for the Department of Veterans Affairs no matter where they may be, have been contracted through Defence Production?

Mr. Mace: Not only employment by the Department of Veterans Affairs, Mr. MacRea, but employment by the federal government. All Commissionaires employed by the federal government right across Canada are employed under the terms of the contract negotiated by the Defence Production with the Corps. I am not sure of this, but I think the rates that are established in contracts are regional and in accordance with information provided by the Department of Manpower and Immigration relative to the local level of comparable kinds of employment.

Mr. MacRae: The unfortunate part of that, of course, is that, for example, a Commissionaire in St. John, New Brunswick, could be paid less per hour for services than, say, one here in Ottawa.

Mr. Mace: That is so.

Mr. MacRae: Or one in Newfoundland or elsewhere. That is so, is it not?

Mr. Mace: Yes, that is so; it is a prevailing rate factor and, of course, this always is a problem

Mr. MacRae: My next question has to do with employment. Positions in the Department of Veterans Affairs, as in practically all government departments, are filled by open competition, with the veterans preference still written into the Act. I was wondering whether you in the Department of Veterans Affairs are finding as the years go by that more and more non-veterans are applying and being accepted.

I realize that on the stenographic and hospital orderly levels, and things like that, that would automatically follow but I was wondering, in other more senior positions, whether you are now going outside of the veterans preference in your employment.

Mr. Mace: Most of the senior positions that become vacant from time to time are filled from within the house...

Mr. MacRae: In service?

Mr. Mace: By promotion of the second in command of the group, and so on. This does not always apply and on occasion we have gone outside of the Department but not outside of the federal government. There have been a few lateral transfers. I think the one that comes readily to mind is that of our Director of Personnel Administration. When our previous chap died, the Public Service Commission, as part of career development, felt it desirable to move one other director, and the Director of the Personnel Administration in the Post Office was, in fact, transferred to our Department.

I might say that this was very useful to us because we got a well-qualified and experienced personnel administrator and in our Department, where the personnel problems are quite extensive because of our mix of the different kinds of people we have on the staff, an experienced personnel administrator was absolutely essential. Quite frankly, we did not have anyone on the staff that could justifiably have moved up into that post.

• 1150

Mr. MacRae: Thank you. Perhaps this might better be a question for Mr. Reynolds when he does appear, but are you able to get across the nation good Pensions Advocates? I raise this question for the reason that we have an exceptionally good one in St. John's, a very, very able man, but I was wondering how you are managing to get top flight lawyers in this department.

Mr. Mace: Mr. MacRae, this will be the only opportunity for Mr. Reynolds to appear because his interest is in this vote. May I ask Mr. Reynolds to reply to your question?

Mr. Reynolds (Director of Legal Services and Chief Pensions Advocate, Department of Veterans Affairs): I am glad to know that the Pensions Advocate in Saint John is a top-flight man, as we consider he is one of the best we have. As far as recruiting is concerned, we have had to go to non-veterans to get solicitors, to get the calibre of solicitor we expect to get. We are not always successful in finding veterans. Of course, veterans are now getting on in age and to get a good young chap, we have recruited non-veterans. We have three solicitors who we think are good and up to scratch who are non-veterans in Legal Services.

Mr. MacRae: Thank you.

Mr. Whicher: Might I ask how many of those you have in Canada?

Mr. Reynolds: How many solicitors?

Mr. Whicher: Yes.

Mr. Reynolds: There are 49 I think. That includes solicitors and pensions advocates.

Mr. Whicher: And those are placed where the population warrants?

Mr. Reynolds: Yes. They are in every district in Canada in which the Department has an office.

Mr. Whicher: There would be one in London, Ontario, I presume?

Mr. Reynolds: There are two in London, Ontario.

The Vice-Chairman: A supplementary from Mr. Boulanger.

Mr. Bigg: Are these full-time men or are they allowed to practice?

The Vice-Chairman: I am sorry but Mr. Bigg, will follow after.

[*Interpretation*]

Mr. Boulanger: Are all these lawyers hired on a permanent basis or are some of them taken on part-time?

[*English*]

The Vice-Chairman: Are they employed on a permanent basis or are they part time?

Mr. Reynolds: Yes, we have two part-time lawyers, one in Newfoundland and another one in Charlottetown. All the rest are full time.

The Vice-Chairman: A supplementary, Mr. Guay.

Mr. Guay (St. Boniface): I would like to ask how many you have in the greater Winnipeg area?

Mr. Reynolds: There are three solicitors in Winnipeg.

Mr. Guay (St. Boniface): My next question, Mr. Chairman, would be...

The Vice-Chairman: I am sorry, is this the same as the supplementary?

Mr. Guay (St. Boniface): Could you tell me, sir, if you have any out of the St. Boniface constituency?

Mr. Reynolds: That I would not know.

Mr. Guay (St. Boniface): You would not know. Could he get the information though, Mr. Chairman.

Mr. Mace: I am not too sure, sir. Would you clarify your question? We do not have an office in St. Boniface. Our district office is in the City of Winnipeg.

Mr. Guay (St. Boniface): I know that.

Mr. Mace: Are you asking whether the gentlemen who are on our legal staff in the Winnipeg office reside in the St. Boniface constituency?

Mr. Guay (St. Boniface): In a way, Mr. Chairman, this could be the case. I am just wondering if consideration has been given whereby one solicitor would be picked out of the St. Boniface constituency to serve in that particular position.

Mr. Mace: We have never, to the best of my knowledge, considered such a procedure,

sir. If a vacancy occurs in the Winnipeg office and this is filled by a promotional competition, then of course this is open to all of the legal personnel who might be in Manitoba. We do not restrict it to any particular area at all.

Mr. Guay (St. Boniface): I would like to emphasize here to the gentleman that when I say St. Boniface, this does not include the City of St. Boniface only, but rather the constituency which is much larger than St. Boniface.

Mr. Mace: Yes.

The Vice-Chairman: I believe Mr. Whicher has a supplementary also. Is it a supplementary question, Mr. Whicher?

Mr. Whicher: Yes, it is, Mr. Chairman, I come from a rural riding where we do not have any of these. As a matter of fact, I think the closest is about 150 miles from my home, so in a sentence or two could you tell us their duties?

Mr. Reynolds: The Pensions Advocate's duties?

Mr. Whicher: Yes.

• 1155

Mr. Reynolds: The duty of a Pensions Advocate, roughly speaking, is to assist, on request, any pension applicant to prepare and present his claim, right from the original application, through to appeal board hearings, if necessary.

Mr. Whicher: The people with whom I have been associated in the Royal Canadian Legion—as a matter of fact, I am a welfare officer in the Legion at the present time—go to the people in the Department of Veterans Affairs and the Veterans Bureau, and I have never run into a case where we had to use one of these gentlemen. I have always found that, generally speaking, the pension board is co-operative and they listen attentively. But having never appeared before a pension board, does the veteran always have somebody with him, one of these Pensions Advocates to help him?

Mr. Reynolds: Yes. When a case goes to an appeal board, he is almost invariably represented by the Veterans Bureau, or by a veterans' organization, or by outside counsel.

Mr. Whicher: I understand that. But when he is represented by a veterans' association, the Royal Canadian Legion, or the war service bureau or something of that nature, where does this lawyer come in to help?

Mr. Reynolds: When he is represented by a veterans' organization?

Mr. Whicher: Yes.

Mr. Reynolds: They probably would not have an outside counsel. If they thought it was necessary to get somebody to assist them, they would get an outside counsel who would assist the veterans' organization presenting the case.

Mr. Whicher: And this fee would be paid for by the government?

Mr. Reynolds: It could be taxed, yes. The Commission have credits. I might say it is not usual to have outside counsel. The number of cases that are presented by outside counsels constitute a very small per cent.

Mr. Whicher: Are these services of the Canadian Corps of Commissionaires not outside counsel?

Mr. Reynolds: No, that is quite different altogether.

Mr. Mace: I wonder if I could explain, sir. The Canadian Corps of Commissionaires is an organization which endeavours to provide employment for older veterans. These are mainly the retired people who have finished their careers in, we will say, the Public Service. They have gone beyond 65. They are still in good health, and they apply to the Canadian Corps of Commissionaires, and if they are taken on they are given a uniform and then their work, generally, is what I might call quasi-security. You see them on duty at the entrances to the various government buildings. These are the Canadian Corps of Commissionaires, nothing to do with Legal Services.

Could I just add one other point, sir, on the question that you were answering earlier? Keep in mind that as far as the veteran is concerned, there is nothing mandatory about whether he uses the services. The services of the Veterans Bureau, through the Pensions Advocate, are there for him if he wishes. He does not have to use them, but he can use these lawyers, our lawyers, or he can go to the Royal Canadian Legion or to one of the veterans' organizations and use their welfare officers. But most of them do, in fact, use our Veterans Bureau for obvious reasons because they are experts in this field and they get pretty good attention, I can assure you.

The Vice-Chairman: Gentlemen, I believe we are following through on supplementaries at the moment. Other gentlemen have indicated that they would like to ask other questions, but I put them down for the second round. Now, I understand that Mr. Émard has a supplementary. Would yours be a supplementary, Mr. Émard?

Mr. Émard: It is just while Mr. Reynolds is here. I wonder if we could learn a little more about these Pensions Advocates because I really thought—and I think I am not the only one to think so—that they were to defend the interests of the Department, not of the soldiers. I think you will find many people think the same.

• 1200

Mr. Mace: This is not so, sir, if I might interject for a moment. The Pensions Advocate is interested only in the veteran's side of the case. It is his job to prepare the case relative to the application for pension and to present it in as good a manner as he can do so, from a legal point of view, and in the event that it goes to appeal to do exactly the same thing, to represent the veteran. This is his main intent and I am sure this is followed exclusively. Is that right, Mr. Reynolds?

Mr. Reynolds: That is right.

Mr. Émard: How can you get these services? Where do you apply?

Mr. Reynolds: At any district office of the Department. There is a Pensions Advocate on the strength of the district office. There is one in every province, and of course in Quebec there are offices in Montreal and Quebec City.

Mr. Guay (St. Boniface): I have a short supplementary, Mr. Chairman. Are they full time?

Mr. Mace: With the two exceptions that Mr. Reynolds referred to, in Charlottetown and Newfoundland.

Mr. Guay (St. Boniface): So they do not do any other work but devote their full time to this.

Mr. Mace: This is so.

The Vice-Chairman: Have you a supplementary, Mr. Bigg?

Mr. Bigg: Mr. Reynolds, do you think that you have enough staff for this job? I know any time that I have been near these men on behalf of veterans they seem to be extremely busy. Could we make any recommendations in this regard?

Mr. Reynolds: Yes, I think they are busy but we try and assure there is what we consider sufficient staff to cope with the workload. You always run into a problem in some places where there is not enough work for two but slightly too much for one, and that always creates a bit of a problem in those areas.

Mr. Bigg: Could you have a floating staff, say, in Ottawa, from which someone could go out and help in such cases. Obviously, to the veteran his case is extremely important and at times he is in need of legal help. Could you not have a couple based with the Department in Ottawa who would be available to go out and take over for a period of, say, two months when the load is heavy? I think there is a problem here. As you said yourself, there is sometimes a lag.

Mr. Reynolds: Yes, but I do not know of any district at the moment in which I think that they are understaffed.

Mr. Mace: I might say, Mr. Bigg, that what you are suggesting has been done on occasion. Occasionally we have run into sickness—the Pensions Advocate gets ill and Mr. Reynolds comes to me and we usually arrange then to loan the Pensions Advocate, say, from Saskatoon to Regina for two days a week or something like this.

I think generally we are able to cope reasonably well with the workload.

The Vice-Chairman: Gentlemen, on supplementaries I have Mr. MacRae and then Mr. Thomas.

Mr. Thomas (Moncton): I am sorry, but mine is not a supplementary.

The Vice-Chairman: Then to complete the first round I have Mr. Weatherhead and Mr. Thomas.

Mr. MacRae, was yours a supplementary?

Mr. MacRae: Yes, a brief one. What is the salary of your Pensions Advocate, Mr. Reynolds?

Mr. Reynolds: From about $10,000 to $19,000—including myself, $21,000.

Mr. MacRae: Thank you.

The Vice-Chairman: Mr. Weatherhead, you are next.

Mr. Weatherhead: Mr. Mace, I notice in your Last Post Fund that the figure for last year was $435,000, and it is about $460,000 this year. I was wondering just about now many funerals this would cover, what the average cost of the funeral would be, and how many there might be?

• 1205

Mr. Mace: We have the figures for 1966-67, Mr. Weatherhead, which is a year earlier than what you are asking. There were 1,777 burials in that year. There is of course a gradual increase in this figure and there has been over the past several years. If I might give you the figures for say, three years, in 1964-65 it was 960, in 1965-66 it was 1,100, in 1966-67 it was 1,177. So I suspect that in 1967-68 it will probably be in the neighbourhood of close to 1,400. This is because of the increase in ages.

[*Interpretation*[

Mr. Boulanger: I want to check something. What will be the average cost of the funeral? Have you given it already?

[*English*]

Mr. Mace: You also were asking for the average cost of the burials, Mr. Weatherhead?

Mr. Weatherhead: Yes.

Mr. Mace: In so far as the Last Post Fund is concerned these are covered by regulations approved by the Governor in Council. The amounts that may be paid for the burial of a person are made up of a number of entities. First of all, there is a sum not exceeding $240 so the funeral director for the regular funeral. The cost of the grave and the cost of the opening and closing thereof obviously will vary according to the cemetery in which the man is buried. We can pay for the cost of the grave marker which is provided by the Fund and the cost of erecting it. And there are certain other expenditures which we might pay relative to transferring the body from one place to another.

Mr. Weatherhead: Mr. Mace, in these cases does the Government bear the entire cost of the funeral or does it sometimes just bear part of the cost?

Mr. Mace: The Last Post Fund quite frequently is able to recover part of the cost of the funeral from other sources. I think in some cases the local municipality might make a partial grant towards the cost of the burial. We do not enter into these negotiations at all, as you could understand. This is entirely up to the Last Post Fund. They do recover certain amount of monies in which case it reduces the claim on the Department.

Mr. Weatherhead: Thank you.

Mr. Laniel: I have a supplementary on that?

The Vice-Chairman: A supplementary, Mr. Laniel?

Mr. Laniel: Just on a point of clarification. You gave a limitation figure but is there not a regulation preventing further expenses beyond that. On two occasions a few years ago I looked after the burial of a veteran. In the one case we raised some money through the family but then we had trouble with the Fund because we were told that we had collected $1,000 for that particular family. We collected that money not to bury the veteran but to look after the children and the dependants. We managed, but I think we tricked you.

Mr. Mace: Not us, sir, this is a matter for the Last Post Fund.

Mr. Laniel: No, I mean the Fund.

Mr. Mace: We do not enter into these negotiations.

The Vice-Chairman: Gentlemen, before proceeding on the first round I will recognize Mr. Bigg on a supplementary. I would like to bring to your attention that I have on the first round Mr. Thomas, Mr. Marshall and Mr. Boulanger.

Mr. Bigg: Do you know if it is possible for any veteran to have one of these stones whether or not they use the Fund? Is it possible for all veterans to get a soldiers' marker if they are willing to pay for it themselves or out of their estate?

Mr. Mace: I would think so, Mr. Bigg.

Mr. Bigg: Are they not a standard stone?

Mr. Mace: Yes they are a standard stone.

Mr. Bigg: Are they not made by Government . .

Mr. Mace: No. Are you talking about our stones or the Last Post Fund stones, because there is a slight difference.

Mr. Bigg: Is there?

Mr. Mace: Oh, yes. The Last Post Fund have their own distinctive stone. I am not too sure where they get them from but I presume from local stone masons. I presume if anyone wanted to have a stone similar to the Last Post Fund stone or similar to our stone it would just be a case of having a local stone mason make one.

I might tell you one other thing which is of interest. There are three areas in which we do in fact have more cemetery space than we really need or will need in the foreseeable future, and in such cases we will permit a veteran, if he wishes, to be buried with the boys—provided of course he does then accept and erect a marker on that plot. However there is a restriction on this because there are only certain places—Beechwood is one where we have surplus grave space. It is only in those locations where we have the surplus grave space that we can do this.

• 1210

The Vice-Chairman: Mr. Thomas?

Mr. Thomas (Moncton): Mr. Chairman, being a new member I am not even sure if this is a proper question to be asking at this time—it may not even be within our terms of reference. However, I feel with Mr. Mace here that possibly I can get the answer to my question. This is something that has been bothering me and I know a great many veterans are concerned with it. I have looked through the items and I do not see anything here to provide for it, so I guess I will put my question under vote 1. My question concerns the fact that the voting of funds to provide for re-establishment credits under Veterans' Land Act and so on is to take care of applications that have been approved but cannot be finalized because funds have run out. I am wondering, what is the provision? Will these funds be voted by Parliament to take care of the vast number of applications that have been approved?

Mr. Mace: Mr. Thomas, this is more properly a question which should be raised when you discuss the vote of the veterans' land administration. There is a specific vote relative to VLA, Item 40. I suggest that you might get greater detail when Mr. Pawley, the Director, is here.

The first part of your question slightly confused me because you said something about money for re-establishment credits. Did you mean that sir?

Mr. Thomas (Moncton): No. I probably used loose phraseology there. I am thinking about Veterans' Land Act.

Mr. Mace: Yes. The Veterans' Land Act of course, is financed through a revolving fund, but this problem of the lack of funds which occurred this year was a matter for over-all government financing, as you know. I would suggest, sir, that you might better have Mr. Pawley talk to you about this and he will tell you more of the problems better than I can. Is that all right?

Mr. Thomas (Moncton): Yes, but actually there is nothing provided under Item 40.

Mr. Mace: Under Item 40? No. You see, the Veterans' Land Act operates on a revolving fund. In other words, it has had authority to spend up to $530 million. It does not have to go to Parliament for funds each year. The only time it has to go to Parliament is if it wishes to increase that upper level of its total expenditure and this year there was no provision for any more money in the revolving fund.

This is not quite the same as the amount of cash available because, even though you have the authority to spend up to $530 million, if the Government runs out of money and cannot give you the money to finance those expenditures you get into a situation such as we did this year. There was no cash available; this was the problem.

Mr. Thomas (Moncton): I have one more supplementary, sir. I do not want to dog this too much, but my point is that the veteran's concern right now is with the fact that this money is not available, and when will it be available? Where can we find the answer to this? What is the point of getting an application approved and on file in an office with no indication of whether that will be expedited by 1971 or 1972 or 1974? He might have to wait until 1974.

The Vice-Chairman: Gentlemen, as indicated that particular question could be put at the time that particular item is under discussion, and I see time is running on. We are dealing with a particular item at the moment along the general line. I wonder whether Mr. Thomas would consider that?

Mr. Mace: I could give you a partial answer, sir. I cannot give you an answer to the question of when the funds will be available. We can hope that they will be available in

the near future. Obviously, it is to our advantage; we have these chaps wanting to settle under VLA. Of course, they will have until 1974 to settle and I expect that funds will be available before then.

• 1215

The Vice-Chairman: I believe Mr. Whicher has a supplementary. Is it on the same subject?

Mr. Whicher: Yes; Just a short question. Surely there are large funds coming in each month from repayments by these soldiers. Is that money being re-loaned immediately?

Mr. Mace: It is true that all the proceeds, the repayment of principals, are credited back into the revolving fund. The veterans' land administration can, in fact, use that money again for other loans.

Mr. Whicher: Are you doing it?

Mr. Mace: Oh, yes. This has been done.

Mr. Whicher: The reason I ask is because I agree with the last member. In my area I do not know of one application that has been processed in the last two or three months because of the lack of funds.

Mr. Mace: The commitments that have been made, sir, may have anticipated the receipt of the repayment of principal and therefore, that money is already committed before it ever comes in so it does not provide for the financing of any further projects.

Mr. Whicher: I have one more question, then. How much money do you need? You should be able to answer that. How much money would you say that the Veterans' Land Act needs to look after the applications that are going to come and have come?

Mr. Mace: I am sorry, sir. I am afraid I cannot answer that question because you are asking me what the outstanding commitments are and I just do not know. Mr. Pawley is the expert on this matter and he can answer you. It is a lot of money, I can tell you that.

Mr. Marshall: Mr. Mace, my question has to do with Newfoundland. I have several complaints from various parts of Newfoundland that the veterans affairs representatives cannot visit outports and rural communities as often as they would like and they have requested more representation a number of times and the stationing of a representative on the west coast of Newfoundland. Is this possible? It appears that they are not complaining about the efficiency of the organization but the fact that because of the size of Newfoundland the representative cannot get out to different parts often enough.

Mr. Mace: All I can say is that I am fully aware of this problem. I know that we have looked at it several times but we have come to the conclusion that we will just have to continue the way we are now. The situation that you described does not exist solely in Newfoundland so it is a question of an administrative decision or a management decision about how far we are going to go in this sort of thing.

As you know, the question of increased employment is a problem in the Public Service; there are controls on how many people we can have, and the net result has been, sir, that we have just felt that we could not justifiably station a man in Corner Brook or in many other parts of the country where I know people would love to see people there. We have to do the next best thing and just hope that we can arrange visits of these welfare officers frequently enough to keep the veterans reasonably satisfied. We will never lick this problem completely but we do our best.

Mr. Marshall: They will just keep pestering you until . .

Mr. Mace: Yes, I realize that too well. That is one of the crosses a civil servant bears, sir.

The Vice-Chairman: Is that all on that, Mr. Marshall? Mr. Boulanger?

[*Interpretation*]

• 1220

Mr. Boulanger: When I visit my friends of the Legion—I have been in the Veterans Committee for a few years—I always hear the same complaint. I often wonder whether they are right or wrong. They always claim that our service is too slow regarding demands or requests to adjust pensions. They always complain that too much time is spent before they get the answers which are necessary to appeal their case. This is the general complaint. I have noticed that there is better service given although the general complaint is still that answers to their requests or to what they consider themselves entitled are too slow in coming forth.

Could you give me some idea regarding the procedure to follow in the case of a request to

change a pension or to increase a pension, and so forth? I have to answer those questions quite often and I am somewhat embarrassed at times.

[*English*]

Mr. Mace: Well, Mr. Boulanger, this is certainly a topic on which I am not really competent to give you an answer because this is a matter for the administration of the Canadian Pension Commission and you remember I referred to it as a separate entity although I dealt through our Minister. I would suggest, sir, that your question should be directed to Mr. Anderson who will appear when you come to consider Item 20.

This is not a matter for the Department.

The Vice-Chairman: Gentlemen, I would like to bring to your attention that we are now going into the second round. I have the name of Mr. Laniel, Mr. Émard, Mr. Guay and Mr. MacRae. As you realize, it is now 12.20 p.m.

Mr. Laniel: I would like to make two points, Mr. Chairman. Mr. Mace, first—I do not know, maybe this has been done before—I would like to congratulate the Department for this publication *Carillon Canada*. I think the presentation is exceptionally good, but could you tell me what will be its distribution? Is it only for the Department?

Mr. Mace: Theoretically, sir, this is so. It is basically an in-house organ, a means of communicating to our staff what goes on in the Department. We felt that really we were not quite good enough in this particular activity; so this is really an in-house organ. The Deputy Minister approved the general distribution, but I really cannot say accurately to whom it will go. Did you have some thoughts about who might get it?

Mr. Laniel: I do not think perhaps it could be distributed to all veterans, but maybe it should be distributed to all veterans' clubs and veterans' branches so they would have a copy, and you could use it for transmitting information to veterans' associations.

Mr. Mace: Incidentally, Mr. Walsh tells me that the distribution of this does include the members of the Veterans Affairs Committee, for example.

I would suggest to you, sir, that the cost of distributing this magazine to all the Legion Branches and the branches of the Army and Navy and so on, would be rather prohibitive. I am afraid we have the Treasury Board looking over our shoulder on how much money we can spend on this publication. I have forgotten what the ceiling was, but I have an idea that it was in the neighbourhood of $10,000. This one issue that you have in your hand costs, at the moment, just short of $2,000; maybe it was $1,980 and I think there is another charge of $100 for photographic work.

Mr. Laniel: You do not know for how many copies?

Mr. Mace: I have forgotten now, but we did print more copies this time than we would ordinarily do because it was a first issue. I am afraid it would be a question of cost, sir. As you know, we do endeavour to disseminate information to veterans. We use *The Legionary* of the Canadian Legion and pay them for inserting quite large advertisements—half page advertisements—relative to various aspects of veterans' legislation or questions which are current on veterans' benefits. I think we have a pretty good way of getting this information out to the veterans. I would question, sir, whether we would be able to have as large a distribution of the magazine as you are suggesting.

Mr. Laniel: You spoke of Treasury Board. My other question cannot be answered by you, but I would like to have it on record. I think there should be an item on your administration vote. Item 1, allowing for travelling expenses for members of the Committee on Veterans Affairs who attend national conventions of veterans' associations, so that we will not have to wait to get a list from the Minister who goes there and stays one day. We could have an expense allowance made available to members of the Committee who are concerned about veterans, so they could stay there for a week and really participate and at least listen to what is said at conventions rather than just read about it later; and maybe we could contribute sometimes. I know you cannot answer that, but I have suggested that before. It might be very difficult because other committees might ask for the same thing, but I think it could be made flexible enough that there could be representation.

• 1225

Mr. Whicher: We all agree with that, Mr. Chairman.

Mr. Laniel: I have a question for you, if I may, Mr. Chairman. I think it is a shame that we could not have copies of No. 2 of our *Proceedings* printed for this morning. I think, after a week, there is something wrong with the House of Commons Committee Branch, or the printing department. I do not blame the Clerk though.

The Vice-Chairman: Mr. Émard?

Mr. Émard: Mr. Chairman, I would like to ask Mr. Mace for some clarification as to what has been said before. You mentioned, sir, that your Department would in certain cases help some cemeteries as long as there were soldiers buried there. Did you say as long as there are soldiers buried there, or as long as there are lots in which to bury the soldiers in the cemetery?

Mr. Mace: I think the situation, sir, is that many cemeteries have set aside a small section in which veterans can be buried, and this is known as the "soldiers' corner" or the "veterans' corner". It is this kind of cemetery installation, if you want to call it that, that I had in mind when I was explaining what we can do to help these people renovate these soldiers' plots.

I might explain to you that this arose from a visit that was paid us some years ago, I think it was by the Director General of the Commonwealth War Graves Commission. He toured Canada with the local representative of the Canadian agency and inspected not only the places where the CWGC might have a small cemetery installation, but looked at veterans' graves generally. He was somewhat critical of the condition in which he found them. As a result of this we persuaded the Board and obtained authority to provide funds whereby we could assist civilian cemeteries in renovating and improving the standard of their veterans' corners. Now, I do not think that we have gone so far as to do anything in regard to individual graves, because in a cemetery where there are several thousand people buried, with a veteran here and a veteran there, it might be a rather a difficult thing to do. Where they have concentrated these in a veterans' corner or a soldiers' plot, we like to help them to improve the landscaping, and sometimes the stones have sunk and they have to reset them on a cement base, and so on. This is what we have done.

Mr. Émard: As an ex-labour man, I was quite concerned with your statement previously that the rates paid to commissioners are regional.

Mr. Mace: Yes.

Mr. Émard: I would like to know who negotiates for the commissioners. Is this the Alliance or do they have a special negotiating committee?

Mr. Mace: I am sorry I cannot answer the question, sir, because we are not involved in the negotiations at all. As I said, it is the Department of Defence Production that handles all the contractual arrangements to a great extent for the federal government. They do it, and I really do not know who they deal with. I presume they deal with the head office of the Corps, which is in Montreal; whether or not they find it necessary to bargain through a labour organization, I really do not know. We could find out for you if you would like to know.

Mr. Émard: No, I will be able to find out. Could you let me know what the approximate rates are for commissioners—the hourly rates?

Mr. J. Walsh (Director of Financial Management, Department of Veterans Affairs): They vary quite widely, depending on the geographic location. It may be over $1 to over $2, I would say.

Mr Mace: I would suggest that maybe we might be able to look at the contracts, and table or provide you with a list of the rates which are paid, and which prevail in the major centres in which we are interested. Would that be satisfactory?

Mr. Émard: Yes.

Mr. Laniel: I hope it will not be lower than the $125 minimum which prevails in Canada.

Mr. Mace: It should not.

The Vice-Chairman: Mr. Guay?

Mr. Guay: This is really a supplementary to the previous question.

The Vice-Chairman: I have you down on the second round, Mr. Guay, so you can proceed.

• 1230

Mr. Guay: In these cemeteries where you have a location for veterans—an entire area—and at the same time you may have other veterans who are buried in private lots, is it

possible and is there any financial help given where it is the wish to transfer someone from a private lot to the veterans' area?

Mr. Mace: We have no authority to do that, sir, at the moment. I have never heard this question raised before. As far as I know, we have never had a request to rebury a veteran in a plot.

These veterans plots, sir, were established by the different cemeteries quite early in the game and generally I think what happens is if somebody dies they probably ask whether the deceased is a veteran or not and, if he is, they ask whether he wants to be buried in the veterans corner. In many cases of course they do not wish to be buried there because they may wish to be buried next to their wife and so on.

Mr. Guay (St. Boniface): The reason I asked this question is that two of the boys were killed in this family—one in Southern England and the other in a mid-air crash in Canada—and the one was buried in a family plot in this particular cemetery which would be 300 feet from the veterans plot and every-time that they visited the plot, particularly on commemoration days and so on they would have to leave the group. The family were wondering if any financial help could be given to them if they wanted to have him moved.

Mr. Mace: I have never heard of this, sir. This is rather an interesting situation. Perhaps this could be brought to the attention of the Department. You know, there are quite frequently ways of doing things which are not exactly prescribed. There may be some funds available. Some of the trust funds that we are given have pretty loose terms of reference. I would be very interested in learning about this and if they would like to write to me and tell me about it I could certainly look into it and do what I could.

The Vice-Chairman: Mr. MacRae.

Mr. MacRae: Mr. Chairman, I will be very brief because I think our time is just about up for today.

Because of World War I starting in 1914 and World War II in 1939 we are having a great many commemorations, anniversaries, and so on. There is one taking place this week. However, June 6 next year will be the anniversary of the D-Day invasion of Normandy which was perhaps the largest operation of its kind in the history of the world. What is happening at this moment in the Department about commemorative services for that event? I raise this point because the Americans and the British will be putting great quantities of people into Normandy. Of course, as you know very well, we had the Third Canadian Division there on that day, D-Day, June 6, and already people who went to France on D-Day or served in Normandy and are interested in going back have asked me what the department is doing about it at this point?

Mr. Mace: Right at this very point, sir, we have not done too much because we have been rather fully occupied with the development of the ceremonies in Europe and here relative to next weekend.

I can tell you that there is an interdepartmental committee, of which I am Chairman, established to deal with ceremonies. Just as soon as next weekend is over we will probably hold a fairly early meeting to consider the very question that you are raising. We are already aware of a number of regimental associations who have organized visits to France on June 6 and who intend to hold, in many cases, regimental ceremonies. We do know of course that, as you say, the British and the Americans have already reserved a certain number of rooms in hotels. I am not too sure but I rather fancy that we may have done the same thing, though at a somewhat more modest level.

• 1235

We have prepared a draft paper which the members of the interdepartmental committee have now in their possession for study preliminary to us meeting as soon as we can get next weekend out of the way and can find a day that we can get together and start talking about what form the celebrations might take in June 1969. When we do come to an agreement then it will be a question of submitting the whole plan to the Cabinet for the government's approval.

Mr. MacRae: I intend to go personally in some capacity so I was interested in that for that reason.

Thank you, Mr. Chairman.

The Vice-Chairman: Gentlemen, I wonder if we could now stand Item 1. It was intended to tackle Items 5, 10 and 15. Would you have any objection to proceeding for a short while longer so that we can take up Item 5 which is Administration, including the expenses of the War Veterans Allowance Board.

An hon. Member: No objection.

Mr. MacRae: Mr. Chairman, will we not have the Chairman of the War Veterans Allowance Board with us on another occasion? For example, if we pass now that would not mean that we would be forfeiting our right to question...

The Vice-Chairman: On Item 1, you mean?

Mr. MacRae: ... at some future time. For example, Item 5 is the administration of the War Veterans Allowance Board.

Mr. Mace: No, Item 5 is the administration of the Veterans Welfare Services. This is the departmental activity on welfare and also the administration of the War Veterans Allowance Board.

Of course, Mr. Cromb is also involved with Item No. 10 which is the War Veterans Allowances and he will be available for discussion. So you could get him on either one or the other. If you pass Item 5 now you could still get him on Item 10. Item 5 will concern Mr. Rider who is the Director General of Veterans Welfare Services, he is also involved in Item No. 15.

The Vice-Chairman: Are there any questions on Item 5. If not, shall Item 5 carry?

Item agreed to.

10. War Veterans Allowances, Civilian War Allowances and Assistance in accordance with the provisions of the Assistance Fund Regulations.

Mr. MacRae: If I may raise a point, Mr. Chairman, you see, what we are doing at this moment if I understand correctly, is passing an item for $108 million. Is that right?

The Vice-Chairman: Yes.

Mr. MacRae: We have 10 members of this Committee here and if I heard correctly—I am subject to correction—if this is now passed then we are through with War Veterans Allowances—it is completed. Is that right?

The Vice-Chairman: Yes.

Mr. MacRae: My only thought is that we are passing an awful lot of money awfully quickly.

Mr. Whicher: And a very important lot of money too. It is one of the most important items in the whole veterans business today.

Mr. Mace: May I make it quite clear, Mr. Chairman, that Item 10 consists of two basic parts: provision for War Veterans Allowances in the amount of $102 million, which is the big item and which is of concern to Mr. Cromb, the Chairman of the War Veterans Allowance Board, and then a smaller amount but still some considerable amount of money, $6,400,000 roughly for the assistance fund which is the responsibility of Mr. Rider. Now these two items make up this Vote No. 10.

The Vice-Chairman: Gentlemen, would it perhaps meet your pleasure to adjourn and to meet on Item 10 at the next meeting?

Mr. MacRae: I would agree to that. I think it would be quite wise to do that.

The Vice-Chairman: Yes, I think it would be the best thing to do.

Was it the understanding that we adjourn until two weeks from today?

An hon. Member: Yes, Tuesday, November 19.

Mr. Laniel: I so move.

Mr. Whicher: I second the motion.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

TUESDAY, NOVEMBER 19, 1968

Respecting

Revised Main Estimates (1968-69) of the Department of Veterans Affairs

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WITNESSES:

From the Department of Veterans Affairs: Mr. F. T. Mace, Acting Deputy Minister; Mr. E. J. Rider, Director General, Veterans Welfare Services. *From the War Veterans Allowance Board:* Mr. W. T. Cromb, Chairman.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

29191—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Bigg,
Boulanger,
Émard,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel
Latulippe,
MacRae,
Marshall,
McIntosh,
Mongrain,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—(20)

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

TUESDAY, November 19, 1968.
(4)

(*Text*)

The Standing Committee on Veterans Affairs met this day at 9.45 o'clock a.m. The Chairman, Mr. Lloyd Francis, presided.

Members present: Messrs. Émard, Francis, Guay (*St. Boniface*), Laniel, Legault, MacRae, Marshall, Mongrain, Saltsman, Turner (*London East*), Weatherhead—(11).

In attendance: From the Department of Veterans Affairs: Messrs. F. T. Mace, Acting Deputy Minister; C. F. Black, Departmental Secretary; E. J. Rider, Director General, Veterans Welfare Services; R. J. Wood, Chief Budget & Administration Welfare Services; K. S. Ritchie, Director General, Treatment Services; J. E. Walsh, Director, Financial Management. *From the War Veterans Allowance Board:* Messrs. W. T. Cromb, Chairman; P. Benoît, Executive Assistant. *From the Canadian Pension Commission:* Messrs. T. D. Anderson, Chairman; A. L. Fortey, Secretary; F. G. Stockley, Chief, Budget & Administration; F. G. Whitall, Claims and Review Branch. *From the Royal Canadian Legion:* Mr. D. M. Thompson, Secretary General. *From The War Amputations of Canada:* Mr. H. C. Chadderton, Executive Secretary.

The Committee resumed the study of the Revised Main Estimates 1968-69.

The Chairman called *Item 10*—War Veterans Allowances and introduced the witnesses.

Messrs. Mace and MacRae respectively made corrections to their evidence adduced at the meeting of November 5. (*See Evidence*).

After thorough examination, Item 10 was carried.

On *Item 15*—Other Benefits, Mr. Cromb made a brief statement and tabled a booklet entitled War Veterans Allowances.

It was *agreed* that the tables—War Veterans Allowance and Civilian War Pensions and Allowances Recipients on Strength by Wars—be appended to this day's evidence. (*See Appendix "C"*).

Item 15, was carried.

At 11.00 o'clock a.m., the Chairman adjourned the Committee to Tuesday, November 26, 1968.

D. E. Levesque,
Clerk of the Committee.

29191—1½

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, November 19, 1968.

• 0945

The Chairman: Gentlemen, I think I see a quorum. Is it agreed that we proceed?

Mr. Mace would like to make a short remark, then we will have a statement from Mr. Cromb, the Chairman of the War Veterans Allowance Board.

Mr. F. T. Mace (Acting Deputy Minister, Department of Veterans Affairs): Thank you, Mr. Chairman. I have had the opportunity of running over the advance copy of the record of our last meeting which was held on Tuesday, November 5, and I think I should clarify a recorded answer to a question by Mr. Whicher which appears on page 26 of those minutes.

Mr. Reynolds is recorded as having indicated that where a veteran chooses to hire an outside lawyer to plead his case relative to an application for pension or an appeal against the Commission's decision that it is possible that the government, through the Commission, might in fact pay these legal fees. It does not exactly say this but what it does say in Mr. Reynolds recorded answer is this:

> It could be taxed, yes. The Commission have credits. . . .

I thought it desirable that I should make it quite clear to you that while the veteran has the privilege of using the services of the veterans' bureau or of the veterans' organization if he wishes, and these are available to him at no charge, if he chooses to get an outside lawyer this is his own responsibility and he is responsible for paying the bill for those legal services which he thus obtains. However, I would tell you that in order to protect the veteran to some extent that bill can be referred to the Canadian Pension Commission. In fact, those counsel fees are required under Section 23 of the Pension Act to be approved by the Commission. So that they tax a bill and ensure that a veteran is paying a reasonable fee for the services which he got. In that way I think we do afford the veteran some protection. Then he pays it himself. There is no question that we pay the bill under these circumstances.

Thank you, Mr. Chairman.

The Chairman: Mr. MacRae.

Mr. MacRae: Mr. Chairman, I just wanted to make a small correction in the report. I was discussing the Pensions Advocates and on page 25, the first column, the sixth line, I am reported as saying:

> . . . in St. John's . . .

It should read:

> . . .in Saint John, New Brunswick. . .

A stenographer called me to clarify, if I meant St. John's Newfoundland or Saint John, New Brunswick, but possibly she did not understand me. I was referring to the Pensions Advocate in Saint John, New Brunswick at that point.

The Chairman: Mr. Cromb.

Mr. W. T. Cromb (Chairman, War Veterans Allowance Board, Department of Veterans Affairs): Mr. Chairman, before making some opening remarks on the task of the War Veterans Allowance Board and the District Authorities I would ask your permission to table the material which I am having distributed. It consists of a table showing the number of recipients of War Veterans Allowances by wars on strength as of August 31, 1968, with the annual liability, and also a similar table dealing with recipients of Civilian War Allowances.

May I have your permission to do this?

The Chairman: I believe we should have a motion to append this.

Mr. MacRae: I so move.

Motion agreed to.

(See Minutes of Proceedings and Evidence)

• 0950

Mr. Cromb: Mr. Chairman, with your permission, I would like to make a brief statement on the task of the War Veterans Allowance Board and the War Veterans Allowance

District Authorities in the carrying out of the provisions of the War Veterans Allowance Act and Part XI of the Civilian War Pensions and Allowances Act.

The purpose of the War Veterans Allowance Act is to provide allowances to those otherwise eligible veterans, who by reason of age or infirmity are unable to make their way in the employment field. It also provides allowances for widows and orphans.

The benefits of the War Veterans Allowance Act apply *mutatis mutandis* to Part XI of the Civilian War Pensions and Allowances Act for the assistance of certain groups of civilians who performed meritorious service in either World War I or World War II.

For accounting reasons, the estimates of the War Veterans Allowance Board have been lumped together with the estimates of the Veterans Welfare Services Branch of the Department of Veterans Affairs, under Votes 5 and 10. I mention this by way of explanation, that while I will answer all questions pertaining to the War Veterans Allowance Board, some questions may concern the Veterans Welfare Services Branch and I will refer those to the appropriate officials present.

The War Veterans Allowance Board is a statutory body which reports to Parliament through the Minister of Veterans Affairs. Members of the Board are appointed by the Governor in Council. The Board is a quasi judicial body and its decisions are final. As the Minister is charged with the administration of the Act, the Board is administratively co-ordinated with the Department of Veterans Affairs and has the assistance of Departmental services in carrying out its task. The administrative staff is assigned to the Board by the Minister.

The administration of the War Veterans Allowance Act is decentralized through the establishment of 19 District Authorities in the offices of the Department across Canada. All members of the District Authorities are employees of the Department and are appointed by the Minister with the approval of the Governor in Council, to adjudicate on matters arising under the Act in the regions in which they are appointed. All applications must be made to the District Authority in the first instance.

The Board acts as a court of appeal for recipients or applicants, who may feel aggrieved at the decision of a District Authority.

The Board exercises functional control over the District Authorities and directs the policy which maintains uniformity across the country.

The War Veterans Allowance Act came in to operation in 1930 and is frequently referred to as the "burnt-out pension". Since 1930 some 300,000 recipients have received benefits under the Act.

With me today is Mr. Pierre Benoit, Executive Assistant to the Chairman. We will do our best to answer your inquiries on the work of the Board and the District Authorities, during your consideration of the estimates.

The Chairman: Thank you, Mr. Cromb.

Mr. Legault: Mr. Cromb, would you enlighten me on those recipients under section 5(1) of the War Veterans Allowance Act.

Mr. Cromb: Section 5(1) refers to a widow who would be receiving the married rate for a year following the death of her husband.

Mr. Legault: That is a special category.

Mr. Cromb: It is a discretionary award and a special award. The widow would get the married rate for a period of a year following the death of her husband to make readjustment that frequently follows.

Mr. Legault: I understand that to qualify for War Veterans Allowances a veteran has to serve 365 days overseas. Because of the small numbers of World War I veterans still living who would qualify for War Veterans Allowances is any thought being given to relaxing this provision? Also, I have heard that some of these veterans who served only in Canada have, in some instances, found themselves in a much worse condition than if they had served overseas—especially if they served in the Hudson's Bay area or some other like area. Will any consideration be given to those veterans who remained in Canada and were posted to such areas in Canada, thereby not having what may be considered overseas service.

• 0955

Mr. Cromb: Mr. Chairman, the 365 days requirement applies to Canadians, or allies who served with them in the United Kingdom during World War I. Whether changes would be made to broaden the eligibility is something which is really beyond my scope. It would be a matter of government policy and would require government action to amend

the Act. I would not be able really to say that that would be done. Submissions have been made from time to time and have been considered. The Act of course is always under review but so far as any plans are concerned I would not have any authority to indicate anything of that sort.

Mr. Legault: Would you be aware if this is dealt with in the Woods Report?

Mr. Cromb: No, the Woods Report refers to the Canadian Pension Commission, not to the War Veterans Allowance Board. There is nothing in the Woods Report that has to do with the War Veterans Allowance Board.

Mr. Legault: I would like to refer also to those veterans who were enlisted and who served all their time in the armed forces here in Canada. I am speaking of those who perhaps intended to go overseas but because of their qualifications were held here in Canada to act as instructors or to perform some special duties on the Coast. The same provision has applied to them. If they had not served 365 days in the United Kingdom they would not be considered for any pension or allowances. Is any consideration being given to such a group.

Mr. Cromb: Well, to be eligible a person must have either service in a theatre of actual war, be in possession of a pension of not less than 5 per cent, or have dual service—that is, he must have served in two wars, say, in Canada, not having gone overseas in either case.

Service in Canada only has not been considered. The concept of the War Veterans Allowance Act from the start was service in a theatre of actual war where the veterans preaged due to their war service. This has been modified in some instances, in particular with the dual service veterans.

Mr. Legault: To your knowledge has any thought been given to considering the service given by such men for pension purposes or for allowance purposes?

Mr. Cromb: Yes, consideration has been given to briefs that have been presented over the years from veterans organizations but up to this point it had not been felt that the service was sufficient to qualify them under the original concept of the War Veterans Allowance Act, which is service in a theatre of actual war and the hardships that go with that.

Mr. Legault: So that none of them have ever obtained any consideration whatsoever under these circumstances.

Mr. Cromb: Not service in Canada, no, except that if they possess a 5 per cent pension then they will be eligible for War Veterans Allowances.

Mr. Legault: Thank you, Mr. Cromb.

The Chairman: Are there any other questions?

Mr. MacRae: Colonel Cromb, is it not true that the number of First War recipients of War Veterans Allowances is now steadily declining.

Mr. Cromb: That is right.

Mr. MacRae: At this moment I believe we have 28,502. Would you have at hand the figures for the last two or three years previous to this?

Mr. Cromb: Yes, we have.

• 1000

Mr. MacRae: Colonel Cromb, by the same token is it not correct that the number of recipients of World War II is steadily increasing at a very slow but gradual rate.

Mr. Cromb: They are increasing at a fair rate. As a matter of fact, in about three years the number of World War II recipients will have topped the number of World War I recipients on strength. That is the trend, and it is quite marked at the present time. First of all, the decrease in the number of approved applications for World War I has been on the decline for about five years and the number of approved applications for veterans from World War II is gradually increasing—and the tempo is increasing also. It is estimated that in possibly three years or a little less there will be more veterans of World War II on the Allowances than of World War I.

Mr. Laniel: Could you tell us what is the direct relation between the Assistance Fund and the Allowance, as to the determination of amounts that are allocated to veterans in receipt of Veterans Allowance.

Mr. Cromb: Mr. Chairman, the Assistance Fund is in an amount between the War Veterans Allowance rate and the income ceiling, but I would ask, Mr. Laniel, if you could direct that question to Mr. Rider, who will be following me. It is his task to administer the Assistance Fund.

Mr. Laniel: The reason I ask this is because it is difficult sometimes for us and for other people to deal with two sections of the Department in relation to a case. We contact the War Veterans Allowance people and find out finally from a file that someone is also in receipt of an amount from the Assistance Fund, and I find it difficult, looking at a case, to find out what is the basis of allocation of an amount, actually.

Mr. Cromb: Perhaps it might be simpler if Mr. Rider were to answer that question right now on the Assistance Fund and how it operates.

Mr. E. J. Rider (Director General, Veterans Welfare Services Branch, Department of Veterans Affairs): The Assistance Fund is authorized by an Order in Council under the Department of Veterans Affairs Act. The purpose of it is to supplement War Veterans Allowance where the individual does not have an income equal to the ceiling established in the War Veterans Allowance Act, and shows need. The assistance may be paid as a continuing monthly supplement, that is, so much each month, or in the case of emergency it can be paid as a single grant.

Mr. Laniel: Is there any part of this to be reimbursed at any time?

Mr. Rider: No. There is no reimbursement of the Assistance. It is purely a grant, either on a monthly basis, or to meet an emergency on a single grant basis.

Mr. Laniel: Which means that any veteran who would need domiciliary care could get extra money from the Fund, I imagine, on that basis?

Mr. Rider: Not normally, if domiciliary care is provided in a departmental institution. But we have many veterans and widows who have to have partial care in private homes, for example, and are in receipt of War Veterans Allowance. Then if their cost shows a need for Assistance Fund supplementation, it is paid. But Assistance Fund supplementation cannot be such as to exceed the ceilings under the War Veterans Allowance Act.

Mr. Laniel: But who is the authority as to the determination of the amount. Is it you or your section of the Department, or does it come under the War Veterans Allowance people?

Mr. Rider: As Colonel Cromb explained, the District Authority makes the decisions in the districts on War Veterans Allowances. The members of the District Authority are normally officers of the Veterans Welfare Services Branch. These same officers, still acting as the District Authority in a sense, also approve payments under the Assistance Fund and so, at the point of decision, the same people make the decision on both W.V.A. and the Assistance Fund. Where an application is taken for W.V.A., and it is obvious to the welfare officer who is taking the application that there will be a leeway for Assistance Fund and that there is need, he will take an application for the Assistance Fund at the same time as he takes the application for the War Veterans Allowance.

• 1005

Mr. Laniel: You are not limited by any budget from one year to another. The money available to one single veteran could vary. Actually, it is the amount between the total need and the allowance the veteran is in receipt of at that moment. Is that right?

Mr. Rider: That is right. Assistance Fund is based upon a needs test which is carefully controlled, and the income of the veteran is measured against his needs. If he needs more than is paid in War Veterans Allowance, then an Assistance Fund supplement may be paid. It will depend on the needs of the individual family, but always restricted by the ceiling in the War Veterans Allowance Act which we cannot exceed.

Mr. Laniel: In some cases complications arise from all that. By the time the inquiry is done and by the time the money can be paid or made available, you find some people have been in difficult situations—the landlord wants to throw them out, or things like that. Procedures are started, but sometimes I find that the inquiries are not fast enough, concerning the allocation of extra money. I understand that you cannot be everywhere, but I just wanted to mention it. This completes my questioning, Mr. Chairman.

The Chairman: You have anticipated the next item, to some degree. I do not know, Mr. Rider, whether you intended to make a statement. I think it is only proper to let questions proceed. It is probably a logical way.

Mr. Rider: I think so, Mr. Chairman. I may say to Mr. Laniel's last statement—I know it was not a question but a statement—that we have only so many welfare officers to travel throughout Canada, and we cannot

have welfare officers in all places at all times. Our welfare officers are responsible for geographic areas. Very often they have two or three different road loops within these areas, and as a case load builds up, this determines which loop they take, according to where the case load exists. So it is difficult sometimes to get to people as quickly as we would like to. There are also problems, of course, of distances. It does take time to travel and to get from place to place to see all the people we would have to see.

Mr. Laniel: But to get around that problem, does the Department at any time think of giving some kind of allocation to welfare officers of veterans' associations, whereby you could ask these people to qualify themselves in the administration of part of War Veterans Allowance, not only to take people to other people. You would then have more people available to you who could supply you with information, if you had a compensation. This is just something that has come to my mind. Sometimes when I see the welfare officers of some of the branches work and work for nothing, as they do, if they would be in receipt of a compensation you could ask from them qualifications and a better knowledge of the law, of the standard, and maybe they could supply you with information that you could depend on. It might put them in a difficult situation. I do not know what the veterans' associations would think of that, but this could be an improvement as to the situation concerning the shortage of people. Or you could do it through the Manpower and Immigration Department.

Mr. Rider: We have a very close working relationship with all these people—with the welfare officers in the veterans' organizations and with the Manpower and Immigration Department. Indeed, the individual welfare officer often has his own contacts, with people interested in veterans in a community, and these people do not hesitate to telephone the district office if they run across a case where there is an urgent need.

• 1010

Mr. Laniel: With the new setup in the Manpower and Immigration Department, is there one person in each office who among his responsibilities, looks after veterans and seeks information for your Department, or supplies information to your Department, or is that done as it has been done for many years, where you have veterans working for the unemployment office or Le Service National de Placement and it is done principally because they like the veterans?

Mr. Rider: There is a person in each manpower office who is trained by the Department to work with veterans. I cannot say that this happens in all areas throughout Canada, but I know that many districts run schools of instruction for welfare officers from Legion branches to assist them in a better understanding. I think one of the main problems, Mr. Laniel, is that it is one thing to fact find—in other words, get facts—but in dealing with something like the assistance fund there is a basic problem, and welfare counselling enters into this and plays a major part in it. We try to train our welfare officers to provide this counselling. At times the need is not always for more money, but for better administration of the money which has already been obtained. So, welfare counselling is quite important in this area.

I might add that some of the delays occur because of a problem with which we are faced—and we are going to be faced with it in greater proportions—the age of many of our veterans. They do not always understand, they find it difficult to understand, so it takes them a long time to get information when it is required, and all of these things add up to the delays which occur.

Mr. Laniel: A veteran can earn up to $900 a year and not disqualify himself for veterans allowance. Does that same rule apply to the assistance fund?

Mr. Rider: No, sir. While certain monies are allowed under the War Veterans Allowance Act, the assistance fund is strictly based on the need—the budget against the expenses, and in this case it is their total income.

Mr. Laniel: So when you have a veteran who really wants to help himself, you are always behind with him because you have to catch up with his earnings and check them and see how everything is going.

Mr. Rider: Yes, that is necessary, Mr. Laniel.

Mr. Laniel: Thank you.

The Chairman: Mr. MacRae.

Mr. MacRae: I had not finished my questioning a little while ago, Mr. Chairman, and I believe Colonel Cromb had some figures he wanted to give me.

Mr. Cromb: Mr. MacRae, if I start in 1960 will that be all right?

Mr. MacRae: That would be fine.

Mr. Cromb: The number of World War I veterans—this is veterans, not widows—in 1960 was 38,955; in 1961, 38,570, in 1962, 41,-170; in 1963, 41,224; in 1964, 40,267; in 1965, 39,166; in 1966, 36,954; in 1967 34,465 and in 1968, 29,705.

• 1015

The number of World War II veterans in 1960, was 6,613; in 1961, 7,508; in 1962, 9,336; in 1963, 11,243; in 1964, 13,154; in 1965, 15,075; in 1966, 17,371; in 1967, 19,091 and in 1968, 20,730. Mr. Chairman, those are veterans recipients of war veterans allowances.

Mr. MacRae: Yes. Evidently you are using a different cut off date there from the one in your table, are you not? It would appear so because there is a slight difference in the figures.

Mr. Cromb: These are all as of March 31, 1960, to March 31, 1968, inclusive.

Mr. MacRae: Yes, that is true, and your other table is August 31. One final question, Mr. Chairman. You may not have these figures, Mr. Chairman, but what is the number of World War I veterans estimated to be alive as of the last date you mentioned, and also the number of World War II veterans who at this point are still considered to be alive. You may not have that information. If not, you could perhaps give it to me later.

Mr. Cromb: We have it and we will get it for you.

Mr. MacRae: That is fine, Mr. Chairman. Thank you.

The Chairman: Mr. Legault, do you have a supplementary?

Mr. Legault: Do you have any indication from these figures as to the projection of this table, say, for the following years until you reach the height for World War II veterans? I see the trend of the World War I veterans is diminishing quite substantially at the moment. Would the increase of World War II veterans be quite substantial?

Mr. Cromb: Yes. The projection we have made indicates that the peak load in numbers for the whole program will be reached in 1985. Our costs will be less at that time because the Canada Pension Plan will have been in operation ten years by 1976 and all Canadians will receive old age security in 1970 at the age of 65, but the projection shows that our peak in numbers will be reached in 1985.

Mr. Legault: Do you have any figures, Mr. Cromb, on that peak in numbers?

Mr. Cromb: The peak in numbers for World War II veterans?

Mr. Legault: World War II veterans, yes.

Mr. Cromb: Mr. Chairman, I have those figures for Mr. MacRae. From the last census the estimated number of World War I veterans alive today is 121,000, and the number of World War II veterans, also taken from the last census, who are alive today is estimated at 840,000—I am speaking of 1968—and the total number of World War I and World War II veterans is 961,000.

• 1020

Mr. MacRae: Thank you.

The Chairman: Do you have any further comments, Mr. Legault, on the questions you were asking?

Mr. Legault: No.

The Chairman: Are there any other questions?

Mr. Legault: The question I was asking at that time was if there were any figures as to the projected peak for 1985? However, it is all right, Mr. Cromb.

Mr. Cromb: Is it all right?

Mr. Legault: Yes.

The Chairman: Are there any other questions?

Mr. Mongrain.

[*Interpretation*]

Mr. Mongrain: Mr. Chairman, I would like to draw the attention of the responsible people of the Department to a case which took place in my own riding, because it may take place elsewhere in the country. A veteran who has something wrong with his eyes is called regularly to Montreal which is eighty five miles from his home to have drops put in one of his eyes. Furthermore, the man told me that the person that receives him there

does not speak French at all, while he himself does not speak English at all. He also told me that on three or four occasions he was treated in the wrong eye.

I realize that had he been smart, he could have made himself understood. But nevertheless, he made three or four trips to have drops put in his healthy eye.

Mr. Laniel: Mr. Mongrain, I think your question should be addressed to the treatment section where Doctor Ethier could answer it.

[*English*]

The Chairman: I was just asking if this was a question of treatment and I was letting Mr. Mongrain develop his question. Certainly we will discuss treatment services.

[*Interpretation*]

Mr. Mongrain: Mr. Chairman, I am not through yet. First of all, I think it is inconceivable to ask a veteran to travel eighty five miles just to get a few drops put in one of his eyes. His return trip has to be paid, and so has his room as he has to sleep there, along with his meals, all of which costs seventeen, eighteen or nineteen dollars to the government. This is inconceivable because a nurse could give him the same treatment at home.

Moreover, it is not normal to have people who do not speak English treated by people who do not speak French. My question was submitted to the officials of the Department. We can discuss it again when we...

The Chairman: Mr. Mongrain, we are presently discussing No. 10, "War Veterans' Allowances".

Mr. Mongrain: I arrived late. I was not aware of this.

The Chairman: You will be able to ask your questions later.

Mr. Mongrain: Perhaps this will give these gentlemen time to find the answers.

[*English*]

• 1025

Mr. Guay (St. Boniface): On that particular subject of the Financial Requirements in this particular book, I am a little concerned about these because I have some experience in welfare and I think your difficulty here in certain aspects by this particular quotation in the second paragraph where we may read:

> Personal property includes cash on hand

and so on,

> ...and certain real estate.

I am just making a conclusion; maybe I am wrong, but it is in the form of a question. If a veteran by chance has personal real estate to the value of more than $2,500 jointly with his wife, then he is more or less penalized if he requires help by the fact that owns that property.

Mr. Cromb: No, Mr. Chairman. There are two kinds of property that we are speaking of here. There is personal property which is cash on hand or in the bank and if he is a married man he may have $2,500 in the bank in cash.

Mr. Guay (St. Boniface): I see.

Mr. Cromb: He also may have an interest in real property, that is his home, up to $10,000 without its affecting his allowance at all. If he has a larger equity than $10,000, 5 per cent is charged on the amount over the $10,000. A few of our recipients have an equity of more than $10,000. Some do, but many do not, but they may have an equity in their property of $10,000 without its affecting the allowance at all. So there are two kinds of property; the real property which is the veteran's home and his personal property which is the cash he may have in the bank.

Mr. Guay (St. Boniface): It does not say that in this particular book on page 9. Possibly elsewhere in the book it shows that he can have real property.

Mr. Cromb: Yes, it does say that on page 17, Mr. Guay.

Mr. Guay (St. Boniface): Thank you.

Mr. Saltsman: I was very interested in the figures that you gave us of the number of World War I veterans who are living. The figure is 121,000—is that correct—of which 30,000 are in receipt of War Veterans Allowances. Is this corrected for 1968? I see it is 29,705, to be exact. Could you give us some indication of how many veterans of this 121,000 who are living today are in receipt of either a pension or an allowance of some kind? It is rather shocking to realize that almost one out of every four veterans from World War I living today is in receipt of a Veterans Allowance.

The Chairman: Yes, but if you look at people over sixty the proportion in receipt of

assistance is something like one in three or one in two of the general population.

Mr. Saltsman: Well, yes, this is...

The Chairman: World War I veterans is an older age group.

Mr. Saltsman: Yes. I was just wondering how the veterans of World War I compare with the general population.

The Chairman: It would appear to be not greatly dissimilar in proportions.

Mr. Mace: Mr. Saltsman, the number of the World War I veterans who are in receipt of a disability pension as of September of this year is 30,660. I should add just a note of caution here. Do not just add those to the War Veterans Allowance recipients and assume that some 60,000 of the 120,000 who are alive are in receipt of some benefit because there will be a great number of duplications there. Quite a number of the veterans who are in receipt of War Veterans Allowances under Mr. Cromb are, in effect, pensioners and get their War Veterans Allowance because they are pensioners. So, as I say, just a note of caution as to how you interpret these things.

Mr. Saltsman: Do you have any total figure of what percentage of the 121,000 are in receipt of one kind of pension or another from the Department of Veterans Affairs?

Mr. Cromb: We do not have that, Mr. Saltsman.

Mr. Mace: Could I also, sir, add a note of caution, too, about this figure of 121,000? We endeavour to obtain this information at the time that any general census is being taken. It is surprising that a number of people who are asked questions by the census taker will not answer, so it is questionable whether, in fact, this 120,000 is accurate. I sometimes feel that perhaps there are quite a number of veterans who do not want to say they are veterans for some reason or other, so really we do not get an accurate figure, but I think it is a good indication of the general veteran population of WWI.

Mr. Saltsman: As a point of interest, do you anticipate that these kinds of percentages will exist with World War II veterans? The figures are much better for World War II veterans which is natural because they are younger and probably were better trained, and the facilities for their coming out of the service were somewhat improved over World War I. The percentage there is much smaller; it is very small compared with World War I. Do you figure it will go very high?

• 1030

Mr. Cromb: We figure that the pattern following World War II in so far as War Veterans Allowances are concerned will be very similar to what happened following World War I. War Veterans Allowances became operative in 1930, and from then on the first people who came on the allowances were those who were medically unfit and under age. There was quite a large number. In fact, almost 50 per cent were under the age of 60. They were around 55, 54, 57 and so on, and the same pattern is being followed pretty well in World War II; that is the group that comes on first. They are those who had a limited opportunity for education during the depression years and those who are medically unfit for employment and are receiving the allowance. That pattern is practically the same as it was following the First World War.

I might add that at the present time, following World War II, more pension schemes are available than there were following World War I. There are the Canada Pension Plan and the Old Age Security Pension and many other industrial pensions from various companies that were not available following World War I.

Mr. Saltsman: Thank you.

The Chairman: Are there any further questions?

Mr. Laniel: Mr. Cromb, could you give me an explanation of the last paragraph of page 25, under Treatment and Funeral and Burial Expenses. It reads:

> Veterans who are recipients of awards under the Act may be granted, from the Department, medical treatment *in Canada only* for any condition in accordance with the Veterans Treatment Regulations.

The reason for my asking you to expand on this is that I know of instances of veterans who are in need but who may not qualify for an allowance being accepted at a veterans' hospital. They have no money to pay for any treatment, but when they come out you hand them a bill. You call them back three months later for another check-up and you hand them another bill. I do not know how these people can get out of it.

Mr. Cromb: Mr. Chairman, this treatment is not a part of the War Veterans Allowance Act. It is an ancillary benefit. It was for the convenience of veterans that it was included in this booklet.

That is a question that should really be directed to Dr. Ritchie.

The Chairman: Dr. Ritchie has one or two questions.

Are there other questions? Has any member anything else to ask Colonel Cromb?

Mr. Laniel: I move that we carry Item 10.

The Chairman: I believe Mr. Rider has something to say on this item, following Colonel Cromb's testimony. Is that right?

Mr. Rider: Yes sir, if there are any further questions on the Assistance Fund, which is part of this Vote, I will try to answer them. I think I indicated the general philosophy of the Assistance Fund earlier.

The Chairman: If there is nothing further, shall we carry Item 10?

Mr. Guay (St. Boniface): May I ask one question? I notice in the introduction you mention the fact that:

> Civilian war allowances may be paid to eligible groups—

Mr. Cromb: Mr. Chairman, under the Civilian War Pensions and Allowances Act, Part XI is designed to provide similar benefits to certain groups of civilians who served during either World War I or World War II. They are the Canadian merchant seamen of both wars; the non-Canadians who served in Canadian merchant ships in either war; Canadian V.A.D.'s of World War I; Canadian fire fighters of World War II; Canadian welfare workers of World War II; Canadian trans-Atlantic air crew of World War II; the Newfoundland overseas forestry unit of World War II; and those who are in possession of a pension under Parts I to X of the Civilian War Pensions and Allowances Act. The benefits of the War Veterans Allowance Act supply *mutatis mutandis* to Part XI of that Act.

• 1035

The Chairman: Are there any questions?

Shall Item 10 carry?

Item agreed to.

On Item 15: Other Benefits, including Education Assistance, Hospital Insurance Premiums or payments in lieu thereof re recipients of War Veterans Allowance and Civilian War Allowance, repayments under subsection (3) of section 12 of the Veterans' Rehabilitation Act in such amounts as the Minister of Veterans Affairs determines, not exceeding the whole of amounts equivalent to the compensating adjustments or payments made under that Act, where the persons who made the compensating adjustments or payments received no benefits under the Veterans' Land Act, or where, having had financial assistance under the Veterans' Land Act, are deemed by the Minister on termination of their Veterans' Land Act contracts or agreements to have derived thereunder either no benefits or benefits that are less than the amounts of the compensating adjustments or payments, and grants as detailed in the Estimates $3,446,200.

(S) War Service Gratuities, Re-Establishment Credits and repayments under section 13A of the War Service Grants Act of compensating adjustments made in accordance with the terms of the Veterans' Land Act $510,000.

The Chairman: I gather that Mr. Rider has something to say on this one also. Is that right?

Mr. Rider: Yes. In relation to Item 15 I would like to outline to the Committee the objectives of the Welfare Services Program.

The primary objective of the Program is to expose social handicaps of individuals to corrective or compensatory processes. To meet this primary objective four secondary objectives have been established.

The first is to administer assigned statutes, orders in councils and executive orders.

The second is to facilitate the conduct of other programs through the provision of adjudication as in War Veterans Allowances and Administrative and Administrative Support Services.

The third one is to provide direct services to clients; to assist them to remain self-sufficient as long as possible; to restore self-sufficiency where this is impaired; to understand their responsibilities in relationship to benefits provided; and to make effective use of alternative or complementary services.

Our final objective is to strengthen our collateral working relationships, that is, our

relationships with city social welfare agencies, provincial government agencies and private agencies.

That is all I want to say at the outset, Mr. Chairman.

The Chairman: Thank you, Mr. Rider.

Are there questions that members of the Committee wish to ask?

Mr. Weatherhead?

Mr. Weatherhead: The second biggest item in this Vote is children of War Dead (Education Assistance). Can Mr. Rider expand a little on the type of education assistance, and the number of children involved. Is this mainly for college education, Mr. Rider?

Mr. Rider: The Children of the War Dead Education Assistance Act, Mr. Chairman, is to assist pensioned children, that is, children the father of whom was a pensioner and who, following the father's death, are pensioned. This means that the father must have died from the pensionable condition, or been in receipt of a pension of 50 per cent or more.

The concept of the Act is to assist these children to obtain post-secondary education. This is not restricted to university education but can be any post-secondary education where the type of course the child wishes to take requires a high school leaving certificate for entry.

To date about 4,470 children have been approved under this program. There are currently about 300 to 325 new cases a year. The training strength is normally about 800 to 850 in training at any one time.

The Act does provide that the period of training shall be four academic years, or 36 months, whichever is the lesser. You will realize that university students with about eight months a year get the four academic years in 32 months, but the young lady who wishes to be a nurse will have three years' full-time training. They are covered both by allowances while they are training and the payment of the fees where fees are required.

The pension for the child whose parent has died is $68 a month. While they receive this pension they receive $34 a month additional allowance. At age 21 when this pension ceases and the allowance is increased to be equal to the total amount they were receiving before they were 21.

The Act also provides that in cases where the Minister is of the opinion that the student's progress and achievements in his course of study are such that it would be in the interest both of the student and the public the payments may be continued where the educational program has not been completed within the basic time period. This change was made in 1961-62 because we found that there were young people going through for medicine, for example, who were assisted for four years and when the assistance was cut off some of them were having to give up their courses because they could no longer afford them. So now the Minister has the power to extend the period of training when such a case occurs.

• 1040

Mr. Weatherhead: Mr. Rider, do I gather, then, that the educational benefits would cover all the university fees and residence fees plus a monthly allowance of about $34?

Mr. Rider: No, Mr. Chairman, this is not quite correct. We pay the allowance to assist with the maintenance of the child, and we may pay fees up to but not exceeding $800 in any one year.

Mr. Weatherhead: So the maximum would be $800 for fees plus the $34?

Mr. Rider: Well, it adds up to $102 per month when you take the pension and the allowance.

Mr. Weatherhead: Mr. Rider, about how many students will be taking advantage of carrying on after the four year academic period? Is it a very large number?

Mr. Rider: No, sir. This is not a very large number. There were 81 children approved during 1967-68, for example, and during that year there were 128 children who were continuing their training under extension.

Mr. Weatherhead: Is it the general attitude of the Department or the Board, Mr. Rider, to let them carry on, say, with a master of arts course or medicine or law or that sort of thing if they have satisfactory academic requirements for the previous four years?

Mr. Rider: That depends on the occupational goal of the individual, Mr. Chairman. For example, it is quite common for a teacher who wishes to teach high school to take four years university and then to have to take a year at a College of Education. Provided the student passes all the subjects taken in the final year of the normal entitlement extension

may be granted, and during extension the student must pass each subject he takes and must take the full courses that the university establishes for that year. This is the academic requirement.

Mr. Weatherhead: Thank you, Mr. Chairman.

The Chairman: Mr. Laniel?

Mr. Laniel: You have two amounts that seem to be fixed. They are grants to the Army Benevolent Fund and the grants to the Royal Canadian Legion. I imagine that those are for courses organized by the Legion.

Mr. Rider: No, sir, these are fixed grants. For example, the grant to the Army Benevolent Fund is paid to assist in the cost of administration of the fund. The grant to the Royal Canadian Legion is a grant that was established as early as 1928 to assist the Legion in maintaining its service bureau, which consists of members of the Legion's staff who assist veterans in their problems aimed primarily at assisting people who wish to get disability pensions.

Mr. Laniel: Are any other veterans' associations helped in the same way?

• 1045

Mr. Rider: No sir; not that I know of.

Mr. Laniel: Do they not give them...

Mr. Rider: The Royal Canadian Legion is the only veterans' association that I know of that runs a service bureau.

Mr. Guay (St. Boniface): I have a supplementary. This $9,000, of course, will fluctuate. It does not stay at the same amount each year, does it?

Mr. Rider: This is a fixed amount paid annually, sir.

Mr. Guay (St. Boniface): It is a fixed amount?

Mr. Rider: Yes, sir.

Mr. Guay (St. Boniface): Would not their costs for this operation be greater today than they were some 10 or 20 years ago?

Mr. Rider: Oh, yes sir. The amount has remained static, though. I believe it was set at $9,000 in 1933 and has not changed. I am sure that the costs of operating the service bureau for the Royal Canadian Legion are much, much higher than this. This is merely a grant of financial assistance.

Mr. Laniel: And they never come back for extra amounts.

The Chairman: Mr. MacRae?

Mr. MacRae: I want to ask a supplementary question on the Children of War Dead (Education Assistance) Act, Mr. Rider. I understood you to say there were roughly 350 new students taken on this past year?

Mr. Rider: Yes, sir.

Mr. MacRae: The terms of the Act are very roughly that the child must be a child of a man who was killed in action or who died of his wounds. Is that not true, for the most part?

Mr. Rider: Or 50 per cent pension or more.

Mr. MacRae: That would account, then, for the number that are still being taken on, because the children of those who died in action, or died of their wounds have pretty well been educated by now.

Mr. Rider: Yes, they are pretty well through their educational life now. We do get cases of veterans being granted pensions still and, of course, if they die of a pensioned condition is that their children are eligible. Quite a large number of the children now are the children of 50 per cent pensioners who died.

Mr. MacRae: Thank you. That answers that question. Would you be able to provide at a later date if you do not have it at the moment the number of children who have partly or fully finished their education under the Children of War Dead (Education Assistance) Act?

Mr. Rider: There have been 1,817 who have completed the program they set out to do to March 31, 1968.

Mr. Guay (St. Boniface): Excuse me, I have a supplementary. Compared with the number of those who participated in this particular program, what is the average, roughly?

Mr. Rider: The total number approved for assistance has been 4,471. Now, many of these children do not complete their studies. There have been 1,817 who completed them; there were 858 in training as of March 31; there were 181 deferred for one reason or another—perhaps for sickness or some other good

reason their training is deferred. There is always a number suspended in between sessions. The university sessions close at regular periods, but in other post-secondary education there will be some suspended all the time.

Mr. Cromb: Mr. Chairman, may I interject just for a moment? In view of Mr. MacRae's interest in the input into this program, I thought I should just remind him that this Act also applies to the children of members of the regular force who are killed in service or who die as a result of a disability arising out of service. Therefore, we do have this younger element still covered by this statute.

Mr. MacRae: I had not realized there was that group as well.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, I have a supplementary. If about 4,400 were approved and about 1,800 have completed their educational program in this category, of the balance what percentage have dropped out of their educational program because of financial problems? Would this situation be a very minor one in comparison to losing interest in the course or the course being too difficult for them? Do you get a number of applicants, Mr. Rider, saying that despite all the assistance you give them, they still cannot carry on with the course for financial reasons?

Mr. Rider: Well, sir, if we have a case where the child complains that he cannot carry on, we go to one of the benevolent funds and ask them to assist financially and they will do this. I think some may drop out because of financial problems. I rarely see it in the work that goes across my desk as a reason for discontinuation, but no doubt there are some who do so.

Mr. Weatherhead: Would it be fair to say that with the assistance of the benevolent fund and so on almost every case could be looked after so far as the financial requirements of the student are concerned?

• 1050

Mr. Rider: I think so, sir, when you realize that this is an Act to assist these children. It does not pretend in the first place to cover every cost he may have. There is no means test whatsoever in this legislation. A child may have a scholarship, but it is not considered. This is something he has earned by hard work. He is allowed to have his scholarship and assistance under the Act too.

Mr. Weatherhead: Thank you.

The Chairman: If there are no other questions shall Item 15 carry?

Item 15 agreed to.

There is a statutory item relating to War Service Gratuities. This item does not have to be voted but if any members of the Committee wish to ask questions concerning it they may do so. The details are on page 564.

Mr. MacRae: Mr. Rider, would you have any idea of approximately how much is still owing in War Service Gratuities which has never been collected. It would have to be an approximation, of course.

Mr. Rider: No, sir, because a liability as such is not set up. The gratuity was only calculated when application was made for it, so there was no liability. The same thing applies to re-establishing credits. You will remember that the veteran could take his re-establishment credits or take training or settle under V.L.A. so no liability as such could be established. But when an application is received for the first time the calculation for the gratuity is made and then, as you know, the re-establishment credit was equal to the basic gratuity.

Mr. MacRae: Of course. Then you could give me the number of veterans who have not applied, could you not, or has that been calculated?

The Chairman: Was not the answer to that question provided earlier?

Mr. MacRae: Perhaps it was.

Mr. Rider: With the re-establishment credits the remaining liability at June 1968 was about $7¾ million. There were some 54,000-odd active accounts in respect of people who had not applied for their gratuity or who had only partly used it.

During the past two months we have been flooded with correspondence and applications and, to be quite truthful with you, it has been impossible even to get any record of the number of applications which have been taken in all the district offices and in head office. We have had people tied up just doing nothing else.

The Chairman: This is because of the close-off date.

Mr. Rider: Yes.

Mr. MacRae: Thank you, Mr. Chairman.

Mr. Laniel: Mr. Chairman, perhaps my question should be put to Mr. Pawley. Are those veterans who are attempting to qualify under the Veterans' Land Act, before October 31 obliged to reimburse their gratuities or can they wait until such time as they make a loan under Part X of the Act.

Mr. Rider: Mr. Chairman, the normal time fot repayment of the re-establishment credit was when the man applied for a loan to settle. But, as you will remember, the Veterans' Land Act was amended—I think it was 1965—to provide that the Director of the Veterans' Land Act could repay the credit or the training costs and treat it as part of the loan to the veteran. As a result, the man does not now have to find the money himself, he can carry it as part of his debt to the Director of the Veterans' Land Act.

Mr. Laniel: Thank you.

The Chairman: Are there any other questions on this item? As I said, this item is statutory and does not have to be voted as part of the estimates. It is presented for information purposes only.

If there are no other questions I think this would be a good time to adjourn because it is now nearly 11 o'clock. I understand that we will proceed with pensions, next week, followed by Treatment Services.

The next meeting will be on Tuesday morning at 9.30 a.m.

APPENDIX "C"

WAR VETERANS ALLOWANCE BOARD

October 22, 1968.

WAR VETERANS ALLOWANCE ACT

Recipients
On Strength by Wars as at
August 31, 1968

	Veterans	Widows	Sec. 5(1)	Orphans	Total
NWFF ..	—	13	—	—	13
South Africa .	160	388	9	—	557
WW I ...	28,502	24,099	1,345	75	54,021
WW II ..	21,502	4,962	562	241	27,267
Dual Service	1,010	488	37	2	1,537
Special Forces .	249	23	1	5	278
Total ..	51,423	29,973	1,954	323	83,673

Annual Liability—$99,321,000

CIVILIAN WAR PENSIONS AND ALLOWANCES ACT PART XI

Recipients on Strength by Wars
As at August 31, 1968

	Civilians	Widows	Sec. 5(1)	Orphans	Total
WW I ...	204	80	9	—	293
WW II ..	1,422	282	33	5	1,742
Total ..	1,626	362	42	5	2,035

Annual Liability—$2,960,000

OFFICIAL REPORT OF MINUTES

OF

PROCEEDINGS AND EVIDENCE

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The Clerk of the House.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

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STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

TUESDAY, NOVEMBER 26, 1968

Respecting

Revised Main Estimates (1968-69) of the Department of Veterans Affairs

WITNESSES:

From the Canadian Pension Commission: Mr. T. D. Anderson, Chairman; Dr. W. F. Brown, Chief Medical Adviser. *From the Department of Veterans Affairs:* Dr. K. S. Ritchie, Director General, Treatment Services.

ROGER DUHAMEL, F.R.S.C.
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OTTAWA, 1968

29193—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Bigg,
Boulanger,
Émard,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
MacRae,
Marshall,
McIntosh,
Mongrain,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—(20).

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

(*Text*)

TUESDAY, November 26, 1968.
(5)

The Standing Committee on Veterans Affairs met this day at 9:45 o'clock a.m. The Chairman, Mr. Lloyd Francis, presided.

Members present: Messrs. Bigg, Émard, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Legault, MacRae, Saltsman, Thomas (*Moncton*), Turner (*London East*), Weatherhead (12).

In attendance: From the Department of Veterans Affairs: Messrs. F. T. Mace, Acting Deputy Minister; C. F. Black, Departmental Secretary; Dr. K. S. Ritchie, Director General, Treatment Services; Mr. W. Cavanagh, Administration Assistant, Treatment Services. *From the War Veterans Allowance Board:* Mr. W. T. Cromb, Chairman. *From the Canadian Pension Commission:* Mr. T. D. Anderson, Chairman; Dr. W. F. Brown, Chief Medical Adviser; Messrs. A. L. Fortey, Secretary; F. G. Stockley, Chief, Budget and Administration. *From the Royal Canadian Legion:* Messrs. D. M. Thompson, Secretary General; J. E. A. Lamy, Executive Assistant. *From the War Amputations of Canada:* Mr. H. C. Chadderton, Executive Secretary.

The Committee resumed consideration of the Revised Main Estimates 1968-69.

The Chairman called Item 20 Pensions Administration and introduced Mr. T. D. Anderson, President of the Canadian Pension Commission who explained the functions of the Commission.

It was *agreed* that Items 20 and 25, Pensions Administration and Pensions for Disability and Death be considered simultaneously.

After examination, Items 20 and 25 were approved.

On Item 30, Treatment Services, the Chairman introduced Dr. K. S. Ritchie, Director General.

It was agreed that the following statements namely,

(*a*) Descriptive Summary of Treatment Services
(*b*) Comments on Recommendations of Glassco Commission
(*c*) Future of Treatment Services

be made available to the members of the Committee.

At 11:00 o'clock a.m., the questioning of the witnesses continuing, the Chairman adjourned the Committee to 2:00 p.m., on Thursday, November 28, 1968.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, November 26, 1968

• 0948

The Chairman: I see a quorum.

The first witness this morning is Mr. Anderson who is here on behalf of the Canadian Pension Commission. I believe we are dealing with Item 20 of the estimates.

Department of Veterans Affairs
Pensions

20 Administration..$3,201,000

The Chairman: Mr. Anderson?

Mr. T. D. Anderson (Chairman, Canadian Pension Commission): Mr. Chairman, I thought perhaps in view of the fact that we have a very large number of new members on the Standing Committee, it might be of interest to them to have just a brief outline at the organization of the Commission and the way in which it operates. I have a list of the commissioners and some details with regard to them which the Committee might wish to have in the record. I can give that to the Clerk and this could be taken care of in that way with your approval.

The Chairman: Does that meet with the approval of the Committee?

Some hon. Members: Agreed.

Mr. Anderson: I will just run through this briefly and then it will be available for the record too.

The Canadian Pension Commission is an independent quasi-judicial body operating under the Pension Act of 1919, as amended, and reporting to Parliament through the Minister of Veterans Affairs. It consists at present of 12 members who have been appointed for terms of up to 10 years, one of whom is the Chairman who holds rank as a deputy head of a department, and one the Deputy Chairman. In addition, there are four ad hoc members appointed for one year with provision for re-appointment annually as required. Six members are normally absent from Ottawa sitting in various parts of Canada as Appeal Boards. Each Board is made up of three Commissioners.

• 0950

The Commission is concerned primarily with pension claims arising out of service in the Armed Forces in time of war, as well as in peacetime. It has, in the words of the Pension Act

> full and unrestricted power and authority and exclusive jurisdiction to deal with and adjudicate upon all matters and questions relating to the award, increase, decrease, suspension or cancellation of any pension.

Incidentally that is a quote from Section 5 of the Act.

The Commission also has final jurisdiction to determine any question of interpretation of the Act. There is no provision for appeal from its decisions other than to its own Appeal Boards, which consist of three members who had not previously adjudicated upon the case under appeal, and such appeals are limited to the basic questions of entitlement in respect of disability or death. It is also responsible for the administration of the Civilian War Pensions and Allowances Act together with like duties in respect of pensions under various other measures relating to civilians, including the Royal Canadian Mounted Police Pension Continuation Act.

No provision is made for services in the Commission's organization. The reason for this is that staff, accommodation, custody of files, accounting, issue of cheques and virtually all other services are provided by the Department of Veterans Affairs and the Department of Finance. Most of the work done within the organization of the Commission itself stems directly from its statutory judicial functions. In this regard it is of interest to note that years ago the Commission was organized as a separate department of government, was housed in a separate building, kept its own files, had its own accounting

service, and so on. Today it is housed in the same building with the Department of Veterans Affairs. There is but one file for one veteran and the fullest possible use is made of administrative services of other departments. This practice has eliminated overlapping in many cases.

There are many other activities of the Commission, for example, the Commission is in constant touch with the Canadian office of the British Ministry of Social Security in respect of supplementary awards under the Pension Act to Canadians who served in the Imperial Forces, medical examination of Imperial Pensioners now resident in Canada, information concerning residents of Newfoundland who served with Imperial Forces prior to Union and other relevant matters. In addition, the Commission

(a) maintains liaison with the Department of External Affairs concerning Canadian pensioners resident abroad, and incidentally we have some pensioners even in Russia

(b) maintains liaison with Commonwealth High Commissioners and foreign embassies regarding matters of joint concern

(c) maintains close liaison with the Unemployment Insurance Commission and Old Age Security Administration to avoid overpayment of pensions under the Pension Act

(d) on request, medically examines pensioners of other governments now resident in Canada

(e) medically examines RCMP pensioners for assessment purposes.

(f) maintains close liaison with the Department of National Defence in respect of pension claims based upon peacetime service in the Regular Force

(g) maintains liaison with all departments of government in respect of matters coming under the Flying Accidents Compensation Order

(h) maintains liaison with Provincial Hospitals' Administration, Children's Aid Societies, Provincial Public Trustees and various welfare agencies throughout Canada

(i) maintains a working relationship with Workmen's Compensation Boards in all provinces—Section 21 of the Pension Act

(j) administers various Trust Funds established by private individuals for the benefit of veterans.

As at June 30, 1968, the total number of pensions in payment was 168,297 with a total liability of $222,708,504 per annum. Now, this is just a brief outline of the organization and the line authority function of the various units.

The Chairman is the administrative head of the organization controlling operations at Head Office and in the District Offices of the Canadian Pension Commission. The Commissioners are directly responsible to the Chairman, and in his absence, to the Deputy Chairman, in the matter of their movements, assignments and duties; otherwise they act as a body without any actual administrative or line authority over the staff of the Commission. Transcribing services are provided to the Commissioners by a pool of senior stenographers, each of whom is assigned to two or three Commissioners to provide secretarial services.

At Head Office the Chairman has two Staff Officers responsible directly to him, Pension Counsel who is a legal officer and provides legal advice and service to the Chairman and the Commissioners as well as legal advice and direction to the administrative staff at Head Office and a Chief, Budget and Administration, who acts for the Chairman liaison with the Service Directorates of the Department at Head Office and in the District Offices and carries out general managerial responsibilities and special assignments at Head Office and in the District Offices of the Canadian Pension Commission.

The Secretary reports direct to the Chairman and to the Pension Commission. It is his responsibility to maintain records relevant to previous decisions of the Pension Commission, amendments to legislation and to promulgate policy statements issued by the Commission. In his capacity as spokesman for the Commission and by issuing instructions regulating procedure, forms and applied policy, the Secretary maintains control over the processing of pension claims at Head Office and in the District Offices of the Commission. In a similar manner, he is responsible for the quality and volume of all correspondence emanating from the administrative staff. Branch and Divisional chiefs maintain constant liaison with the Secretary and it is the responsibility of the Secretary to co-ordinate the work and preserve a common procedure and applied policy.

The Chief Medical Adviser is responsible directly to the Chairman for the operation of the Medical Advisory Branch at Head Office and to provide professional direction to Pension Medical Examiners in the field. At Head Office there is a Deputy Chief Medical Adviser and the Branch is divided into five divisions, each headed by a chief specializing in a special field of medicine and supported by a staff of Medical Advisers. A staff of stenographer-assistants is assigned, one to each Medical Adviser, and the Branch has a small central clerical group and a transcribing pool.

The Medical Advisers at Head Office review the medical reports and recommendations received from District Offices together with the relevant original records of service, x-ray reports, etc. Their case summaries and recommendations concerning original claims and reviews are passed to the Commission for decision.

• 0955

The Chief of the Claims and Review Branch is responsible to the Chairman for the operation of the Branch, maintaining close liaison with the Secretary, in relation to policy and procedure. The Branch is divided into four general areas, two dealing with the review of cases falling under certain sections of the legislation, one dealing with the receipt and checking of Forms of Administration, and a stenographic pool.

It is the responsibility of the Claims Branch to review, summarize and submit to the Commission for decision all non-medical aspects of pension claims as well as strictly non-medical awards, including dependents' and children's allowances, dependent parents' awards, orphans, widows' claims, etc. They also review and prepare claims under the associated Canadian and Foreign Legislation.

The Assistant Secretary has overall responsibility for the Secretariat, assisted by a Chief of the Secretariat. He has line responsibility to the Secretary, Canadian Pension Commission. The Secretariat is divided into a Correspondence section, an Allocation and Signing section, a Bilingual section and a Transcribing section.

The work of the Secretariat is mainly to promulgate routine and special decisions of the Pension Commission to the pensioner and other interested persons and agencies and to answer general enquiries and correspondence received at Head Office. It also has the responsibility to carefully examine all notices of decision before despatch to ensure that the correct procedure has been followed and that the case has been reviewed by the proper officers and sections.

The Appeal Board Division is directly under the control of the Deputy Chairman, and the staff is divided into two major groups; Court Reporters who travel with Appeal Boards, recording evidence and acting as Court Registrars, and a clerical section responsible for the preparation of Appeal Board papers and the clerical tasks required before and after Appeal Board sessions.

There are nineteen District Offices of the Canadian Pension Commission located in Districts and Sub-District Offices of the Department of Veterans Affairs in Canada. Department of Veterans Affairs provides administrative services and assigns staff. The District Canadian Pension Commission staff is headed by a Senior Pension Medical Examiner and in the larger District Offices there is a complement of Junior Pension Medical Examiners. Under the Senior Pension Medical Examiner is a clerical and stenographic staff varying in numbers according to the size of the District. In five of the larger District Offices there is a field investigational staff of Welfare Officers and in the remainder of the District Offices this service is carried out on request by the Departmental District Welfare Services.

It is the responsibility of the District Pension Medical Examining Officer or Officers to obtain medical reports by medical examination of applicants and pensioners and from Specialists on the staff of Department of Veterans Affairs District Treatment Services and Consultants who work for Treatment Services on a part-time basis. The Pension Medical Examiner submits his recommendations together with all medical reports to Head Office for the consideration and decision of the Commission.

The District administrative staff carry out the supporting clerical tasks required to bring veterans to District Office for examination; counsel pensioners and their dependents, administer pensions and obtain factual, lay information required by Head Office in the consideration of certain types of claims.

That completes the outline of the organization and operation of the Commission, Mr. Chairman.

The Chairman: Thank you, Mr. Anderson. I believe Mr. Laniel indicated that he had a question he would like to ask you.

Mr. Laniel: Maybe more than one, Mr. Chairman. I notice in the Estimates an appreciable increase in the awards to veterans of World War II, and also of World War I, and others. Could you tell me, Mr. Anderson, does that mainly come from increase in awards, revision of cases, or do you get new applications—completely new applications for pension—now that we have reached 25 years after the war?

Mr. Anderson: The chief reason for the increase, Mr. Chairman, is the legislation which, effective as of January 1, 1968, granted a 15 per cent increase in the basic rate of pension. This is the chief reason. I do not know that there is any other particular reason for this increase. That increase, I believe, amounted to something in the nature of $30 million, or close to it—somewhere between $25 million and $30 million—so that would, I think, account largely for the increases which occurred in the 1968-69 fiscal year.

Mr. Laniel: Still, if you look at these figures, it does not correspond, especially for the World War I veterans, to the increase of $7 million. It does not represent 15 per cent, does it?

• 1000

Mr. Anderson: Well, there are other factors that enter into the picture here, of course. World War I veterans are dying at a very fast rate now, so that there is an automatic decrease occurring there annually. One rather offsets the other, and it is very difficult to compare the two, in view of the other factors which influence the picture.

Mr. Laniel: Has the Commission completed the revision of the Hong Kong veterans' file?

Mr. Anderson: Yes, some time ago. This was completed over a year ago.

Mr. Laniel: Last year when you appeared in front of the Committee, about this time last year, I got the impression that at that time it was not quite complete, and I wonder if the Pension Commission could make available, to the Committee, some comparison figures or charts that would show us exactly what has happened concerning these Hong Kong veterans, as to the increases in awards from that revision.

Mr. Anderson: Yes indeed. I do not believe we have that with us today, but it can certainly be obtained without too much difficulty. Yes, we can provide that for you.

Mr. Laniel: Has the Commission looked at the recommendations of the Committee that studied the Richardson Report two years ago? It probably has looked at it, but has it looked at it as to the increased cost that these recommendations would represent? If you remember, the basic recommendation was on the assumption that reaching a level of disability, it might have become more and more difficult from a middle figure of around 30 or 35 per cent to establish exactly the nature of the disability, especially concerning avitaminosis and the effects of being a prisoner of war. The Committee did make a recommendation, as to the consideration of the Hong Kong veterans who had reached such a level, to compensate and consider them as being of 50 per cent at the same time, allowing them to take advantage of the survivors' benefit which was what they were really asking for. By looking at the figures you could present to us, this would give the Committee an idea as to the necessity of coming back to that Report some day, and maybe putting the pressure either on the Commission or on the Minister as far as those veterans are concerned.

Has the Commission considered at all the possibility of at least reviewing the files of other prisoners of war, or maybe call them in for re-examination at this stage now that we have past the 25-year time figure?

Mr. Anderson: Yes, sir, we have indeed. As a matter of fact our Medical Advisory Branch are conducting a review of the files at the moment.

Mr. Laniel: Will that be followed by an examination of the veterans?

Mr. Anderson: Where it would appear to be indicated, yes. Where there is evidence that there should be a re-examination.

Mr. Laniel: How may veterans do we have who were prisoners of war?

Mr. Anderson: I am afraid I have not got that figure at hand right at the moment, but that again is something that we could obtain for you.

The Chairman: Veterans or pensioners? Veterans receiving pensions.

Mr. Laniel: Pensioners.

Mr. Anderson: Yes. We would not have the other figure, I would not think. At least it would have to be obtained from National Defence because we would not necessarily have this. We should have the figure on pensioners.

• 1005

Mr. Laniel: So this means that the Commission is aware of the fact that these people might have suffered more than other veterans, and is considering the possibility of ensuring constant contact with these people, at least at this time, so that their cases can be re-examined, if necessary.

Mr. Anderson: That is right, sir, yes very much so.

Mr. Laniel: Thank you.

The Chairman: Do other members of the Committee want to put questions to Mr. Anderson?

Mr. Anderson: I had hoped, sir, I might just go through these items in the Estimates, if that is—satisfactory. The administrative estimates are on page 565 of the Revised Estimates, and I would just like to go through the details of those.

Salaries, of course, are obvious, and I do not think they require any further explanation, unless there are some questions about them. The only question which might arise in connection with salaries is the personnel establishment. We have at the moment 178 persons on Head Office establishment, and 176 in the districts, a total of 354. That I believe is establishment, and not personnel. Am I correct? Yes.

The Chairman: So there may be some positions not filled.

Mr. Anderson: That is right. There are a number of positions that are not filled. The total staff reduction resulting from the closing of the CPC District Office in London will leave three positions, and there is a transfer of one position of Welfare Officer in London, Ontario, to the Welfare Service. The increase in Head Office establishment is due to the transfer of three medical officer's positions to supplement the Medical Adviser's staff.

Allowances—this is an item which represents special allowances foor overseas employees for example the Pension Medical Examiner in London. Since our London, England, Office has now closed this has been abolished; there is no need for it any more.

Travelling Expenses, $85,000—that is provision for the cost of travel of Appeal Boards of the Commission, their support staff and Welfare Officers and so on, including, of course, the court reporters who accompany them.

Travelling Expenses—Applicants, Pensioners and Escorts, $185,000—that is to cover traveling and other expenses of pensioners or applicants called for medical examination or attendance at an Appeal Board. This is return transportation. Travelling costs are paid. That amounts to $185,000; at least it did last year. Then there are the rates—train fare, berth, personally owned automobile at 4½ cents a mile and so on. There is also a $14 per day allowance for loss of earnings.

• 1010

The Chairman: I believe Mr. Bigg has a question he would like to ask.

Mr. Bigg: Mr. Chairman, are we going to have an opportunity to ask a few questions about the Army Benevolent Fund? I understand it comes under this.

Mr. Anderson: No, this does not come under our jurisdiction.

Mr. Bigg: Not at all?

Mr. Anderson: No.

The Chairman: Mr. Émard?

[*Interpretation*]

Mr. Émard: Mr. Chairman, do you believe that the sum of $500 is enough to cover the new postal fees if we take into account the recent increase?

The Chairman: An increase of $500.

Mr. Émard: Yes, an increase of $500. Do you think this is enough to cover the recent increase in the price of stamps and in postal fees?

[*English*]

The Chairman: The postal increases.

Mr. Anderson: Yes, of course.

[*Interpretation*]

Mr. Émard: How can you explain the increase of about ⅔ for telegrams and telephones, representing between $18,500 and $30,000?

[*English*]

Mr. Anderson: This arises out of a change in the telephone system, Mr. Chairman. There was a new system adopted generally throughout the government last year in which long distance calls were paid for on a kind of per phone basis. There are very few long distance telephone calls made on a good many of our telephones particularly those of the medical advisory people. Nevertheless we have had to pay our share on a per capita basis which has caused a very sharp increase in our general telephone costs. It is a centralized system where the whole works is thrown into the pot and everybody pays his share regardless of how many phone calls he makes. This is what has caused the increase there.

Mr. Laniel: You mentioned earlier that your London office had been closed. Who is looking after the Canadian veterans in the United Kingdom now?

Mr. Anderson: We have one employee still on the staff with DVA.

Mr. Laniel: Mr. Chambers?

Mr. Anderson: No, Mr. Chambers is a Department of Veterans Affairs employee, but he supervises the employee we have looking after our work there.

Mr. Laniel: The amount of $5,000 that you have in the estimates of 1967-68 does not represent a big amount. Was that the salary of half a man, or half an employee? I do not see too many civil servants paid that amount of money a year.

Mr. Anderson: No, that did not represent a salary Mr. Chairman. That represented only extra allowances for an employee outside the country. There are extra allowances given to people who are serving on the government staff in foreign countries and this was just that allowance.

Mr. Laniel: I notice a decrease in your professional and special services from $85,000 to $54,000. What is the reason for such a decrease? What were these professional and special services? What is meant by them?

Mr. Anderson: There was a decrease in 1968-69 because a large proportion of the charges was transferred to treatment services in order to cost these in total. In other words, the reduction was all handed over to the treatment services because they took on this responsibility from us.

Mr. Laniel: When I first asked the question I extended it to Item 25. Are we actually only on Item 20?

• 1015

The Chairman: At the moment we are on Item 20, but can we go over to Item 25 also, Mr. Anderson? It seems to me that the two are so closely related that we might, if the Committee agrees.

Mr. Anderson: It is quite all right with me, sir.

25 Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; Newfoundland Special Awards; Burial Grants; and Gallantry Awards (World War II and Special Force) 225,229,000

Mr. Laniel: Exactly what are the burial grants in the amount of $400,000 related to?

Mr. Anderson: There is provision in section 35 of the Pension Act which makes it possible for us to pay a burial grant to a pensioner whose estate is insufficient to cover the cost of the burial. This represents the amount of money we pay out under that particular section of the Act.

Mr. Laniel: Then that is not related at all to our cemeteries overseas or anything like that.

Mr. Anderson: No.

Mr. Laniel: I guess that is all, Mr. Chairman.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, I wonder if Mr. Anderson could give me, a new member, a brief resume of our actual pension amounts, our maximum figures, how they are calculated and that sort of thing?

Mr. Anderson: Briefly, Mr. Chairman, as of September 30 of this year, we had a total of 41,371 World War I veterans and the total liability was $68,251,498. These are for World War I veterans alone.

Mr. Weatherhead: Excuse me, Mr. Chairman, I was thinking more along the lines of individual pensioners and what maximum pension would be paid to, say, a totally incapacitated pensioner.

Mr. Anderson: Oh yes, the rates. The 100 per cent pensioner would receive $265 as a basic pension; he would receive an additional $73 if he were married; he would receive $34 for the first child, an additional $26 for the second child and an additional $20 for the third and each additional child.

Mr. Weatherhead: Then, Mr. Chairman, I suppose as the disability percentage decreases, the rate would decrease *pro rata.*

Mr. Anderson: Yes, that is right. It decreases *pro rata.*

Mr. Weatherhead: Thank you, Mr. Chairman.

The Chairman: Mr. MacRae?

Mr. MacRae: Mr. Anderson, how large is your backlog now of cases awaiting hearing and also how large is your backlog of cases waiting to be heard by your appeal boards?

Mr. Anderson: I think with reference to the number of cases pending in the medical advisory branch, Dr. Brown, the chief medical adviser, could probably answer that question. Could you give us an answer to that, Dr. Brown?

Dr. W. F. Brown (Chief Medical Advisor Canadian Pension Commission): Between 500 and 600.

Mr. MacRae: Between 500 and 600. And the number of appeals?

Mr. Anderson: The number of appeals was approximately 400 as of a month ago. This figure always goes up somewhat at this time of the year, so it may have increased somewhat during the 30-day period.

Mr. MacRae: Approximately how long is the delay before an appeal can be heard now, Mr. Anderson?

Mr. Anderson: In terms of straight hearings it would be five weeks, I would think. In the case of appeals it is very difficult to estimate any average period there because, as you know, they must be prepared by the veterans' advocates and they have to take the necessary time to obtain the evidence in support of the claim. Frequently they have to be referred for examination not only once but perhaps several times, before being finalized. I would hesitate, Mr. Chairman, to quote an average figure there; I do not know that we have one. They can run up to a year or more at times because of the difficulty now in obtaining the necessary evidence.

• 1020

Mr. MacRae: That is perhaps one criticism that we occasionally hear; the length of time before a man's case can be heard on first or second hearing, or sometimes on appeal, and I know you get that criticism.

Do you feel that you have adequate numbers of people to hear your appeals? You now have two appeal boards in the field all the time, Mr. Anderson, do you not? You mentioned that.

Mr. Anderson: Yes, that is right.

Mr. MacRae: Do you feel that that is adequate?

Mr. Anderson: Certainly it is adequate to our purposes so far, Mr. Chairman. If necessary, of course, we could put a third appeal board on the road temporarily.

Mr. MacRae: Have you done that?

Mr. Anderson: We have done it on occasion.

Mr. MacRae: When you get too big a load.

Mr. Anderson: That is right.

Mr. MacRae: Fine, thank you.

The Chairman: I believe Mr. Knowles has a question.

Mr. Knowles (Norfolk-Haldimand): Mr. Chairman, I am a new member on this Committee too. How long has the basic rate of $265 been in effect, and is there any mechanism whereby this can be adjusted to compensate for the increased cost of living? Is this reviewed periodically or not, or how can it be done?

Mr. Anderson: To answer your first question, Mr. Knowles, it has been in effect since January 1, 1968. That is the latest date on which basic pension rates were increased. These are reviewed periodically, and in the previous four years increases were granted on three different occasions. They are increased fairly regularly, but this, of course, is a matter for Parliament to decide; increased rates are strictly a question of legislative amendment.

The Chairman: Are there any other questions? Mr. Bigg?

Mr. Bigg: When there is a 100 per cent pension being paid a veteran, is it customary to pay his wife that extra $3,000 in addition to her pension or allowance?

Mr. Anderson: Are you speaking now, Mr. Bigg, about attendant's allowance?

Mr. Bigg: Yes.

Mr. Anderson: No, so long as the pensioner remains alive the wife receives nothing in the way of pension; all pension is paid to the man, including the attendant's allowance, clothing allowance and anything else.

Mr. Bigg: So you might pay for a nurse, but you would not pay his wife if she was doing the nursing.

Mr. Anderson: We would pay him. We do not require that these people employ attendants if their wives do the job. We pay the man the $3,000 without question; there is no question as to who is doing it.

Mr. Bigg: If he is a veteran and you pay him the attendant's allowance, it is up to him to employ whom he wishes?

Mr. Anderson: That is right. We do not question his use of the $3,000 at all.

The Chairman: Mr. Laniel?

Mr. Laniel: I notice under Item 25 the Newfoundland special awards. My neighbour here tells me that that is related to World War I veterans. Is that right? It is in the amount of $35,000.

Mr. Anderson: The Newfoundland special awards are paid to a certain group of people in Newfoundland who were receiving pensions from some source other than their own pension legislation down there, and there was no way in which we could pay these pensions under the terms of our legislation. So the government agreed at the time of Confederation that they would take over this responsibility and continue these pensions at whatever rate was in payment at the time of Confederation.

Mr. Laniel: Why do you say "at the time of Confederation"? Newfoundland did not come within Confederation until 1949.

Mr. Anderson: That is right. That is when the government assumed this obligation—in 1949.

The Chairman: Mr. Anderson means at the time Newfoundland joined Confederation.

Mr. Anderson: Yes.

Mr. Laniel: I see. Does that concern both World War I and World War II?

Mr. Anderson: Yes, it does.

• 1025

Mr. Laniel: We have sometimes had complaints about veterans' making application for pension on aggravation of pre-enlistment disabilities. I imagine it is very difficult for a veteran to prove without any doubt that there had been aggravation of a pre-enlistment disability. This is where I think the Pension Commission should take advantage of the benefit of the doubt. There has been an increase in the allocation of pensions for those cases in the past few years. Is the Pension Commission paying better attention to these cases and do you tend to go as far as making an investigation that will go back many years as to establish really if there has been aggravation? Aggravation might not have shown up really during the term of service of the veteran but still the conditions in which the veteran has been during the war might have had an effect on this kind of disability and we often refer cases to you and we get the impression that it is very easy to get a "no" answer very quickly.

Mr. Anderson: I should point out first of all, Mr. Chairman, that in granting aggravations we do not require that the man's condition shall have worsened because of the fact that he served. For instance, if an individual enlists with a certain condition which is obvious or is recorded or we are aware of it at the time of his enlistment and it worsens during the period of his service—for instance, a condition like arthritis will naturally worsen—we consider that to be aggravation.

We do not try to establish whether or not the conditions under which he served caused it to get worse; we are satisfied to accept the fact that it is worse and we consider that aggravation. It is a problem at times to ascertain whether or not the condition did worsen and you have, of course, such conditions as congenital conditions which it is difficult to assess at the time of enlistment, but medical people will tell us that these are not conditions which arise from any particular cause but they are inherent in the individual at the time of his birth.

There are problems in connection with this and they are all very carefully explored and examined, of course, at the time that they apply. We do give them very careful study and consideration at that time, but one of the points I wanted to make clear is that we do not necessarily require that the aggravation be caused by the fact that the man served. If he is worse when he came out than he was when he went in, then we grant aggravation so far as we are concerned.

The Chairman: Mr. Bigg?

Mr. Bigg: I have had several cases concerning heart disease. I suppose this is one of the most difficult problems. I know of one or two cases—and mind you, I am not a doctor—where it seems to me that the condition was aggravated by war and yet it seems to be very difficult to prove in medical terms, particularly heart disease. Is that correct?

Mr. Anderson: This is an answer which, again, I think it is necessary to have a doctor give. Dr. Brown, I think, has made a very careful study of this particular matter and I think he can tell you very clearly just what the problem is here. Dr. Brown would you like to take over?

Dr. Brown: Mr. Chairman, it is very difficult at times to ascertain whether or not there was worsening of his cardiovascular system between the date of his enlistment and the date of his discharge. Recent studies across the world have led us to believe that atherosclerosis which is the main danger point in this cardiovascular system begins in childhood. There is no question about it, and it is due to many causes.

Now, if he served overseas and if he developed heart disease during his period of service and there is no record, he gets aggravated pension entire unless it was recorded or obvious at the time of enlistment. Otherwise, if he served in Canada and he did have a frank coronary thrombosis in the service he usually gets a high degree of aggravation, possibly four-fifths—three-fifths to four-fifths. If he has a few twinges of pain, it might be to a lesser degree. Does that answer your question?

Mr. Bigg: I am thinking of a case where a boy perhaps has had rheumatic fever but did not declare it when he went in. Naturally, on the way into the Army you play down your health troubles to get in. If you want to serve your country you do not tell them about the measles you had when you were small and coming out also, in a great many cases, soldiers cover up their difficulties, too. They say they are all right. They are anxious to get back to the farm or wherever it is. Then 20 years later they have a heart attack and naturally they think that three or four years of fighting did not do it any good.

• 1030

Dr. Brown: Possibly it did not. Actually in the pathology of rheumatic heart disease they tend to break down around the fortieth to the forty-fifth year.

Mr. Bigg: There are three cases I can think of who are getting that now. They are on war veterans allowance instead of being pensioned.

Dr. Brown: Yes. If there is nothing during his period of service it is harder to grant a degree of aggravation or rule that it was incurred during his service.

Mr. Bigg: I think this is in line with what the other gentleman said about where the benefit of the doubt rule might come in. War Veterans Allowance is practically the same amount of money but it is often a question of pride. He feels in one case he is on relief and in the other that he is getting something he is more or less entitled to.

Dr. Brown: If he has any vestige of rheumatic heart disease, rheumatic fever, during his period of service, the Commission would certainly take it into consideration.

Mr. Legault: Mr. Chairman, may I ask the Doctor a question to clarify a point? When you consider these pension applications in an Appeal Board, if an enlisted man, in this particular case Navy, who was never called upon for an overseas posting but whose duties were on the Eastern Coast, had a record of a somewhat slight heart disease during the enlisted time, would that case be considered for a pension?

Dr. Brown: He would certainly be considered for a pension. Now, whether he would be granted a pension or not, I could not say. It depends upon the facts of the case.

Mr. Legault: The particular case I am dealing with is one where the man's medical report indicated that he had some malfunction of the heart at the age of about 12 or 13

but which seemed to improve, and then some 25 years afterwards he was afflicted with a heart attack.

Dr. Brown: In this type of case one really should review the documentation before one gives an answer. In other words, he had a pre-enlistment condition which was recorded prior to his enlistment?

Mr. Legault: Yes.

Dr. Brown: Then the question of whether there was aggravation of this during his service arose. Now, if there is material worsening of his heart condition, the chances are the Commission would grant an aggravation of his condition.

Mr. Legault: Thank you very much, Doctor Brown.

The Chairman: Are there other questions?

Mr. Guay (St. Boniface): Mr. Chairman, I would like to ask a question, if I may. Are you satisfied, sir, that in the administration of your section of the Department you have ample money to look after its responsibilities? With your qualifications and as an employee of the government is there anywhere in the budget for your section where there could be savings benefiting the government, whereby we would not have to question you about whether you have too much money here or not enough there? Have you any recommendations to make?

Mr. Anderson: We have always maintained a very careful record of our expenses and so on and, in spite of the fact, Mr. Chairman, that the number of claims reviewed annually has not decreased substantially over the years we have, through improving the efficiency of operations, reduced our staff consistently through the years. Our administrative costs have never been as high as two per cent of the total amount of money we pay out. The Pension Commission has always taken the attitude that if we have any money to spare we will see that the pensioners get it rather than the high-priced help. This has been a common practice with the Commission for many, many years.

• 1035

We are constantly reviewing our staff organization with a view to further increasing our efficiency. We occasionally do go to the government for additional funds if we are trying to introduce some new measure but by and large, except for the increases in salaries and other costs and so on, we have continually reduced our administrative costs over the years, or at least we have not allowed them to increase very sharply. I am not too sure, Mr. Guay, whether that is exactly what you are getting at here.

Mr. Guay (St. Boniface): Possibly I could ask another question. Are you satisfied with the Estimates you now have and from the knowledge that you have of your Department are things functioning well and in the manner in which you expect them to function? Are you satisfied with what you have, that the amount given to you is sufficient for the ultimate you are aiming for, or in some little other areas—this is what I want to get the forethought on—do you have in the back of your mind that you possibly could save some money but rather than take a chance on it you might as well add it on?

I am speaking, for example, amongst other things of stationery supplies and office machines for which every year there seems to be a substantial amount. I am not criticizing here; I do not want you to get the wrong idea. Are you satisfied that you have sufficient or is it your opinion as an honest man and the head of a Department that if it were your own business you could cut expenses and still give the service you are giving at present?

Mr. Anderson: No, I can answer that quite honestly, sir, by saying that I do not think we could reduce our expenses substantially without reducing our services under existing circumstances. I think we would have to reduce the service. As a matter of fact, we have had to go back this year for a slight increase in our administrative expenses because of a loss of staff, and so on and, as you know, new staff appointments have been frozen lately. Also I can honestly say that whenever there has been the need for additional funds to maintain our efficiency we have never run into any difficulty in getting them up to this point, so I have been perfectly satisfied with this aspect.

Mr. Bigg: On the same point, are you satisfied that you have enough legal help to look after the appeal boards, and so on?

Mr. Anderson: Yes, we have.

The Chairman: Are there any other questions?

Mr. Laniel: Just a question of personal satisfaction. Can a veteran who is in receipt of a pension adopt a child and receive an allowance for that child?

Mr. Anderson: Yes, sir; he can receive additional pension.

Mr. Laniel: Then the same thing would happen if a veteran had a common law wife who had children?

Mr. Anderson: That is right. He would receive an additional pension for both her and the children.

Mr. Laniel: Thank you.

Mr. Guay (St. Boniface): I have a supplementary on that one, Mr. Chairman. If a veteran adopted a child since the war, would the child be entitled to the same benefits as if it were his own?

Mr. Anderson: It is a matter of Commission policy that if any veteran takes any child into his home under his care he will get additional pension for that child.

The Chairman: Are there any other questions? If not, will Items No. 20 and No. 25 carry?

Items 20 and 25 agreed to.

The Chairman: Thank you, Mr. Anderson, for your appearance before the Commitee.

We will now go to Dr. Ritchie of the Treatment Services who is the next witness I propose to call. Dr. Ritchie?

• 1040

Dr. K. S. Ritchie (Director General, Treatment Services): Mr. Chairman, and members of the Committee, I have no prepared statement to give you in so far as the treatment services are concerned. In his opening remarks to the Committee my Minister made it quite clear what the functions of the Department were and what action we have taken in providing treatment services for veterans.

As you are aware, we originally had 11 hospitals. Two have been transferred; these are Sunnybrook Hospital in Toronto and Ste. Foy Hospital in Quebec City. We have also completed an agreement for the transfer of Lancaster Hospital at Saint John, New Brunswick which will not come into effect until 1970.

Generally speaking, I might say that we now have a total of 6,258 beds in active treatment hospitals, we have 385 in veterans' homes, giving us a total number of beds of 6,643. The average occupancy of these institutions is 78.4 per cent or 5,205 patients.

In addition to our hospital beds we do provide treatment to veterans throughout Canada under the doctor-of-choice plan, where the individual veteran has a choice of going to his own family doctor and receiving treatment within certain limitations under the veterans treatment regulations.

I do not think I have anything more of a general nature to say other than that I do have a statement of the historical functions of the treatment services, what the plans are now and what our ideals are for the future, which could be made available to the Committee if the Chairman should so desire.

The Chairman: What is the wish of the Committee?

Mr. Laniel: I move that the statement referred to be made available to the Committee.

The Chairman: It is a lengthy statement?

Dr. Ritchie: Yes, it is a rather lengthy statement. I do not have it with me at the present time. I have had it reproduced but I must apologize for the quality of reproduction—it is a little difficult to read.

The Chairman: I have had a chance to look it through, Dr. Ritchie, and I am sure it would be of assistance to the members of the Committee. Could we arrange to have copies sent to individual members of the Committee following this meeting?

Dr. Ritchie: Yes, Mr. Chairman.

The Chairman: Are there any questions you wish to ask of Dr. Ritchie?

Mr. Bigg: Mr. Chairman, on this matter of transferring hospitals over I can see the present problem of having large institutions very well equipped and so on perhaps standing idle when municipal hospitals are overcrowded but is this not predicating the whole movement on the fact that we are not going to need military hospitals in the future?

Dr. Ritchie: No, Mr. Chairman, this is not the case at all. First, I would like to correct a possible misunderstanding. We do not have vacant beds which could be used for civilians.

Actually most of our institutions are overcrowded at the present time. It has been the continuing policy of the Department that where we have vacant beds we will admit veterans for domiciliary care. So that in effect although we show there is an average of 75 per cent occupancy throughout our hospitals—when normally an 80 per cent occupancy is a good rate for most institutions—there are very few vacant beds. The vacancies are largely in psychiatric units where I am sure we have nobody else who could use them or would want to use them.

It is not our objective really to get out of the hospital field purely to dispose of our responsibility. Our main object in interesting outside bodies in taking over our hospitals is to ensure that the standard of medical care available to veterans will be maintained at an adequate level, and this is really the sole objective of transferring the hospitals.

• 1045

Many of you well know—certainly Mr. Émard knows—the situation that prevailed in St. Anne's Hospital from World War I to World War II, and we are only now taking the first step to replace this institution which was a very temporary and non-fire resistant structure.

What we hope is always to be able to maintain an adequate standard of care for veterans. Because our patients are getting older all the time our institutions become less attractive to the practising profession, to technicians and so forth, so we do have difficulty in maintaining adequate staff. You would be surprised probably to realize that 74 per cent of our patients in hospitals have been there for a period of over five years, that approximately 70 per cent of our patients are 65 years of age and over, which means that we have a steadily increasing aging population.

The Chairman: More geriatric hospitals than general hospitals in some respect.

Dr. Ritchie: Well certainly we are all geriatric, we are all getting older, but we do have a far larger percentage because of the nature of the patient groups that we are looking after and responsible for. This will tend to increase and there is no way of overcoming this other than by becoming part of an active treatment community hospital and then we can ensure that the active treatment facilities of the community are available to veterans.

We could equip our hospitals, we could rebuild them on the same basis as the local civilian hospital but we still would not be able to staff them because of our type of patient load.

Mr. Bigg: It is not entirely treatment. I do not see why a municipal hospital should be able to staff any better than a veteran's hospital.

Dr. Ritchie: It is purely because of the active treatment complex within the civilian hospital. You see, it has a far greater range of active treatment patients. They have the very young and they have the very old as well. Many hospitals have very old patients but they also have obstetrics and a younger group of patients, which is of interest to clinicians.

Mr. Bigg: You mean that the younger doctors and nurses do not like to work with an entire group 65 years of age and up?

Dr. Ritchie: They are less attractive, certainly.

Mr. Laniel: Dr. Ritchie, you said you had over 6,000 active treatment beds.

Dr. Ritchie: Yes.

Mr. Laniel: Out of which 78.4 per cent was the average occupancy. Can you break that down into active treatment patients and chronic patients?

Dr. Ritchie: The census of our institutions as of October 1968 showed that there was a total of 48 per cent of what we term long-term cases. This included 17 per cent domiciliary care and 31 per cent extended care, which is the long-term chronic. And we had 37 per cent which were active treatment and 15 per cent mental.

Mr. Laniel: How many beds will you have in the new treatment centre at Ste. Anne de Bellevue?

Dr. Ritchie: 630 beds, I believe it is, or 670—I am not quite sure. (672 is the actual figure)

Mr. Laniel: How many beds are there now?

Dr. Ritchie: When I mentioned the figure of 630 beds, this is in the new wing. There will be no reduction in the total beds in St. Anne's Hospital because there will be a modernization of the present psychiatric wing to maintain the total bed capacity.

Mr. Laniel: Will the new hospital replace all the old first war buildings that are there?

Dr. Ritchie: Completely.

Mr. Laniel: I do not understand exactly where the 37 per cent domiciliary care patients are. Did you say that you had 300 domiciliary care people outside of hospital?

Dr. Ritchie: No, I do not think I said that.

Mr. Weatherhead: I think the reference was to the 385 beds in veterans' homes.

• 1050

Dr. Ritchie: Oh, yes. These are in veterans' homes located in Saskatoon, in the Rideau veterans' home, and at Edmonton. These are three separate institutions for the care of veterans.

Mr. Laniel: What is the reaction of long-term veteran patients who are transferred to such veterans' homes where they receive minimum but sufficiently adequate treatment.

Dr. Ritchie: We have had no adverse reaction at all. As you are aware, we have a very excellent veterans' home in Edmonton and our problem is to keep veterans away rather than to attract them to it. The same thing applies to Saskatoon. Where the quality of our institution is adequate there is no problem getting patients transferred. There used to be difficulty in transferring chronic patients who had reached the domiciliary phase in their treatment to such an institution, but since these have been modernized there is no difficulty at all.

Mr. Laniel: Are you planning the construction of such institutions in the near future in the Montreal area?

Dr. Ritchie: No. The only construction being planned at the present time in the Montreal area is the new wing of the St. Anne's Hospital.

Mr. Laniel: It is under construction right now.

Dr. Ritchie: Yes.

Mr. Laniel: At a recent meeting I asked a question of Mr. Cromb. It is at the bottom of page 25 of the War Veterans Allowances information booklet on "Treatment and Funeral and Burial Expenses" where it says:

> Veterans who are recipients of awards under the Act may be granted, from the Department, medical treatment *in Canada only* for any condition in accordance with the Veterans Treatment Regulations.

I would like you to expand on the Veterans Treatment Regulations, in reference to the cases of veterans, let us say, who are not in receipt of pensions or allowances but are in a situation where they cannot pay for treatment. As veterans they are accepted in your hospitals and you hand them a bill every time they come out. You call them back for re-examination or check-up and hand them another bill. These bills mount up. What happens to these bills if they do not pay them?

• 1055

Dr. Ritchie: Mr. Chairman, may I answer the first part of the question first. The type of case you are referring to is what we refer to in the Veterans Treatment Regulations as Section 13 and Section 23. Section 13 is where the veteran qualifies on economic grounds for treatment through the Department. Under the terms of Section 13 the Department is not responsible for the medical care of that patient. We recommend to the medical staff that they make some adjustment to the fee charged to the veteran, based on his economic ability to pay. Therefore, when this patient is discharged from hospital he may or he may not receive an account from the doctor for his professional services. In so far as the Section 23 case is concerned any veteran who has served in the Armed Forces, whether it be in Canada or overseas, can elect to go to a departmental hospital if a bed is available on the understanding that he will assume the cost of hospitalization, and also the cost of any medical fees involved. He is now covered under hospital insurance so that there is no hospital account, but unless he has some form of medical insurance then he would be billed directly for the medical care he received from the attending staff at the hospital.

Mr. Laniel: What is the advantage in his going to the veterans' hospital?

Dr. Ritchie: The main advantage, Mr. Chairman, is the fact that he can get a bed when he could not normally get into a civilian hospital. If he applies for admission to a civilian hospital he would be faced with a long waiting list whereas if he applies to our hospital he would probably get in on very short notice.

Mr. Laniel: Yes, but from looking at these bills I got the impression that they were mainly for professional services.

Dr. Ritchie: Yes, that is right. This is what they are. These are the medical fees being charged by the attending doctor and this is what the man is responsible for if he goes in under Section 13 or 23 of the Veterans Treatment Regulations.

Mr. Laniel: What happens if he can prove to you that he cannot afford to pay the bill?

Dr. Ritchie: Well, of course, this he does when he qualifies for Section 13 treatment. Before he is admitted to hospital he declares his economic status to the treatment entitlement officer. Presumably this determines what his economic status is.

Mr. Laniel: You would not go as far as forcing someone to get provincial aid or extra allowances under the assistance plan, or something like that, so that he will be able to pay you—or do you go as far as that?

Dr. Ritchie: No. We claim actually that the payment of the doctor's account is a matter of concern between the doctor and the patient, and not the Department.

Mr. Laniel: Yes, but the doctor is an employee of the Department?

Dr. Ritchie: Only part-time employees of the Department may bill a veteran for care.

The Chairman: I am sorry to have to interrupt at this point but we have to leave this room at 11 o'clock, Mr. Laniel.

Mr. Laniel: Mr. Chairman, this completes my questioning.

The Chairman: Dr. Ritchie I am sure will be available at the next meeting of the Committee and you will have an opportunity to continue your questioning. The question of when the next meeting takes place has to be raised with the steering committee. The group responsible for co-ordinating committees suggests we meet on Thursday at 2 o'cock. I hope this is agreeable to the members of the Committee. The suggestion was that we might be able to conclude our examination of the estimates.

Dr. Ritchie: Mr. Chairman, I have a meeting in Montreal on Thursday.

Mr. Legault: This is unfortunate.

The Chairman: There are two other members who indicated questions. Mr. Turner has not had a chance to ask questions and Mr. MacRae has some further questions. I think we will have to defer them. Would you be available later Thursday or is it not likely? Thursday is just not a satisfactory day?

Dr. Ritchie: No, I was planning to come back on Friday.

Mr. F. T. Mace (Acting Deputy Minister, Department of Veterans Affairs): Mr. Chairman, may I interject. As you know you still have the veterans land administration and I would suggest, if there is a problem with Dr. Ritchie, we proceed with the VLA on Thursday afternoon at your convenience and then revert to Dr. Ritchie on the following Tuesday.

• 1100

Mr. Laniel: Mr. Chairman, is Thursday not going to be reserved for committees? Will we sit in the evening on committees too?

The Chairman: I had hoped if we could have a meeting at 2 o'clock perhaps we could conclude the VLA section and then one final meeting could conclude the treatment services and the item on administration which could be held in the evening.

Mr. Laniel: This is why I bring this question to Dr. Ritchie. Is it possible for him to come back for an evening session?

The Chairman: Is Thursday evening a possibility, Dr. Ritchie?

Dr. Ritchie: I could make it back on Thursday evening if this is your desire.

Mr. Laniel: This would give us a chance to conclude.

The Chairman: I would have to take this up with the co-ordinating committee. I could not say off hand. There are other committees that are planned and the time that was suggested for us was 2 o'clock on Thursday afternoon. It seems to me we will complete all but the rest of this item at that time and then perhaps we may have to have one further meeting with Dr. Ritchie.

Thank you gentlemen, thank you Dr. Ritchie.

OFFICIAL REPORT OF MINUTES

OF

PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations and/or a translation into English of the French.

Copies and complete sets are available to the public by subscription to the Queen's Printer. Cost varies according to Committees.

Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER,

The Clerk of the House.

Governm
Publicat

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968

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STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

THURSDAY, NOVEMBER 28, 1968

Respecting

Revised Main Estimates (1968-69) of the Department of Veterans Affairs

WITNESSES:

From the Department of Veterans Affairs: Mr. R. W. Pawley, Director General, Soldiers Settlement and VLA Branch; Mr. A. D. McCracken, Administration and Finance, VLA Branch; Mr. H. Lamb, Superintendent of Construction Division, VLA Branch.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

29195—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Bigg,
Boulanger,
Émard,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
MacRae,
Marshall,
McIntosh,
Mongrain,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—(20).

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Gibson replaced Mr. Émard on November 27, 1968.
Mr. Émard replaced Mr. Gibson on November 27, 1968.

ORDER OF REFERENCE

HOUSE OF COMMONS
WEDNESDAY, November 27, 1968.

Ordered,—That the name of Mr. Gibson be substituted for that of Mr. Émard on the Standing Committee on Veterans Affairs.

Ordered,—That the name of Mr. Émard be substituted for that of Mr. Gibson on the Standing Committee on Veterans Affairs.

ATTEST

ALISTAIR FRASER
The Clerk of the House of Commons

29195—1½

(*Text*)

MINUTES OF PROCEEDINGS

THURSDAY, November 28, 1968.
(6)

The Standing Committee on Veterans Affairs met this day at 2:10 p.m. The Chairman, Mr. Lloyd Francis, presided.

Members present: Messrs. Bigg, Boulanger, Émard, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Latulippe, Legault, MacRae, Saltsman, Thomas (*Moncton*), Turner (*London East*), Weatherhead, Whicher (15).

In attendance: From the Department of Veterans Affairs: Dr. J. S. Hodgson, Assistant Deputy Minister; Messrs. C. F. Black, Departmental Secretary; R. W. Pawley, Director General, Soldiers Settlement and VLA Branch; W. Strojich, Director, Farm Services, Soldiers Settlement and VLA Branch; H. Lamb, Superintendent of Construction Division VLA Branch; N. G. MacArthur, Director, Property Division VLA Branch; A. D. McCracken, Administration and Finance, VLA Branch. *From the Royal Canadian Legion:* Mr. D. M. Thompson, Secretary General, Dominion Command.

The Committee resumed study of the Revised Main Estimates 1968-69.

The Chairman called Items 40 and 45, Administration of Veterans Land Act and Grants to Veterans Settled on Provincial Lands and introduced Mr. R. W. Pawley, Director General, Soldiers Settlement and Veterans Land Act who read a statement.

The Committee proceeded to the questioning of the witnesses.

Items 40 and 45 were severally examined and carried.

At 4:00 o'clock p.m., the Committee adjourned to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, November 28, 1968.

• 1411

The Chairman: I think I see a quorum. With your approval, I will call Item 40, dealing with Soldier Settlement and Veterans' Land Act, followed by Item 45, in the Revised Estimates.

Soldier Settlement and
Veterans' Land Act

40 Administration of Veterans' Land Act; Soldier Settlement and British Family Settlement; upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property, taxes, insurance and maintenance of public utilities; and to authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible, and for such other work on other properties as may be required to protect the interest of the Director therein . . . $5,414,000

45 Grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 38 of the Veterans' Land Act, grants to veterans settled on Dominion Lands in accordance with an agreement with the Minister of Indian Affairs and Northern Development under section 38 of the Veterans' Land Act and grants to Indian veterans settled on Indian Reserve Lands under section 39 of the Veterans' Land Act. . . $110,000

(S) Provision for reserve for conditional benefits, Veterans' Land Act. $3,520,000

$9,044,000

The Chairman: We have with us today Mr. R. W. Pawley, Director General of the Veterans' Land Act. He has a prepared statement which he would like to put on record.

Mr. R. W. Pawley (Director General, Soldiers Settlement and Veterans' Land Act Branch, Department of Veterans Affairs):

Mr. Chairman and gentlemen, before we start I would like to introduce my right-hand man, Mr. Arthur McCracken, Director of Administration and Finance Services.

Several other officials from our administration are present. If it is necessary, I will ask them to answer questions, and I will introduce them at that time.

The Veterans' Land Act, enacted in 1942, and one of the three main rehabilitation plans under the Veterans Charter, was designed to provide financial assistance to the returned soldier of World War II. Later its provisions were made available to those who served in Korea. Although the deprivations faced by the soldier settlers on a Western homestead around 1920 were not experienced to the same degree, nor were the hazards of pioneer life after the War of 1812 in existence, nevertheless VLA still remains a modern version of the application of land grants to soldiers, a method used in the past to develop and consolidate our rich Canadian heritage.

The history of land settlement schemes reveals that complete total economic success was not achieved by all or many of the participating individuals, but the contributions made toward the initial development of resources paved the way for others to achieve success. After nearly 25 years' experience, there is every indication that the VLA scheme will be judged an individual economic success as well as being instrumental in enriching the human resources of Canada.

In broad terms, it will have touched the lives of over one-half million people represented by veterans and their immediate families, which was about the size of the rural population of Alberta in 1961. The Director has bought 9 million acres of farm land and over 536,000 acres for small holdings, which is as great as the amount of improved land in Ontario in 1966; and he has established a

population of veterans and their families in homes equal to that of the City of Ottawa. It is estimated that before lending operations under the Act cease, another group equivalent to the population of Regina will have been settled. In the aggregate, the Act will have provided homes on small holdings to a veteran population equal to that of the City of Vancouver, including suburbs. This degree of impact becomes even more significant with the realization that a large number of the properties are located in areas in which normal credit facilities are not readily available and, through the sound use of loans, the buildings have been renovated into modern comfortable houses representing a satisfactory security risk.

Times have changed since the end of the war and our program has been overshadowed by others but this does not lessen our pleasure to report to this Committee. Briefly, I would like to give you a broad synopsis of the Veterans' Land Act so that you may have a better understanding of our Estimates for 1968-69.

• 1415

The work of VLA touches many areas of Canadian business but our prime job has to do with the buying of property on behalf of veterans. It is essential that staff be well-trained. The broad requirements for all functions—farms, small holdings, construction—are difficult to find in one person. By means of a well-defined training program, in most cases one field officer will look after at least two of the functions. It is our objective to train selected staff to perform all three main functions. If this can be achieved, then costs of administration in the field will be further reduced.

ORGANIZATION

There are three administrative levels each with a definite role and a task to perform. Head Office at Ottawa, with a staff of 69, is primarily concerned with policy matters, co-ordination between Regions and directing the operations. We have 7 Regional areas, each managed by a Regional Director who is responsible for making the decisions and administering the Act in his area on behalf of myself. Each Region is comprised of from 2 to 5 Districts (24 in the aggregate) each of which is under the control of a District Manager who has line responsibility for dispersed field officers. We have 190 field officers who are responsible for the application of the provisions of the Act within their designated field areas. I have delegated at least 95 per cent of my decision-making authority to Regional Directors thereby making the Administration almost completely decentralized.

THE PROGRAM

The volume of business and data associated with each phase of our program is revealed in the Annual Report of which you have a copy. In order to show a clearer comparison and to update the data to the end of this fiscal year, supplemental information has been provided. Consequently, it is not intended to dwell too long on these features. I would like, however, to discuss some of the highlights of our program.

A typical grain-baby beef farmer on the dark brown soils on the Prairies with a fixed investment of about $60,000 can carry a $40,-000 mortgage if he has total cash receipts of about $15,225 annually. His cash expenses, including a revolving amount annually to be applied toward capital replacement, would be about 58 cents on every dollar of income. The living allowance for his family of three would be about $4,000.

As the result of analysing thousands of farm account books, this sort of basic information on various types of farms has been gleaned and represents the actual circumstances as they may apply to others in a similar type and size of operation. Developed from these farm records, which cover periods of good and poor years, basic formulae are now being used to test a farmer's repayment ability with the simple knowledge of his anticipated income. Although judgment of managerial quality is essential, we have been loaning large sums of money by a relatively simple deduction of the farmer's Debt Carrying Capacity. The use of this approach has greatly reduced the time spent in processing loans and has been a beneficial tool for the farmer in determining the effectiveness of loans for various purposes. We are satisfied that with some further refinement, and proper interpretation by qualified farm advisers, this new approach can be used with an even higher degree of dependence on its application.

Immediately after the war, the VLA staff influenced the veteran's establishment along helpful and beneficial lines. Currently, the pressure of work which is accompanied by some inevitable health problems as our staff of World War II veterans grows older, pre-

cludes providing as great an advisory service as was rendered in the past. Now, "visits" by our field officers must be confined to essential matters and, whenever it is reasonable and practical for them to do so, veterans must expect to seek consultation with the official in his office.

In this same vein, within recent years we have deliberately avoided "paternalism" and depended on the veteran's judgment to select and decide on what may be his best interests. For the most part, this has been satisfactory both to the veterans and ourselves; and has established that veterans can and should accept more responsibility for the quality of certain aspects of a property which can be assessed only with difficulty. In this connection, I refer to such features as wells, septic tanks, hidden defects, etc. Accordingly, the Director resists, within reason, any undue efforts to hold him financially responsible when some of these amenities do not prove completely adequate.

About 10 years ago, 60% of the new houses constructed under the Act were build by veterans taking their own construction contract. Today, this percentage has been reduced to 52% with the balance built by fully bonded contractors.

LEGAL AND TECHNICAL IMPLICATIONS

The Director has taken title to around 100,000 properties. Of these, he has deeded back to veterans, at their request, or because the conditions of the contract were fulfilled, about 53,500 titles. In addition, to permit the owner veteran to sell off land nearly 17,600 conveyances have been prepared. Since inception the Director has granted 9,400 easements for the purpose of bringing new services to the area or improving these existing, and entered into 5,300 surface, oil and gas leases.

• 1420

The Director is a corporation sole and does not have the benefits associated with a Board of Directors but he is delegated broad powers by the Act and Regulations which permit the application of good business practice normally required by owners of property. As a consequence, there must be a national consistency to the application of the provisions of the Act. Because geographical and provincial differences exist, and since the Regional Directors must administer and make decisions on behalf of the Director, the need of effective administrative co-ordination is of great importance.

TOPIC HIGHLIGHTS

At the present time, there are a number of matters which I am sure will evoke some questions or discussion. I wish to refer to them in the following order: (1) termination dates; (2) loan limitations; (3) minimum acreage; and (4) interest rates.

1. In order to terminate the lending operations under the Act in an orderly manner and to permit forward planning as it relates to manpower and financial resources, while, at the same time, giving veterans a reasonable period in which to take advantage of its provisions, three terminable dates have been established. The first is now past, October 31, 1968, beyond which no further applications to qualify for the provisions of the Act have been accepted. The second date is March 31, 1974, after which no loan applications from veterans not already established will be accepted. The third date is March 31, 1977, after which no loans of any nature will be made.

The effect of the first cut-off date was underestimated. Over 150,000 have established their eligibility of which 90,000 were received during the 10 months prior to October 31, 1968. There were about 600 received data after November 1, 1968. It is estimated that from 30,000 to 50,000 of those eligible will be established.

2. Consistent with the government's action to strengthen the economy, funds for loans to veterans were limited this year to about 25% above the previous 5-year average. Since the Director is permitted to re-loan money repaid on the principal debt, $34 million was estimated from this source and the amount released by the Department of Finance was pegged at $40 million. Subsequently, the estimated revenue return was dropped because of crop conditions in Western Canada making available about $73 million.

Each Region was budgeted accordingly but because of a rush in business, which had gained impetus the previous year, loan funds were fully committed in four out of the seven Regions by July. As a means of accommodating those to whom an immediate loan could not be made, the Director undertook to commit loans to be advanced from next year's funds. it is estimated there will be 1,000 deferred loans committing an amount of about $14 million.

3. The subject of minimum acreages for small holdings has been raised on countless

occasions. The original concept of the Act, whether this may be thought wrong or right under present-day conditions, was associated with part-time farming. The intent was to provide a means for a veteran to supplement his income from a small parcel of land. Notwithstanding the fact this concept arose from experience in the "hungry thirties", there are thousands of those established under the Act, who are secure and happy in the kind of living offered by these conditions. To change now would be like changing the rules in the middle of the game. If the change were made to that of a city lot basis, such action would break faith with a large number of veterans who had chosen to buy a home in the city at higher carrying charges and without the further aid of a grant. Further, any veteran who had a mortgage on a house in any location would undoubtedly qualify and I indicated to the Standing Committee in 1966 that the minimum cost to the government in grants, administrative costs, etc., would be nearly $500 million. In addition, the government would be required to make available an estimated $3 billion for long-term loans, even if only 20% of the one million veterans were to participate.

4. Discussion on interest rates must be limited because of the pending Bill to be presented and considered by the government. The rate of 3½% on the repayable amount of the first $6,000, which is $4,000 for small holders and $3,200 for farmers, was established in 1942, and was then slightly higher than the return on long-term bonds. In 1954, an amendment to the Act made available an additional loan amount with an interest rate of 5%. It was not until 1965 that the cost of money, as represented by the return on bonds, exceeded 5%. Until 1965, therefore, the government was in effect not subsidizing interest rates except for any new amounts loaned at 3½%.

ADMINISTRATIVE COSTS

On page 2 of the supplementary data material made available to you we have shown our current forecast of costs for 1968-69, as well as our actual expenses for last fiscal year. You will note we anticipate our total expenditures will be some $41,000 less than provided in the Estimates and about $21,000 less than our costs in 1967-68.

• 1425

Despite the fact our average staff strength to date this year is some 4% less than last year, salary requirements will be up approximately $138,000 because of the provision for general increases.

Most of the increase in salary costs is offset by the decrease in Professional and Special Services—mainly legal fees—which is directly related to the limitation on the loan funds available this year.

There is a sizeable reduction forecast this year, as compared to last, of expenditures in the Sub-Vote for Upkeep of Property. This is due to the transfer of ownership of public utility systems to the municipalities in which the VLA subdivisions concerned are located. We have not, however, been able to dispose of as many subdivision lots as expected and this, coupled with generally higher property taxes, will increase our requirements for this particular item.

I made reference earlier to the delegation of responsibility to Regional Directors. In keeping with the principles recommended by the Glassco Commission, such delegation in VLA encompasses matters related to the planning of operations within their Regions within the context of overall plans and policies, and of exercising control over expenditures within their approved budgets.

• 1430

In comparison with the volume and multitypes of business we are doing in widely dispersed areas of the country, I consider our administrative costs are modest and reasonable in size, and I believe much credit in this respect is attributable to the effective manner in which Regional Directors are exercising their financial management responsibilities.

In conclusion, I would like to record a tribute to the VLA staff, but with particular commendation to those in the field. The fiscal year 1967-68 registered the highest volume of business since inception. This was accomplished with one-third of the staff compared to 1947 which was next in line. During the current year, an extremely difficult public relations task has been accomplished with only minor criticism.

My predecessor, who on occasion is mentioned with praise, retired from VLA 10 years ago. Notwithstanding the credit which one may receive, any contribution to the growth of an organization does not happen without the initiative and strong support of the staff. I am proud to commend the VLA staff who, if

all details were known, have done much during this year to protect the image of the Department.

The Chairman: I now ask members to ask their questions. Mr. MacRae and Mr. Émard.

Mr. MacRae: Mr. Chairman, I have a number of questions for Mr. Pawley. First of all, on page 8 you discuss the financing of the Veterans' Land Act. Now, there will be $33 million, I believe, repaid in loans this year. Therefore, Mr. Pawley, the government is making available roughly $40 million. Is that correct?

Mr. Pawley: That is true.

Mr. MacRae: Mr. Chairman, just how is that $40 million handled through Parliament? I made just a cursory examination of the estimates, but I do not see a figure of $40 million there anywhere.

The Chairman: We have items 40 and 45 before us and your point is that the $40 million does not appear as a block item.

Mr. MacRae: I do not believe it does.

Mr. Pawley: Mr. Chairman, this amount is included in the Veterans' Land Act fund which is a revolving fund. In order to explain it more precisely, I would like to direct this question to my financial manager, Mr. McCracken.

Mr. A. D. McCracken (Director, Administration and Finance Services, Department of Veterans Affairs): I wonder whether you would care to look at page 3 of the red book? You will note that we make reference to the balance of $530 million in the fund. The fund was set up at the time the Act was amended in 1965. It was established at that time at $380 million. The loans and investment item in the estimates last year of $150 million increased the total of the fund to $530 million. This is the global size of the fund.

We are the dependent on the government for funds in addition to the repayment of principal that comes in. The government still has to make funds available to us for lending within the over-all $530 million, and the amount the government has made available to us this year in addition to the principal recoveries is $40 million.

Our estimate of $33 million plus the $40 million is new money. This gives us an aggregate of $73 million for actual expenditure this year on loans.

• 1435

Mr. MacRae: What is the necessary administrative machinery for getting your $40 million?

Mr. Pawley: The loan fund of $530 million indicates a ceiling. Now, the cash that is available for loans—and this, of course, includes all our investment in land which is some $430 million—the balance represents money which we can loan out plus any income from revenue or principal repayments.

Each year when the government looks at its financial circumstances it decides at that time whether there is any need to restrict funds for this purpose. As a consequence, instead of using unlimited amounts from this fund if they were available, we were limited to using only $40 million of that amount available.

Mr. MacRae: I am sure you can see the line of my questioning. I am now coming to this point: roughly how many do you have at this point qualified for the Veterans' Land Act who have not yet received any benefits?

Mr. Pawley: That is on page 5. It is 158,600.

Mr. MacRae: Now, what is the average size of loan, Mr. Pawley?

Mr. Pawley: Are you talking about small holdings?

Mr. MacRae: Yes.

Mr. Pawley: About $15,000, on the average.

Mr. MacRae: That is pretty close to $2 billion, then.

Mr. Pawley: Yes, if they were all established.

Mr. MacRae: If they were all established, it will take approximately $2 billion and yet the ceiling, as presently constituted, is roughly one-quarter of that. Am I right in my reasoning?

Mr. Pawley: This would be the situation, Mr. MacRae, if they were all established. We do not expect that 158,000 will be established.

Mr. MacRae: From your broad experience, how many do you expect might be established?

Mr. Pawley: Between 30,000 and 50,000; we think roughly about one-third.

Mr. MacRae: So roughtly about $600 million or $700 million is what you project you are going to need in the next six years, between now and 1974.

Mr. Pawley: Yes.

Mr. MacRae: Roughly $100 million a year. I want to establish a figure.

Now I come to the point of all of these questions up to this stage. How many may ask for qualification this year who will be waiting for qualification, waiting for grants?

Mr. Pawley: There are 30,000 to 50,000. Let us say about one-third of this group of 160 roughly, perhaps 25 per cent to 33 per cent may be established before March 31, 1974. This is five and a half years and the rate would be around 5,000 or 6,000 a year.

Mr. MacRae: Mr. Pawley, how much money do you have on hand at this moment, roughly?

Mr. Pawley: Do you mean, to loan?

Mr. MacRae: Yes.

Mr. Pawley: We have not any, sir.

Mr. MacRae: None at all? How many veterans are there at this moment that are actively seeking loans?

Mr. Pawley: Well, this is very difficult to answer.

Mr. MacRae: I understand of course, Mr. Pawley, you are now using next year's money at this point.

Mr. Pawley: Yes, we have deferred loans. We have approved loans on paper and committed ourselves to lend money to veterans to the extent of about $14 million out of next year's budget.

Now, it is very difficult for me to answer your question except in a general manner. I can give you the number of loans that we have made this year as opposed to last year, if this will help and I can tell you that in order to come within the budget of $73 million or $74 million, we had to reduce our lending activity by about 40 per cent this year.

Up to the end of September we have approved 4,000 loans. In the same period last year we approved 5,500. In addition to this, we have approximately 1,000 loans committed, so if we had money to meet the loan requests this would mean that this particular year we would have had to date roughly 5,000.

• 1440

Mr. MacRae: I am sure, Mr. Chairman, that all members of Parliament are in the same position. We are getting a great number of letters from men who wish to establish themselves under the Veterans' Land Act but unfortunately cannot do so because there are no funds available in this year's grant and Mr. Pawley is now using next year's established fund.

I think it is our job as a committee to try to help Mr. Pawley and the people we represent by trying to get more funds. I am not too sure of the way we should go about these things, but that is the objective, I think, we have to work towards. We have to recommend towards that objective as well.

I have a very brief question and then I will finish because I realize there are others who wish to ask questions.

Mr. Pawley, would this be correct? If a veteran applied for Veterans' Land Act assistance before, let us say, the end of September of this year but he had not qualified before the end of October, is he automatically disqualified at that point? By applying, I mean writing to the Department and getting an answer.

Mr. Pawley: Oh, I think he would probably qualify.

Mr. MacRae: You mentioned a figure of 600 who applied after the first of November. Did you look after those?

Mr. Pawley: No, we cannot look after all of them but we can look after some. Some applications were delayed, others had applied previously and forgotten about it and we still had the records, but just how many we can qualify out of this number we really do not know yet. We still have a little better than 40,000 applications sitting on a table over there that we have not even had time to look at yet. It will be the middle of March before we have this job completed.

Mr. MacRae: Mr. Chairman, I have other questions, but I will pass at this moment so that others might ask their questions.

The Chairman: I would like to put a question following Mr. MacRae's comments. Are we to understand that the entire fund of $530 million has been lent at this point?

Mr. Pawley: No.

Mr. McCracken: No, Mr. Chairman. At the end of 1967-68 the balance in the fund was $128 million and we estimate that at the end of March, 1969 we will have a theoretical balance within the context of that $530 million maximum of $88 million.

The Chairman: Presumably, it is at the discretion of Treasury Board before you can lend further amounts. Is that right?

Mr. McCracken: That is right. It is dependent on the amount of new money that the Department of Finance makes available in conjunction with the return of principal paid by veterans.

Mr. Whicher: How much money do you estimate will be required next year to look after all the applications that you believe will come to your Department? What is the total you will require so that we do not run into this mess that we are in this year whereby half way through the year the money ran out?

The Chairman: The console operator is having some difficulty. Will you speak louder, Mr. Whicher, please.

Mr. Whicher: How much money do you estimate your Department will require to look after all applications you expect will be approved for next year?

• 1445

Mr. Pawley: Mr. Chairman, that is an extremely difficult question to answer. I have to premise it with some constraints or limitations. One of them is the possibility that interest may go up. If the interest rate increases, I really do not know what effect this might have on the volume of loans that we might make next year.

I think we must admit that land is becoming increasingly difficult to acquire. If it had been a normal year we would have expected that our volume of business next year would be about $110 million.

Mr. Whicher: Instead of the $40 million?

Mr. Pawley: No, that was for this year. I am saying if there were no constraints on our lending activity for next year we have estimated in our forecast that the volume of loans would amount to about $110 million compared to the $73 million that we will loan this year during which time there have been some limitations.

Mr. Whicher: Are you asking Treasury for $110 million?

Mr. Pawley: We have indicated our requirements, this went up in our program review last March, and no decision has been made in this connection.

Mr. Whicher: The reason I ask this question is that if you need $110 million I think this committee should back you to the hilt. I cannot see any reason, when these men are qualified under law, that they should not be permitted to go ahead now with their building requirements. If you need $110 million, I intend as an individual member to see to the best of my ability that you get it, but I do not want to ask for $110 million if you only ask for $75 million.

The Chairman: If I could intervene here, Mr. Whicher—Mr. Pawley may want to take a moment or two before he comments—there is still a balance of a million or so in the approved funds that has not been used.

Mr. Whicher: That does not mean that you can get $80 million because last year they only got "X" number of dollars. There was still $80 million there but they did not get it.

The Chairman: I presume there was some administrative discussion in the light of the circumstances.

Do you have a supplementary question, Mr. Guay?

Mr. Guay (St. Boniface): Under the terms of the Act would money be available to the Department if and when required? This question is somewhat similar to that which has been asked. Let us say that the Department has on hand numerous applications from veterans who have qualified. Is there a hitch in the Department on money being made available to finalize these applications? If there is, then I would go along with the previous speaker.

Mr. Pawley: I think, Mr. Chairman and hon. members, you must realize that this is bordering on a policy matter which I do not want to be accused of—

The Chairman: drumming up business.

Mr. Pawley: —interfering with. I think that probably the record of VLA speaks for itself. We have always attempted to accommodate the veterans.

• 1450

On the other hand, if there is a national situation developing, I as a veteran who has probably had as much wartime experience as many feel that I have as much right to participate in solving this problem as one who does not have this kind of war experience. As a consequence, I have to admit that I would like to have funds available so that we can go along in this program uninterrupted, but when there are circumstances which prevent this I am afraid I have to accept pretty much what I am told. Nevertheless, I think I have been given full opportunity to express my feelings about the entire matter.

The Chairman: Mr. Bigg.

Mr. Bigg: It seems to me that this is perhaps brought on by the fact that we put on a cut-off date. Perhaps this emergency would not be as great if we had some extension of time—a moratorium on this cut-off date. Maybe your department then would not be so pressed for immediate loans. It seems to me the veteran is being panicked into immediate action where he might have waited for retirement or a change in his job before demanding this immediate attention.

Do you have enough staff to handle this emergency situation? Is there anything we can do to facilitate the processing of these applications. If we could give an extension of time to process them I am sure some veterans would be willing to put off their loan if they were sure that they would be processed and considered for final treatment.

Mr. Pawley: Mr. Chairman, I would like to explain that this 150,000 or 160,000 are not loan applications; these are people who merely established their eligibility so that at some time in the future they can take advantage of the Act. There is really no direct association between the volume of applications for qualification and the number that were established. Now there is some but not entirely. I do not think this is the problem.

Mr. Bigg: The staff is no problem?

Mr. Pawley: I do not think so. We do have staff and will have staff in places where the work is not going to generate to the same extent as it does in other places. For example, in the three prairie provinces our farm business is apt to decline faster than where the small holding business predominates and we may be required to do some shifting of staff for a period of, let us say, four or five years. I think we can deal with this. As much as I appreciate the support, I really do not think this is the problem.

As far as the cut-off date is concerned, I do not feel that this would solve anything. It would just postpone a situation of which we have gotten over the first hump and, to tell you the honest truth of the matter, I do not think I would want to do it again.

I think we must accept the fact that in order to earn a grant under the Act veterans of 50 years of age and over must live on the property at least 10 years. I think as a consequence we must expect that this Act at some time in the future must be drawn to its termination. I was given the job several years ago of trying to lay plans to draw it to an orderly termination. This is what we are attempting to do. While I admit it seems to be much more difficult than we anticipated, at least we got over the first hurdle fairly successfully. I am convinced that the number of veterans who want to take advantage of the Act have had ample opportunity. Nevertheless, I agree there will be those who will be left out in the cold. I do not think the cut-off date would solve any of our problems.

Mr. Weatherhead: Mr. Chairman, I have a supplementary. Do I gather, Mr. Pawley, that the VLA actually does not have the $88 million on hand at the present time?

Mr. Pawley: That is right. We have $88 million on paper but we have no authorization to spend it. We have spent all the money that we can.

Mr. Weatherhead: It is not really cash in the bank that you have control over. What sort of money would you have on hand, or has it all been spent?

Mr. McCracken: Roughly $20 million, which is committed. We will be disbursing this money at progress stages as houses are completed and as we get title to property.

• 1455

Mr. MacRae: Is the $14 million of next year in that, Mr. Pawley?

Mr. Pawley: In the $20 million?

Mr. MacRae: Yes.

Mr. Pawley: No, this is over and above it.

Mr. Weatherhead: And so every year, Mr. Pawley, you get so much principal and inter-

est I suppose back, or do you just count the principal?

Mr. Pawley: Just the principal.

Mr. Weatherhead: You just count the principal. You get so much principal back and then you have to go to the goverment each year for the balance of your requirements, is that correct?

Mr. Pawley: That is right.

Mr. Legault: We have talked a lot about committed loans. Is it your intention, Mr. Pawley, to continue with this line of action in the future?

Mr. Pawley: I do not think I can answer that. I think it depends entirely on what the Department of Finance does in connection with making money available for next year.

Mr. Legault: I understand that committed loans are approved loans. However, as the money is unavailable the applicant on the basis of the approval, can obtain funds from the bank on payment of their interest rates until the loan is provided? Do you find this a satisfactory arrangement?

Mr. Pawley: Yes, it is all right.

Mr. Legault: It does make more money available?

Mr. Pawley: Yes. It is all right. I have to admit, however, that the director is taking some risk in this connection. We already have had one case where a veteran has died with this kind of commitment. So what do you do in dealing with this as far as the widow is concerned? If the veteran is buying the property, he has to take title on his own. He pays his own legal fees. I think the chances that the title will be good is all right, but what if it is not? So there is an element of risk here, which I think we are prepared to take in these circumstances. Just how long we might continue on that basis, I am not too sure, sir.

Mr. Legault: Thank you very much.

The Chairman: Mr. Émard.

[*Interpretation*]

Mr. Émard: Mr. Chairman, I will have questions later, during the meeting, but first of all, I would like to make a few comments.

The Chairman: Yes.

Mr. Émard: Thank you. I would like to congratulate Mr. Pawley and his staff for the fine work he has done in the application and administration of the VLA. Your decision to delegate powers to regional directors has succeeded, and I noticed this personally when I built a house myself, this year. I greatly appreciated the technical assistance and inspection and the promptness with which they settled the problems that came up.

Last night I had the opportunity of reading the debates of this committee for the year 1948, and I was most pleasantly surprised to see the difference in the administration between the two plans: the former Land settlers' plan and the VLA.

Now, despite what you said in your statement this afternoon, I would like to come back on this minimum area requirement for veterans' lands.

• 1500

The VLA promulgated in 1942, but its scope and financial provisions have been changed since. The part of the Act we are concerned with particularly this afternoon, is Part 1 and 3, b) Part time farmers, people who work land while having another job.

The minimum area of land required was two acres at the beginning, is now reduced to 21,780 square feet, i.e. half an acre, and the Veterans Department can grant an additional reduction of as much as 20 per cent and in certain cases; nevertheless this means a minimum area of 17,424 square feet. In agreeing to reduce this minimum area required, the department recognizes that conditions have changed. Today, very few veterans farm a half acre, except for grass, and a great number of veterans who settled on land live near cities or in small urban centers, and the great amount of land required for the building of a house under the VLA does not offer any particular advantage in my opinion. On the other hand, there are many disadvantages involved. The cost of the land near large centers is very high. Secondly, the size of the area of the land as you know increases the amount of taxes to be paid. Third, in many localities, the cost of the utilities, sewers, water, paving of streets, sidewalks, etc., is calculated on the size of the land along the sidewalk, the frontage in other words, and fourthly the upkeep of the lot can be very expensive.

A great number of veterans qualified for the October 31, 1968 deadline and their average age, we are told, is from 45 to 50 years,

and as they must use their credit within the next five years, they will still not have reached the age of retirement and will not be interested in cultivating this land.

So the area of the land presently required by the department will prevent a great number of them from taking advantage of this Act for which they have become qualified.

I would suggest that the Committee recommend to the department a minimum area of 10,000 square feet, which would reduce the cost price of the land, would reduce the taxes, and make participation in the plan more accessible to a greater number of veterans.

[*English*]

The Chairman: Would you care to comment, Mr. Pawley?

Mr. Pawley: Mr. Chairman, this is a matter of government policy and I can do no more than provide my Minister with facts and figures as I see them. This has to some extent been presented in my opening remarks. I would point out, however, that in 1961 when the acreage was reduced from three acres to half an acre somewhere around 20,000 veterans had been established on this acreage. I would be less than honest if I said there was no difficulty. I agree there is a problem, but because this is a policy decision, I do not think that I can really comment on it.

• 1505

Mr. Bigg: Whether or not the policy is right, can we not ask whether it works to the satisfaction of your administrators?

Mr. Pawley: I have personally gone up and down the side roads and visited many of these small holdings, across Canada. I agree with some of the things that have been said—they are perfectly right—but for every situation that appears to be detrimental you have a counteracting situation which is extremely favourable. While I have no data nor proof, I think certainly those that I have visited are very happy with this kind of living.

In addition to that, prior to 1961 and 1962, when the minimum acreage was two and three acres this was also an off-size parcel of land which did not fit at that time. In spite of that it was a godsend to many veterans who were able to sell off land and I know of numbers of cases where they have actually utilized this extra land and paid off their homes completely. I cannot support some of the weaknesses of it but I can support some of the good features of it. Beyond that and what I said in my statement I do not think I can really comment unless there are other questions.

The Chairman: Mr. Boulanger?

Mr. Boulanger: Well, I was reading an argument; It is in English. They say here, and I want to check this with you, if a change were made to that of a city loan basis when you talk one hundred by one hundred, "succession will break faith." Do you think that such action according to that declaration would break faith with a larger number of veterans who have chosen to buy homes in the city at higher carrying charges without the further aid of a grant? Is the figure right when they say in the standing committee of 1956:

> The minimum cost to the government in grants, administrative costs, etc., would be nearly $500 million.

And they say in addition:

> The government would be required to make available an estimate of $3 billion for long term loans even if only 20 per cent of the one million veterans were to participate.

Are these figures correct?

Mr. Pawley: Yes.

Mr. McCracken: This was before we had a maximum ceiling established of 158,000 veterans who were qualified. This was two years ago and we had not yet reached it. If the change had been made at that time, we could have anticipated that perhaps every veteran who was not already settled under VLA might have come forward and wanted to settle on a city-sized lot. I have just multiplied; I hope these figures are right. It is 158,000 veterans at an average cost of $15,000 and it comes out to $2.370 billion and that would just be the capital cost.

The Chairman: In other words, if you were to reduce the minimum size to a city lot and Mr. Émard was, I think, suggesting this...

Mr. Émard: Usually what we call a city lot is 50 by 100 feet. But let us say when you come to 100 by 100, it is still called a city lot.

The Chairman: The suggestion is it would take a lot of money.

Mr. McCracken: That is right.

[*Interpretation*]

Mr. Émard: Even the case of a lot which will be smaller say, 6,000 square feet, as I suggested I was not think of them setting in town. I was thinking of suburbs around the cities where veterans are now going to settle, but there are difficulties involved in the purchase of a half-acre. Why should we not give the opportunity to more veterans to settle?

• 1510

[*English*]

The Chairman: Would you care to comment, Mr. Pawley or Mr. McCracken?

Mr. McCracken: There are two points that I might mention with regard to taxes and the cost of land. It is probable that it would cost a veteran as much or more to buy a city lot or two city-sized lots as it costs him to buy a half acre of land in the suburbs or rural areas. Another point is that with regard to taxes a man who is on a half acre in the suburbs, or rural areas or smaller communities, is not paying more generally in the way of taxes than a man who owns a property in the city, a city-sized lot or 10,000 square feet. This applies particularly if the city property is serviced with water, sewer, paved roads, curbs, sidewalks, street lighting and the majority of the services are payable by the veteran on a local improvement basis.

[*Interpretation*]

Mr. Émard: At the present time, most veterans who will be settling soon, will not settle in cities, but in the periphery of the cities as I did myself, and I know many others who want to do likewise. But because of veterans who want to settle on a small lot have to work away from home, they cannot make enough to live on the lot they have, so they have to either work in cities or in urban centers, and you see very few veterans now who will settle far in the country, because all veterans who work in the cities tend to settle in the periphery, or in the suburbs around the cities. For instance where I live, you could buy two acres of land twenty years ago, cheaper than you could buy a half acre lot today, and that is what I think should be considered, when the veterans who are going to settle are people who work away from home. So they cannot live too far away from where they work, otherwise transportation will be too costly and take too long. So they have to be near large centers, and he has to pay a great deal for a half acre in addition to sewer, water and all the overheads.

[*English*]

Mr. McCracken: I think it is true that across the country the majority of veterans are located around metropolitan areas—this is where the general population is—but this is not to say that the veterans are, in fact, being established immediately close to the centre of the metropolitan areas as distinct from the surrounding surburban areas or in satellite communities.

One could take the Ottawa area and find that veterans are being established in communities such as Richmond and Russell and the periphery of the city. Perhaps it is true; if you wanted to get a half acre of land in the immediate Ottawa area today it would cost you perhaps $10,000 or $12,000, but by the same token, to get a city lot in Ottawa today it is probably going to cost you the same amount of money. This is not what it is costing veterans who are being established, in general.

[*Interpretation*]

Mr. Émard: In my case, when I suggest 10,000 square feet, I am not talking about a city lot, I am talking about an urban area.

Mr. Legault: A rural area.

Mr. Émard: A rural area but surrounding, we could call this semi-rural.

• 1515

Why do you insist on 20,000 or 21,000 square feet. A veteran who settles on a half acre could settle just as well on 10,000 square feet. Personally, I do not need a great deal of the land I have it costs me extra money to keep my land up. I had 10,000 feet, a hundred by a hundred, it would be easy to buy in a semi-urban area, and I would be satisfied. 10,500 sq. ft. of lawn around the house would certainly be enough for me. So why is the Department insisting on another 10,000 square feet which in reality serves no purpose?

[*English*]

Mr. Pawley: There again I have to admit the point is well taken. But this happens to be the law. If you change the law, what does this cost the government? As a consequence, the other features become important. I cannot recall the basis upon which I estimated $500 million in 1966, but knowing now that we will have between 30,000 and

50,000 veterans, we can put it on that basis. Obviously we would have twice or three times as many if they reduce the acreages and let many come in.

Even on $50,000 the conditional grant is $1,400. The cost of legal fees and administrative costs is roughly another $500. This amounts to $100 million for 50,000 establishments. In addition to that, in the past the interest advantage represented about $3,000—an advantage to a veteran under lower interest rates. So in addition this would be another $150 million. You can see quite easily that by doubling that you can get up to $500 million without too much trouble.

I think this is probably the decision the government has to make in the whole gamut of priorities for public money. I would, however, like to explain that we have not disregarded this problem.

A disability pensioner who is in receipt of a pension of 50 per cent or more is not required to have half an acre. He can be settled on a small lot. Two years ago when we found that many veterans were unwell, from prolonged illness or accident, the government amended the regulations and these people no longer require a half an acre. They can be settled on a city-sized lot. Subsequent to that when we realized there were so many cases which had 200 or 300 square feet less than half an acre, the regulation was changed again to permit a 20 per cent reduction.

I think we have been trying our best to get over this matter so that it would not be too onerous. I think we have recognized the problem. We have recognized the problem almost to the extent that there is really no solution to it unless the government is prepared to make quite large expenditures.

Mr. Whicher: How much re-establishment credit would be paid back on that $500 million?

Mr. McCracken: It is an average of $400 roughly per veteran, Mr. Whicher.

The Chairman: Mr. Knowles.

Mr. Knowles (Norfolk-Haldimand): To comment on what has been said in this regard, if you do consider any changes, you have to consider the fact that more and more municipalities across the country now have by-laws and subdivisions which strictly regulate the size of the properties that can be sold and purchased. This must be taken into consideration when we are discussing any arbitrary size of lot.

The question, Mr. Chairman, I was going to ask related to what was discussed previously regarding the cut-off date of October 31. As you and all members are aware, human nature being what it is, somebody did not see this and we have people asking if there is any opportunity for them to take advantage of it.

I had some glimmer of hope when you suggested that a great many applications now under consideration would not be processed perhaps, and that if a person now applied, he might be considered if there were funds available and these funds were not taken up by the present applications. Would that be possible?

Mr. Pawley: I am afraid not, sir. The law is specific. It is in the Act. October 31, 1968 is the deadline.

• 1520

Mr. Knowles (Norfolk-Haldimand): When was that put in the act?

Mr. Pawley: In 1965. I think it received fair publicity across Canada. It was advertised a great deal, but obviously there are people who missed it. This seems to be always the case.

Mr. Knowles (Norfolk-Haldimand): I have had people ask me about this. What steps did you take, so that I can give a satisfactory explanation? This was advertised in the press. Are there any other means of advertising it?

Mr. Pawley: About a year ago, each of the regional offices across Canada contacted local newspapers and there were stories on the cut-off date in practically every community in Canada. They were usually associated with another story, becase the cut-off date did not seem to newspapers themselves to make much news, but other things did.

It was advertised in the Royal Canadian Legion publication on several occasions. It was put up in post offices. Then the last advertising was in the *Weekend* magazine which has a circulation of more than two million.

We figure that the actual publicity must have reached at least 50 to 60 per cent of all Canadian homes. We are assuming that the same proportion went to veterans who would be interested. In addition to that, of course,

the Legions have been publicizing it. One trade union in Ontario warned its members that the cut-off date was October 31. There has been a great deal of participation in one way, shape or form.

Mr. Knowles (Norfolk-Haldimand): Mr. Chairman, I would like to compliment the administration of the Veterans' Land Act, as one who has had personal knowledge from having the benefit of it. I want to say what a fine job they have done and a great number of people, as the report suggests here, have been helped by it. Thank you, Mr. Chairman.

Mr. Bigg: I think we are on policy at this particular point. Is it not true that supposing we did theoretically tie up $2 billion in this type of housing, this money has to come from somewhere. It is a national investment. There is a positive side to this as well as the fact that we are earmarking money. It is causing employment, it is taking the bottleneck off other housing shortages.

I do not think we can look at it from strictly the balancing of books point of view even if that is valid in the way we keep these books. Is not this money we lend out to veterans all coming back in employment? This money does not disappear down the well somewhere. It goes back into circulation.

Although on paper it is owed somewhere, it is still working.

Mr. Pawley: I do not think I can say anything more on that observation, Mr. Chairman, other than to say it is a matter of government policy in priorities. I do not think I can go beyond that.

Mr. Bigg: No, but the veterans who write to us are asking us what we are doing about forming government policy. Although I realize the question might be difficult for a civil servant to answer, we have to answer these questions, and we are just asking you as much as we can without embarrassing you to help us decide what the policy should be in a very non-partisan way.

The Chairman: I do not know how far the witness can comment on that, Mr. Bigg. I am sure you have reservations yourself about how much he can say.

Mr. Pawley: I would just like to make this observation. About 60 per cent of the small-holding purchases we make are homes that already exist. I am not too sure whether or not this kind of financing contributes as much to the economy as would new home home construction which accounts for about 40 per cent of our business.

The Chairman: Mr. Guay.

Mr. Guay (St. Boniface): A supplementary question.

• 1525

[*Interpretation*]

But before putting my question, Mr. Pawley, I should mention that I appreciate very much the efforts in Winnipeg where your staff help the veterans, also for their courtesy, competence and so on. I know that, if a veteran makes an application, they get in touch with him often before the deadline.

Do you have a priority system to process the request you have on hand now?

[*English*]

Mr. Pawley: No, we do not have a priority system, sir. If a veteran has put in an application and has had no reply, he can give us his name and we will qualify him rather than dig up his application, which we will assume has been received. We will qualify him from his records if there is this degree of urgency. If the intent to qualify is there, even if we have lost the letter, I think it would probably be acceptable if we get an affidavit from the veteran that he actually did submit a request.

In the three Prairie Provinces qualifications are processed in the respective regional offices, and they are almost completely caught up.

Mr. Bigg: So, in other words no one can complain of any hardship created by their application being held in abeyance, if it is in order?

Mr. Pawley: No, I do not think so, sir. As long as they let us know.

Mr. Bigg: Thank you.

The Chairman: Mr. Boulanger is next, and then Mr. Thomas and Mr. Laniel.

• 1530

[*Interpretation*]

Mr. Boulanger: Thank you Mr. Chairman. Mr. Pawley, I am supporting the Rough Riders, but I wish to associate myself with those who congratulated you and your staff. Usually, I do not do that, because when we

ask questions we never know what kind of answers or what kind of reception we get. It is with pleasure that I congratulate you. You are not yet perfect, we are all human. I have heard many complaints. So you have not yet reached perfection. In fact, I very often had complaints about your Department, and the main complaint I hear comes from veterans. But it is hard to give them satisfaction on all points. People complain about delays in your Department. They complain about you taking six months to deal with a request which would take about half the time if the answer came from private industry. Can a war invalid acquire real estate under the amendment you began to explain a while ago? What are you giving him? Can he buy a house on a small lot? How many cases of this kind have you settled so far? Do you understand my question?

[*English*]

Mr. McCracken: We have not maintained exact figures on this, Mr. Boulanger. We made an estimate in the middle of the summer and in the last year there were some 150 veterans who have disabilities for which they were not receiving a pension from the Canadian Pension Commission but they had a disability that equated with a 50 per cent or more disability pension if they were receiving one. There were approximately 150 of these established on properties of less than half an acre or 17,000 square feet in the past year. There should be no delay in settling a veteran of this kind. We require an opinion from the doctors of the Canadian Pension Commission that this man's physical condition equates with a disability of 50 per cent or more.

[*Interprétation*]

Mr. Boulanger: The Act was amended. How long ago was it amended to allow changes of this kind?

[*English*]

Mr. McCracken: The regulations were amended in 1965 concerning a man who has a disability equating with a 50 per cent or more disability pension.

Mr. Boulanger: So when a veteran claims that he waited three years to get an answer, maybe he is exaggerating?

Mr. McCracken: He wrote the wrong office.

[*Interpretation*]

Mr. Boulanger: Let us take the case of a veteran who pays off his mortgage in 15 or 20 years. He has two sons who by this time are in university, and now he is in need of money. He feels that the cheapest way for him to get that money is to get a mortgage from the Veterans' Land Act. Has this been brought to your attention? Is that allowed by the Act? Could a veteran obtain such a loan? In the name of common sense could you grant such a loan on a mortgage-free house to a veteran at 3½ per cent.

Mr. McCracken: Yes there have been cases but not many.

Mr. Boulanger: But it is possible?

Mr. McCracken: Yes.

[*English*]

If a veteran who has to borrow money to put his son through law school, or for medical costs, has placed a mortgage on his property and comes to VLA and wants a loan to discharge that mortgage, and the property is suitable for settlement under the Veterans' Land Act, we will make the veteran a loan to pay off his mortgage. We do not look behind the reason for the mortgage, provided the property is suitable.

[*Interpretation*]

Mr. Boulanger: So you certainly are aware of the situation and you have had cases. How then do you go about helping a veteran in need who has been saving all his life and now has to meet commitments of $4,000-5,000?

• 1535

If he had no mortgage on his house and now wants to arrange a first mortgage with the Department of Veterans Affairs, what happens? That's the point!

[*English*]

Mr. McCracken: The money we can advance under the Veterans' Land Act has to be to discharge a mortgage.

Mr. Boulanger: Oh, now I know why he is confused.

The Chairman: Mr. Thomas is next.

Mr. Thomas: Mr. Chairman, I have two short questions. They are more a matter of interpretation. I want to make sure my interpretation is correct.

First, in connection with the three terminable dates, I understand the first date, October 31, 1968 is the deadline to establish eligibility

for a loan. The second date, March 31, 1974 is the deadline for accepting applications for loans.

Mr. Pawley: For new establishments, to qualify for a loan.

Mr. Thomas: Let us say a veteran applies for a loan on March 30, 1974. Does he still have three years? It is the third terminable date which confuses me. It says the third date is March 31, 1977, after which no loans of any nature will be made.

Mr. Pawley: The distinction here, Mr. Chairman, is that at the 31st of March, 1974 the veteran must have an application in for a loan on a new establishment, one which has not been established before. He has a year after that during which he must utilize those funds. This means that all new establishments under the Act will have been completed within a year after 1974. There are some 14,000 farmers under the Act who can get additional loans and will be eligible for them up until that time. In addition to that, if a veteran is established as a small holder but has not used the maximum amount of money available, he will be able to apply for an additional loan to make permanent improvements on the existing house. The date March 31, 1977 is the date by which he must have an application in for any additional loan.

Mr. Thomas: Thank you, that answers my question. The other question is this: I understand there is also a provision that the parcel of land does not necessarily have to be in one piece, that is, in certain circumstances, if it is found that it is not possible to get the required size of lot, he can have a piece of land adjacent but not contiguous.

Mr. Pawley: In the first place we like to get a parcel of land contained in one boundary. On the other hand, if there is no more land available and he does have to get additional land to meet the acreage and there is another lot across the road or there is a right-of-way between his property and the next lot or if land can be acquired at the back of the lot, we have no objection.

Mr. Thomas: It would have to be reasonably adjacent.

Mr. Bigg: We are saying straight opposite.

Mr. Pawley: Yes, right-of-way. We used to do this in two acres and gradually that second parcel got further and further away. When it got five miles down the road, we thought that was going a trifle too far. It has to be adjacent or across the road so that it can reasonably be construed as being part of it.

Mr. Thomas: It would not necessarily abut on the other piece?

Mr. Pawley: No, I do not think so.

The Chairman: Mr. Laniel.

• 1540

Mr. Laniel: I know, Mr. Pawley, that you have always been concerned about the fact that there has been a smaller interest of Quebeckers so far as VLA is concerned. If you look at the figures right now, the number of veterans established in the province of Quebec is only five per cent. There are 3,493 out of 56,952. I supose the proportion would be about the same as far as money is concerned. For my own interest, could you tell me if there has been an increase? What is the proportion by provinces of the applications which make up the 90,100 that were made in the 10 months prior to October 31 last. I am not asking for accurate figures, but I want to know if there has been an increase.

Mr. Pawley: From April 1 to September 30 this year we qualified in the province of Quebec 6,394 veterans as compared to 3,222 in the same period last year, which is approximately a 100 per cent increase.

At that time we had a backlog at head office of 16,000 applications which we had not yet processed. With the 40,000 some odd applications which we received during the month of October, or were postmarked not later than midnight October 31, we had some 51,000 applications on hand. Of that number I think there were somewhere in the area of 5,000 or 6,000 from the province of Quebec. Some 2,800 of these applications were brought to Ottawa with the compliments of Mr. Drapeau—a real estate company that did quite a bit of publicity work.—I say "real estate company": it was a company, at any rate, which did quite a considerable amount of advertising in the last two weeks in Montreal and in Quebec. Two of the gentlemen associated with this firm brought some 2,800 applications to Ottawa on October 29 or 30. We have processed something in the area of 2,300 of those applications. We found that 14 of the veterans who had completed applications were already established under the Veterans' Land Act and that a considerable number of others were already qualified. So, the purpose for which they completed applications tends

to escape us. We inquired of one veteran in Quebec and he said "Well, this was sort of a solidarity of comrades". But this 2,800 represented about one-third to a quarter of the applications we have on hand from the province of Quebec or had on hand at the end of October.

Mr. Laniel: Now that you have brought up that question of the firm which opened an office in Montreal—I do not know what street; but I have heard of it in Valleyfield too—are you aware if there have been any strings attached to the processing of these applications?

Mr. Pawley: To the best of our knowledge, there are no strings.

Mr. Laniel: In your distribution of money over the next six years, how do you go about it? Is that done among the provinces? Is it by province, population, date of application or qualification? Are there any guidelines?

Mr. Pawley: In the first place it is done by the regional director within the province or the region. In the case of Montreal, it is the regional director for Quebec. He estimates his requirements in this connection and as a rule it is based on the volume of loans made in the previous year. This may be tempered upwards or downwards in accordance with how he assesses the economic circumstances and other things which influence these loans. The pattern of loans in VLA for a number of years has been pretty constant. This is the basis upon which we allocated funds for this year, strictly on the basis of the activity for the previous year.

• 1545

Mr. Laniel: If you find out that the province is trying to catch up will it get some sort of a priority so that it can catch up not only in the last year, 1974?

Mr. Pawley: I think, Mr. Chairman, that any organization of the nature of ours always has a little bit of money available to put into places where it is most needed. We do this on occasion. While I do not think we have done it for the Province of Quebec, we have done it for at least one other region where they were caught a little short.

The Chairman: Mr. Turner?

Mr. Turner (London East): Mr. Pawley, have you had any requests from the veterans' organizations that the cut-off date should be extended, or are they satisfied with the present date?

Mr. Pawley: Yes, there is a Legion resolution at the Penticton convention that the date be extended. I think they have been informed along the same lines that I have attempted to indicate today. I cannot say, however, whether they are satisfied because this is not my prerogative; I really do not know. I think, however, that they have generally accepted what we are trying to do in this connection. I have not had any recent criticism or any comments from the Legion officially.

Mr. Turner (London East): In different discussions, do you talk it over with officials of the different veterans' organizations?

Mr. Pawley: I think it is safe to say that my relationship with the Royal Canadian Legion and other veterans' organizations is really pretty close and I have discussed this with the officials of the Legion.

The Chairman: Are there any other questions? Mr. MacRae?

Mr. MacRae: I would like to ask Mr. Pawley a number of questions. On page 7 of his brief the average cost of small holdings in Atlantic Canada for 1967-68 is shown to be $11,172. For example, in British Columbia, just to take the other end of the scale, it is $18,953; in other words, $7,800 difference. Mr. Pawley, is that accounted for by the cost of land, the cost of labour and the cost of materials or do they just build bigger and better houses in British Columbia?

Mr. Pawley: I am going to introduce Mr. Hugh Lamb who is the Director of Construction for our administration and who has an intimate knowledge of this question. I would like to introduce Mr. Lamb.

Mr. H. Lamb (Director of Construction, Department of Veterans Affairs): I am sorry, Mr. MacRae, I did not quite get the question. I was trying to find this but I did not have it.

Mr. MacRae: I was commenting, Mr. Lamb, on the difference between the cost of small holdings in Atlantic Canada, and in Quebec too, and those in British Columbia. Between Atlantic Canada and British Columbia there is a difference in small holdings under the Veterans' Land Act of $7,800. What is the reason?

Mr. Lamb: While my business is predominantly building houses, I understand this is the average cost of small holdings. There is a slight difference here but in general the greatest costs are in British Columbia. I think

from what I see across the country that generally they are a bit better off on the West Coast than we are on the East Coast. We find this almost every time. We find, for instance, in house construction that the costs are usually higher out there. The people prefer a bit bigger house too and they also have the income. They can afford this.

An hon. Member: Land and labour are higher as well.

• 1550

Mr. Pawley: I would like to draw your attention to the fact that the prices paid for land in the Maritimes are very much less than they are in British Columbia or Ontario. These figures may be a little misleading. I will not admit any sins here, but this is a sampling of the loans made in these respective areas, and while I think they reflect the situation they may not be accurate. However, regardless of that, the kind of costs reflected in these amounts for each of the provinces or regions is consistent with our experience throughout.

Mr. MacRae: I want to ask Mr. Pawley another question that I think will be of interest to other members of the Committee. What is the status of the merchant mariners of World War II? How do they qualify under the Veterans' Land Act? Do they qualify only if they are pensioners with a disability pension?

Mr. McCracken: That is correct.

Mr. Pawley: Only if they are in receipt of a disability pension or a disability incurred while they were serving on a ship during World War II.

Mr. MacRae: I take it then, Mr. Chairman, the only way we can correct that would be through legislative action. It is not your interpretation, of course; you are bound by the regulations as you are by all regulations.

My second question along that line is in connection with Canada's peacetime army. Let us say that a man enlisted in 1946 or 1954, and so on. If he is discharged and receives a disability pension, does he qualify?

Mr. McCracken: No, he must have served on Active Service during World War II or with the special force in Korea before July, 1953.

Mr. MacRae: That is the cut-off date and that is the way the regulations read under every part of the Act you administer. I did have other questions. However, Mr. Émard explored them very thoroughly. I thank you, Mr. Chairman.

The Chairman: Are there any other questions?

An hon. Member: Do the RCMP qualify?

Mr. Pawley: No, they do not, unless they have served.

The Chairman: If there are no other questions shall items 40 and 45 carry?

Items 40 and 45 agreed to.

The Chairman: I think that is all we have for today. Thank you, Mr. Pawley, and members of your staff.

For various reasons we will not be able to meet this evening. I anticipate we will meet on Tuesday morning at 9.30.

OFFICIAL REPORT OF MINUTES

OF

PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations and/or a translation into English of the French.

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Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER,

The Clerk of the House.

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HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

THURSDAY, DECEMBER 5, 1968

Respecting

Revised Main Estimates (1968-69) of the Department of Veterans Affairs.

Including

1. First Report to the House
2. Index to witnesses
3. Index to appendices

WITNESSES:

From the Department of Veterans Affairs: Mr. F. T. Mace, Assistant Deputy Minister, Dr. K. S. Ritchie, Director General, Treatment Services.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

29442—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Bigg,
Boulanger,
Émard,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
MacRae,
Marshall,
McIntosh,
Mongrain,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—(20)

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Lessard (*Lac-Saint-Jean*) replaced Mr. Guay (*St. Boniface*) on December 2, 1968.

ORDER OF REFERENCE

HOUSE OF COMMONS

MONDAY, December 2, 1968.

Ordered,—That the name of Mr. Lessard (*Lac-Saint-Jean*) be substituted for that of Mr. Guay (*St. Boniface*) on the Standing Committee on Veterans Affairs.

ATTEST:

ALISTAIR FRASER
The Clerk of the House of Commons

29442—1½

REPORT TO THE HOUSE

FRIDAY, December 6, 1968.

The Standing Committee on Veterans Affairs has the honour to present its

FIRST REPORT

In accordance with its Order of Reference dated October 16, 1968, your Committee has held seven meetings and made a careful study of the Revised Main Estimates 1968-69 relating to the Department of Veterans Affairs namely, Items 1, 5, 10, 15, 20, 25, 30, 35, 38, 40 and 45.

During its consideration of these Estimates, your Committee benefited from the assistance of the Minister, the Honourable Jean-Eudes Dubé, the Deputy Minister, Mr. E. A. Côté, the Assistant Deputy Minister, Mr. F. T. Mace, and senior officers of the Department. Assistance was also received from Mr. W. T. Cromb, Chairman of the War Veterans Allowance Board and Mr. T. D. Anderson, Chairman of the Canadian Pension Commission.

Your Committee commends the said Items to the House.

Your Committee was favorably impressed by the evidence given by officers of the Department, by heads of the various divisions and the manner in which they answered questions posed by the Committee.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 1 to 7 inclusive*) is tabled.

Respectfully submitted,

LLOYD FRANCIS,
Chairman.

(*Text*)

MINUTES OF PROCEEDINGS

THURSDAY, December 5, 1968.
(7)

The Standing Committee on Veterans Affairs met this day at 9:40 o'clock a.m. The Chairman, Mr. Lloyd Francis, presided.

Members present: Messrs. Bigg, Boulanger, Émard, Francis, Laniel, Legault, MacRae, Marshall, Mongrain, Turner (*London East*), Weatherhead, Whicher—(12).

In attendance: From the Department of Veterans Affairs: Mr. F. T. Mace, Assistant Deputy Minister; Mr. C. F. Black, Departmental Secretary; Dr. K. S. Ritchie, Director General, Treatment Services; Mr. W. Cavanagh, Administrative Assistant, Treatment Services; Mr. J. E. Walsh, Director, Financial Management; *From the Royal Canadian Legion:* Mr. D. M. Thompson, Secretary General; *From The War Amputations of Canada:* Mr. H. C. Chadderton, Executive Secretary.

The Committee resumed the consideration of the Revised Main Estimates 1968-69.

The Chairman called Items 30, 35 and 38 relating to Treatment Services and Hospitals Construction and the Committee proceeded to the question of the witnesses.

After thorough examination, Items 30, 35 and 38 were carried.

Item (1) Departmental Administration, was carried.

The Chairman declared the Revised Main Estimates (1968-69), relating to the Department of Veterans Affairs, duly completed.

It was agreed,—That the Chairman report the Estimates to the House as its First Report.

The Chairman suggested that the members of the Committee should study the Wood's Report preparatory to its review by the Committee in the near future.

At 11:00 o'clock a.m., the Committee adjourned to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

December 5, 1968

• 0943

The Chairman: I wonder if we could see a quorum. We have to leave this room promptly at 11 o'clock because another group is taking over.

We are considering items 30, 35 and 38 of Treatment Services of the Department of Veterans Affairs.

Dr. Ritchie had opened with a statement, a number of members had asked him questions, but we were not able to conclude the discussion. He is with us again this morning.

Dr. Ritchie, is there anything you wanted to add to the record at this time?

Dr. K. S. Ritchie (Director General, Treatment Services, Department of Veterans Affairs): Mr. Chairman, at an earlier meeting Mr. Mongrain had brought up the question concerning a veteran who, on being discharged from one of our hospitals, was presented with an account from his physician for medical services; also, when this veteran reported back to the out-patient clinic he was again presented with an account for medical services.

The only explanation I could give to Mr. Mongrain's inquiry, without the actual record of the individual veteran, would be that this veteran must have been admitted either under section 13 of the Veterans Treatment Regulations or section 23 of the Veterans Treatment Regulations, and in both these instances the veteran is responsible for the payment for any medical services provided by members of the attending staff.

I think this is as far as I could go, in answer to Mr. Mongrain, without having some specific knowledge of the veteran concerned.

The Chairman: That is fine. Are there any questions members of the Committee would like to ask Dr. Ritchie at this point? I think Mr. Émard indicated he had a question.

Mr. Émard: Could you give us just a general idea of what sections 13 and 23 cover?

Dr. Ritchie: Under section 13 of the Veterans Treatment Regulations a veteran is qualified on certain economic grounds for admission to hospital. Under the terms of his admission he is provided with free hospital services but he is responsible for payment of the doctor because this is not a service which is included under the Veterans Treatment Regulations.

• 0945

The only thing that we do in this respect, with reference to the section 13 patient, is to try to indicate to our medical staff that they should take into consideration the economics of the veteran himself in presenting an account—that is, consider whether or not they should submit an account at all or whether or not it should be adjusted in accordance with the man's economic situation.

In section 23, however, the man does not qualify on any economic ground. This is purely a matter of a desire on the part of a veteran who cannot qualify under any other section of the Veterans Treatment Regulations for treatment, therefore he signs an agreement at the time of his admission to hospital to assume the full cost of hospitalization and medical care. With hospital insurance, of course, he does not have to assume any hospital expenses. And under Medicare, he would again be covered. So in provinces where Medicare exists he would be normally covered as a resident of that province.

Mr. Legault: A supplementary?

The Chairman: Yes, Mr. Legault?

Mr. Legault: A case in mind, Dr. Ritchie is that of a veteran who did not qualify because his record did not indicate any justification for the minimum 5 per cent pension. This man today is afflicted with a serious heart disease and I understand that an operation could correct this. Would this person be con-

sidered for treatment or for particular attention by your branch of the Department?

Dr. Ritchie: Mr. Chairman, any veteran should always attempt to qualify. It is the objective of our Entitlement & Admissions section to qualify any veteran under the Veterans Treatment Regulations if at all possible. If this man presented himself for treatment we would investigate his economic situation to see whether or not he could qualify under section 13—this is on straight economic grounds. If he was not able to qualify then he would qualify under section 23, whereby he would have to assume the responsibility for payment of his attending doctor.

Under section 13 the man must also meet certain other requirements—that he has overseas service, but this is not a requirement for section 23.

Mr. Legault: Are you allowed some discretion in such cases? I find this a little difficult to accept. Here we have a man with no overseas service—an enlisted man whose services were required on the coast. He spent all his time serving in the Navy—not on the high seas but on the coast itself, so he cannot qualify because of the 365-day overseas requirement.

Dr. Ritchie: It is true that he would not be able to qualify under section 13. I do not know that the area of legislating for the entitlement to this type of person is a responsibility of the Department.

The Chairman: It is a matter of legislation.

Dr. Ritchie: We are working within the legislation that is available to us at the present time.

Mr. Legault: Thank you very much, Dr. Ritchie.

The Chairman: Dr. Ritchie, are there many such cases that come to your attention?

Dr. Ritchie: I think there are probably a considerable number of people who have service in Canada only, who could not so qualify.

The Chairman: Were you aware of some, Mr. Legault?

Mr. Legault: I am aware of this one.

Dr. Ritchie: You will appreciate that if they have a disability pension—

Mr. Legault: Yes, he would qualify but he has no disability pension.

• 0950

Dr. Ritchie: I understood that you were aware of this when you prefaced your question by the fact that he had no 5 per cent pension . . .

Mr. Legault: No.

Dr. Ritchie: . . . or could not meet this requirement.

Mr. Legault: Thank you very much, Dr. Ritchie.

The Chairman: Are there other questions?

Mr. Laniel: I have a couple of very short questions.

I notice an item in your Estimates marked Prosthetic Service—Department of National Health and Welfare". Do you have a prosthetic service now within the Department or has that been completely taken over by the Department of National Health and Welfare?

Dr. Ritchie: Mr. Chairman, we do maintain a very minor function in so far as prosthetic services are concerned within the Department, but all prosthetic appliances now—such as artificial limbs, are supplied through the Department of National Health and Welfare, through our former prosthetic services. We do however continue to issue hearing aids, socks and various other minor items of prosthetic supplies to veterans through our own treatment facilities.

Mr. Laniel: So that the greater part of that amount is paid to the Department of National Health and Welfare for prosthetics that you buy from them.

Dr. Ritchie: This is true.

Mr. Laniel: Does "Hospitalization in other than Department of Veterans Affairs Institutions" include the Tri-Service Hospital in Ottawa; and is this where you send the veterans of this area—or are they sent to Toronto or Montreal?

Dr. Ritchie: Yes, we send all of our patients in the Ottawa area to the National Defence Medical Centre, otherwise known as the Tri-Service Hospital.

What is the particular item in question, Mr. Laniel?

Mr. Laniel: Item 30 in the amount of $7,660,000.

Dr. Ritchie: This would be everything that is supplied in the National Defence Medical Centre and, for instance, in Sunnybrook Hospital in Toronto now too.

Mr. Laniel: And eventually Quebec ...

Dr. Ritchie: Quebec will now be under this clause, yes.

Mr. Laniel: And actually this amount will tend to increase as the policy of transferring hospitals to public administration is carried on.

Dr. Ritchie: This is very difficult to estimate. If there were not other influences on the cost of hospitalization to the Department this would naturally tend to increase with the transfer of institutions, but with the assuming of certain costs by hospital services commissions and the medical plans this cost could be decreased.

Mr. Laniel: What standard does a hospital use to charge you for a service?

Dr. Ritchie: I am sorry, I did not hear the first part of your question.

Mr. Laniel: Are you paying for beds or are you paying for specific treatment? Are you paying for beds to be kept aside?

Dr. Ritchie: No, we are not paying for beds to be kept aside; we are only paying for those beds that are being occupied by entitled veterans. In these instances we pay the full per diem rate for that individual hospital, which includes all hospital services.

Mr. Laniel: You do not get any discount because of the fact that you supplied the building?

Dr. Ritchie: No. The contract is that we will pay the per diem rate.

Mr. Laniel: Thank you.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Dr. Ritchie, I wonder if you could review the arrangements between your Department and, I believe, the University of Toronto with respect to Sunnybrook Hospital in Toronto at the present time? Would you briefly give us the highlights on that?

Dr. Ritchie: The highlights are rather difficult. This is a long agreement. Briefly, we have entered into an agreement for the priority use of 1,200 beds at Sunnybrook Hospital for veterans. Of these, 630 will be for active treatment patients and 570 will be for chronic and domiciliary case.

• 0955

We have agreed to pay for any veterans who are not covered under a hospital plan. So that we have to assume the responsibility for pensioners—War Veterans Allowance recipients are covered—and any entitled classification.

In the out-patient clinic we are paying the actual cost of any investigative or diagnostic service that is provided by the hospital and we are also paying the medical fees which are related to any such services.

Under the agreement the hospital also agreed to take over all of our hospital employees at rates of pay comparable to those they received in the public service, and with similar benefits.

Mr. Weatherhead: Dr. Ritchie, you said that there would be 1,200 beds reserved, divided between the active patients and the chronic and domiciliary care patients. Would most of these beds be occupied at the present time at Sunnybrook?

Dr. Ritchie: I would like to make a correction here. I do not think I said that these beds were reserved for veterans. We have priority use of 1,200 beds within the institution. The agreement has stated that where any of these beds are not required for the treatment of entitled veterans, they may be used by the hospital for civilians. There is no intention to keep any of these 1,200 beds vacant.

Mr. Weatherhead: Because of emergency situations that would develop from time to time would there not have to be a certain minimum number of beds kept aside for veterans at any given time?

Dr. Ritchie: The agreement states that at any such time as an entitled veteran requires treatment he shall be admitted up to the limit of 1,200 patients.

Mr. Weatherhead: In your experience, is this arrangement working well at Sunnybrook Hospital?

Dr. Ritchie: I would say that it is working very well under all the circumstances pertraining to the transfer and the program for modernization of the hospital in order that

veterans and others might be provided with a high standard of medical care. I am not aware of any veteran requiring treatment who has been refused admission to the institution. There have been some patients who have reported to the institution and probably not been admitted, but this was on an expert medical opinion.

Mr. Weatherhead: So there really is no waiting list for veteran trying to get into the hospital.

Dr. Ritchie: There is no waiting list for active treatment patients waiting to get into the hospital. There are however a number of domiciliary care patients who have made application and have not been admitted because we are utilizing to the full the 570 beds which have been designated for this purpose.

Mr. Weatherhead: Is it the University of Toronto that actually carries on the hospital now, or who is doing that?

Dr. Ritchie: The University of Toronto is responsible for the administration of the hospital.

Mr. Weatherhead: How many other beds would there be that would be used by the university? In other words, how many beds were released, in effect, to the university?

Dr. Ritchie: Actually the hospital is now operating below 1,200 beds and yet there are as many civilians being admitted on a monthly basis as there are veterans. The reason the number of beds is decreased right at the present time is the large number of alterations that are taking place within the institution and the program for the actual construction of new facilities has not as yet been implemented.

• 1000

Mr. Weatherhead: Am I correct in assuming that the 570 beds for chronic and domiciliary care patients are all occupied but that the 630 beds reserved for active veteran patients are more or less equally divided between the veterans and the non-veterans?

Dr. Ritchie: I can give you the actual statistics here. On the Department's active treatment strength at the present time, we have a total of 169 patients. There are 193 chronic, and 284 domiciliary care cases, for a total of 646. There are 259 non-departmental active treatment patients in the institution. This is the report as of the 30th of September.

Mr. Weatherhead: So that would make it about 900 patients at the present time.

Dr. Ritchie: A total of 905 patients.

Mr. Weatherhead: Thank you.

Mr. Whicher: I have a supplementary question. Is the Royal Canadian Legion happy with this set-up now? I remember when the transfer took place originally there was a membership protest. I was wondering how they are now?

Dr. Ritchie: Mr. Chairman, I do not think I should answer for the Legion.

The Chairman: They will be appearing in connection with other matters later, Mr. Whicher. You will certainly have a chance then to ask them, but maybe you can put your question another way now.

Mr. Whicher: Have you had any complaints from the Legion? Can I put it this way, have you had any serious complaints?

Dr. Ritchie: I would like to answer your question directly. We have had complaints, certainly. We have had complaints in the hospitals we operate ourselves. The complaints that we are receiving in reference to Sunnybrook are not dissimilar from those in other institutions.

We visited the hospital just a short time ago with the Minister and we approached a number of patients. One of them said he was very happy with the treatment, but the meals were not hot when he got them. This complaint is about the change whereby certain patients formerly went to a cafeteria service, and now they are provided with tray service at their bedsides. The hospital is exploring this, and they are investigating the use of what is known as the pellet system for serving hot meals. This is a service where a metal pellet is put into a metal container and the hotplate is put on top of it, so that it is kept hot. This is a program which is being implemented within the hospital at the present time.

The Chairman: Do you have any further questions, Mr. Whicher?

Mr. Whicher: No.

Mr. Bigg: Could you tell us in a word or two why we need $118,000 for research?

Dr. Ritchie: I would like to say that we need a great deal more than this.

Mr. Bigg: In what field? What is the activity where we need this?

Dr. Ritchie: If you are going to run a good active treatment teaching hospital—this is the type that supplies the best care to the patient—you must offer to the medical staff certain facilities to teach and to do research, or will you will not be able to attract the medical staff to the institution.

This is not purely a selfish motive on their part. It is our desire to be involved in research, because we feel that this is the only way in which we can improve the standard of care we are giving our veteran patients. We are investigating a number of conditions which are probably more prevalent in the aging group of patients, the older veterans. We are investigating chronic chest diseases, cardiac and cardiovascular diseases, which are of particular reference, we feel, to the care of our patient load.

• 1005

Mr. Bigg: Is this predominantly medical or social.

Dr. Ritchie: This is entirely medical. I am sorry, may I modify this. We have two projects going which are—there is one in prosthetic services in Toronto, and there is another minor project which is non-medical in nature, but it is closely allied to our own requirement.

Mr. Bigg: You said that this amount is inadequate. What sort of figure were you aiming at? Double?

Dr. Ritchie: I think this would be a poor time to actually increase the volume of research in which we are engaged, because of the situation that we are in with respect to the transfer of hospitals. As hospitals engaged in research are transferred, such as Sunnybrook, we use the moneys that were being used in that institution to augment the programs in other institutions.

Mr. Bigg: The reason I asked was because with the transfer I was wondering why we needed this money if we were getting out of the field.

Dr. Ritchie: We still have a number of major hospitals conducting research.

Mr. MacRae: Dr. Ritchie, the Richardson report made a very comprehensive study of the Hong Kong prisoners of war. In connection with the other prisoners of war, those who were taken prisoner at Dieppe, those who were shot down and so on, has there ever been a study made as to the effects of these men's imprisonment, especially under the Nazi regime?

Dr. Ritchie: I do not believe there has been any special study done on other groups of prisoners of war by our Department.

Mr. MacRae: Would you know whether or not studies have been made by other governments, the United States or Great Britain, for example, in this particular area?

Dr. Ritchie: I cannot answer that question. I could investigate and report back.

Mr. MacRae: In the course of your work have you had much to do with these cases? Have any of them been brought to your attention? I am thinking of the psychological effects of imprisonment on the men who were taken at Dieppe. Avitaminosis, of course, and apathy, and all the other disabilities.

Dr. Ritchie: A number of cases have been brought to our attention. We have dealt with them as individuals. I do not think that these people as a group have presented any unusual problems on which one could generalize. Dr. Richardson in his investigations may have come up with some results contrary to this, but I am not aware of them.

Mr. MacRae: I was referring to the brief that was presented a year ago on the Dieppe prisoners of war, specifically. I imagine you have seen it. It was presented to the Committee on Veterans Affairs.

Dr. Ritchie: This is a report to the Pension Commission, is it?

Mr. MacRae: It says: This brief is presented to the Standing Committee on Veterans Affairs by the National Dieppe Prisoner of War Association with the Assistance of Pathology of the Captivity of the Prisoner of War: Works of the International Medical Conference, Brussels, 1962, and Later Effects of Imprisonment and Deportation, International Conference Organized by the World Veterans Federation, and so on. It is a very comprehensive document on this particular group of men who were taken at Dieppe and who numbered, I suppose, about 3,000. Of course, there were a great many killed.

Dr. Ritchie: I must confess that I do not have this document.

Mr. MacRae: I imagine it will be made available to you if you do not have it. It is an excellent document outlining the difficulties of this particular group of veterans.

Doctor, I would like to ask you, in connection with the psychiatric treatment of our veterans, where is the major portion of this done? I am thinking of those who have battle exhaustion. At Ste. Anne-de-Bellevue, is that the major centre in Canada?

Dr. Ritchie: The Department operates two psychiatric wings at chronic hospitals. One of these is at Ste. Anne's Hospital outside of Montreal. The other is at Westminster Hospital at London, Ontario. We do, however, have psychiatric services in all of our general hospitals, but no special beds for those people who are committed as mental patients.

• 1010

Mr. MacRae: Is any specific research being done in this area?

Dr. Ritchie: Yes, this is the area in which we are conducting research. There are a number of projects, both at Queen Mary Veterans Hospital, Ste. Anne's Hospital, and Westminster Hospital.

Mr. MacRae: Is that extensive research?

Dr. Ritchie: I would say extensive. It involves a large portion of the funds which are available for research.

Mr. MacRae: Which Mr. Bigg was asking about a few moments ago. Do you find that as the years go by there are more and more patients reporting in need of this specific treatment?

Dr. Ritchie: I would say that there are fewer patients who are hospitalized. They may be reporting to out-patient clinics, but with the new methods of treatment of psychiatric disorders, fewer of these people are hospitalized.

Mr. MacRae: The treatment with drugs, do you mean?

Dr. Ritchie: Yes.

Mr. MacRae: Thank you, Mr. Chairman.

The Chairman: Are there any other questions that members of the Committee want to raise?

Mr. Laniel: Mr. Chairman, I am ready to accept the votes, but we have one member we are trying to get hold of. He is at the Public Accounts Committee. He is coming over, if we could wait for a while.

The Chairman: We were just generally discussing Items 30, 35 and 38. If we could agree on these we might go back to Item 1 which was stood in case there are any other general questions. Is there anything else that anyone wants to raise with these three. I call those three together: 30, 35 and 38. Are there any other questions?

[*Interpretation*]

Mr. Émard: Mr. Chairman, I would like to ask Dr. Ritchie, how the work is proceeding at the Sainte-Anne-de-Bellevue hospital. Is it going according to plan?

[*English*]

Dr. Ritchie: Mr. Chairman, actually the work at St. Anne's Hospital is proceeding far more rapidly than we anticipated. We expected that the construction would be spread over a three-year period, whereas it now appears that it will be completed within two years. It is proceeding ahead of plan.

[*Interpretation*]

Mr. Émard: What architects are in charge of the work at Sainte-Anne-de-Bellevue?

[*English*]

Dr. Ritchie: I wonder if I could ask Mr. Mace if he has the answer to this question. I do not think I have the information at hand concerning the name of the architect.

Mr. F. T. Mace (Acting Deputy Minister, Department of Veterans Affairs): I am sorry, Mr. Chairman, I do not have the exact information. I am speaking from memory. There are two architectural firms involved. One is a Montreal firm and the other is from Winnipeg. I am sorrry, I do not have the names of these firms. We could get them on the phone very easily for you. Mr. Walsh, could you have Mr. McCallum get on the phone?

[*Interpretation*]

The Chairman: Have you any other questions?

• 1015

Mr. Émard: I am told that the firm of architects responsible for building the hospital have their headquarters in Winnipeg, I think;

and this could cause some difficulties because apparently, the firm of architects in Montreal only works for the Winnipeg firm on a sub-contract and they therefore do not have very much authority.

Could you tell me what company has the contract to build this hospital?

[*English*]

Dr. Ritchie: Mr. Chairman, we will have to get the answers to these questions. I do not have them. Omega Construction...

[*Interpretation*]

Mr. Émard: Does this company build itself or does it let the building out on sub-contract? If so, what kind of work does the Omega Company actually do itself?

[*English*]

Dr. Richie: This is completely out of my field.

Mr. Mace: Perhaps I could make one point clear at the moment. You must realize that the appointment of architects, the calling for tenders and the awarding of the contract do not fall within the jurisdiction of the Department of Veterans Affairs. These are matters for the Department of Public Works.

[*Interpretation*]

Mr. Émard: But, what I want to know is, isn't it departmental policy to use local labour, when something is being built?

[*English*]

The Chairman: Mr. Émard, your question in one for either the Committee on Public Accounts or the Committee on Public Works. I doubt that the witnesses before this Committee today are competent to answer that kind of question.

They would be responsible for the administration of the program in the buildings after they assume them; they would not be responsible for the details of construction, or for the policies of those who were doing the actual contracting.

[*Interpretation*]

Mr. Émard: Mr. Chairman, with regard to local labour, I think this is the Veterans department or the government department concerned, that should introduce a clause in the contract, as it is done in various other departments so that a certain number of local workers should be taken on. I can understand that the questions I asked should be addressed to the Public Works, but I think ... perhaps something that you could take into consideration in the future. This causes of a great deal of trouble, because companies come from outside Montreal, and they don't use any labour in the county and the local people, as you know, in our county there is a lot of unemployment, a lot of workers who are carpenters, daily workers. And they have to come and from Montreal work in Sainte-Anne-de-Bellevue. Of course, each company has a right to hire its workers, but eventually, should specify in your contract so that a certain percentage of local labour should be taken into consideration.

[*English*]

The Chairman: Mr. Émard, I understand your question, but I must, unfortunately, say that I do not think that the witnesses before us can answer it.

It is a question which could very properly be asked in the Committee on Public Works, or possibly even on Public Accounts, but I regret that I will have to excuse the witnesses with us today. It is beyond their sphere of competence. They may wish to comment.

Perhaps, Mr. Mace, you would like to comment?

Mr. Mace: I am not too sure, Mr. Chairman, that my comments will be too accurate.

• 1020

I recognize Mr. Emard's point. If I may go back to one he made earlier, I suspect that in the major contract a good deal of the work associated with the construction of the hospital is sub-contracted for; but, of course, this is a matter for the major contractor. I also suspect that in the sub-contracting field, where the firms are naturally smaller—electrical firms, planning firms, and so on—the chances are that there is a very high content of local labour.

I was under the impression, however, that the point that Mr. Émard is making is contained in the Public Works contract. Now, as I say, I am on rather thin ice here, but...

The Chairman: Perhaps someone from Public Works should answer that.

Mr. Mace: Yes.

The Chairman: The Deputy Minister of Public Works is the man who could answer it. If it is the Committee's wish we could call him as a witness.

[*Interpretation*]

Mr. Émard: I would to know, what I wanted to say, a moment ago, was when the Veterans Affairs was in contact with the Public Works department, to ask them to build the hospital or some other buildings, couldn't they specify that a certain number of workers should be hired in the area?

[*English*]

The Chairman: Mr. Mace, do you wish to comment on the question?

Mr. Mace: The only point I could make, sir, is that our Minister might be somewhat reluctant to dictate to one of his colleagues how he should run his business.

However, Mr. Émard, we might look into this and find out what it is, because I am almost sure that there is some clause in the contracts, relative to labour employment which prevents this very thing that you object to.

If I may refer to your earlier question, the firm or architects is St. Jacques, Mongenais, Blankstein and Russell. These are associated architects, and make up a consortium of the architects in Montreal and in Winnipeg.

We are not aware of any difficulties which have arisen because of one architect being in Montreal and the other in Winnipeg. I thought everything was going very well. Dr. Ritchie said that the construction was going ahead at a terrific pace; and we are having a little trouble financing...

[*Interpretation*]

Mr. Émard: I would like to explain to you that my comments have nothing to do with the actual building but the hiring of people in the area. And, I think that you must have some contact within the union movement, because there are some carpenters who wanted to make a fuss because of the failure to employ local labour and they wanted to get in touch with all the papers in the county to stop the work because no local manpower is being hired. So, I told them to wait a little while, but I think, that in this case they are right.

The Chairman: Being an ex-president of a union, you know that Mr. Laniel.

Mr. Émard: Just one more question.

[*English*]

Mr. Laniel: On this point, I presume Mr. Émard is aware that the same phenomenon repeats itself in all kinds of governmental construction. If I am a contractor and I have the lowest bid that gives me the liberty to hire the people I want. I do not think the government can impose employees on a contractor.

I do not imagine that it is because it is a government contract he can go so far as putting a restriction into that contract once it is given.

I do not know; sometimes I am disappointed, too, but things like that happen.

[*Interpretation*]

The Chairman: Mr. Émard.

Mr. Émard: I would like to know whether you intend to transfer the new Sainte-Anne's Hospital to the citizen authorities, or is your department going to keep it?

[*English*]

The Chairman: Dr. Ritchie.

Dr. Ritchie: As you know, our intention is to transfer all departmental hospitals to other jurisdictions.

• 1025

We have had certain discussions with the provincial authorities on their possible interest in Ste. Anne's Hospital. These have not yet reached any degree of unanimity. No decision has been made by the provincial authorities on whether or not they were really sincerely interested in taking over the institution, but it is conceivable that at some future date it could be transferred to another jurisdiction.

The Chairman: Does that answer your question, Mr. Émard?

Mr. Émard: Yes; very well.

Mr. Laniel: On that particular point, I am surprised to hear you say that. I have always had the impression that the department's policy was to transfer some of the hospitals but I also had the impression that Ste. Anne's Hospital in Ste. Anne de Bellevue would remain a departmental hospital where chronic cases could be gathered together and also to permit the department to have at least one institution to establish standards. If you start transferring all of your institutions your research on treating veterans who are chronic or active cases will be lost. I do not think the approach will be the same.

It may be a matter of policy, but even in medical terms would it not be of advantage to the veterans to keep at least one hospital, especially the one in Ste. Anne de Bellevue, which will be of new construction and have all the new gadgets and facilities?

The Chairman: Dr. Ritchie?

Dr. Ritchie: Mr. Chairman, for clarification, purposes, may I say that a statement was made by the Minister that we feel that Ste. Anne's Hospital will be with us for some considerable time. We are certainly nowhere near any sort of agreement. There are really no discussions which would lead us to believe that there is any hope of transferring this institution. Therefore, it is likely to remain with us.

On the matter of establishing standards for chronic care, there is at the present time far more development within community hospitals than in ours, so that we can probably look forward to improvement in techniques from civilian rehabilitation institutes which are now very actively engaged in this particular field.

I have a statement here to the effect that in Quebec there are no provincial mental hospitals at present. These are all private institutions in the Province of Quebec. We know that the provincial government is not interested in entering into the operation of any institutions.

The Chairman: The net result, Dr. Ritchie, is that the situation for the future is far from clear, and that you have no assurance, or indication, that the province or anyone else is willing to take the institution over?

Dr. Ritchie: That is very true.

Mr. Laniel: I really question that policy. I accept the transfer and I also accept the argument, but I am scared that if you get rid of most, or all, of these institutions the veterans will, with time, become like any other individual, and be treated as such.

For their service to their country they should get special treatment in my opinion; and if all the hospitals disappear and all of the services are rented from somebody else the population will probably lose contact with the veterans, and the younger population will not have too much to remember.

Dr. Ritchie: Mr. Chairman, Mr. Laniel has expressed concern that we should turn over a chronic-care institution to a community agency to operate on behalf of the Department.

We know what happened to Ste. Anne's Hospital between World War I and World War II. It was a chronic-care institution. It deteriorated very badly.

• 1030

The present concept in hospitals throughout Canada is that chronic-care wings must be established in close affiliation with active treatment hospitals in order that the standards of care for the chronically ill will be maintained at adequate levels, and this is the practice that is being followed throughout Canada now.

Active treatment hospitals want to establish chronic care wings. There is a lot of transition from the active care facilities to the chronic care facilities. It must be a two-way street so that chronic patients who have an acute illness may have the facilities of the active treatment institution immediately available to them. I think it would be a retrograde step to say that we should keep only a chronic care facility without the ability to have more direct control over any active treatment that the man required.

Mr. Laniel: Did you ever consider the possibility, instead of considering a transfer to civilian hospitals like Ste. Anne de Bellevue, of transfer to National Defence, where you find people more closely related to veterans and the activities of veterans?

Dr. Ritchie: Mr. Chairman, the Department has been engaged very actively recently with the Department of National Defence in reviewing any areas in which we have a common interest in order that both the treatment facilities of our Department and the Department of National Defence might be conjoined in one program with resultant economy to the government.

The Chairman: Mr. Bigg?

Mr. Bigg: My question is along the same line. It seems to me that most of the thinking along this line has been on the assumption that we are not going to have any more wars and that when we are finished with the veterans of World War II that will be the end of the problem so far as veterans are concerned. I believe this is wishful thinking at best. I think we should keep some continuity because, as the last speaker just said, we

should have a flexible program because in the event of war or national emergency there will be a great need for military hospitals.

I think the standard of care in the military hospitals I have visited is superior to that of civilian hospitals, and I am afraid that the standards will drop if we turn them over completely to provincial or municipal hospitals. To be quite blunt, I think military nurses have a greater sympathy for the veteran, whether he is a chronic or an active patient. If we lose this completely I think we will lose something important in building national character and national service.

I do not know whether you want to comment on that or not. In other words, I would like to see us able to make a rapid transfer back to active military hospitals if we happened to need them. All the hospitals I know of today are pretty well crowded. I should like to think that our service boys will always have that very high standard that the Department has maintained.

Dr. Ritchie: Mr. Chairman, I cannot speak for the policy to be established by future governments in the event of another war, but I think it is reasonable to expect that possibly we might not enter into a program of building special facilities for veterans in the nature of independent hospitals, but that what we should do is build more veterans' wings to active treatment hospitals which are providing the services in the community.

• 1035

We did this in a number of areas after the World War II. We had wings in Edmonton, Regina, Saskatoon and Ottawa. We built a wing in St. John's, Newfoundland. These have all functioned very satisfactorily and there is an immediate availability of all the active treatment facilities of the community under such circumstances. There is no problem in transition when the veteran's need declines and the community's need increases.

I think another factor we must recognize, too, is that with medical insurance around the corner there is probably less need for special facilities for veterans because possibly everybody will be covered in one way or another. For those that are not covered we would continue to assume the financial responsibility as entitled veterans.

Mr. Bigg: You confirm my fears. This is the very thing I am a little afraid of. When we generalize medicine I am not sure that the standard you have been able to maintain in veterans' hospitals is going to be kept up. I would feel that I was in a sort of alien queue.

The Chairman: I think, with all due respect, we are into an area of anticipating policy and I do not know how far Dr. Ritchie can go.

Mr. Bigg: No; perhaps this is in the field of education and I am just wondering whether the medical people who, I am sure, advise the Department, may not have been a little blind to this thing which we feel here is necessary. I am sure I share with other members of the Committee the worry that for immediate efficiency, or immediate economy perhaps, we may be losing the very important long-term view that at all times we want to maintain the very highest standards, especially for the worst cases in places like Deer Lorge Hospital in Winnipeg. I do not know how you could replace that with any form of civilian institution.

Dr. Ritchie: Mr. Chairman, I now have an opening for the remark that I wanted to make; you referred to Deer Lodge Hospital. It may surprise you to learn that we have been criticized by the Manitoba Hospital Services Commission for not reaching the level of treatment facilities available to the community at large in our own hospital. They have hesitated in entering into an agreement with the Department for the transfer of Deer Lodge Hospital because there are so many things that we need to do to come up to the community standard.

Now, as veterans I think each of us who has been involved in the operation of a hospital always feels that his hospital is the best one in the community, and if we continue to think in this way we are apt to become retrograde. We must keep up to date with the community and we are not doing this in all areas, and this is why we want to enter into a program with community facilities so that veterans will always have the best possible facility available to them.

Mr. Bigg: Surely again you are confirming our argument. What is needed, then, is to upgrade Deer Lodge Hospital even more. Certainly at the end of World War II Deer Lodge Hospital was a comparatively fine institution. If we slip behind civilian standards we should spend more money and do more research and get more staff to make sure that

our veterans' hospitals always maintain this very high standard as an example to civilian hospitals.

Dr. Ritchie: Mr. Chairman, in his opening remarks I think the Minister made it quite clear that departmentally we are having a great deal of difficulty in finding adequately trained people to operate our institutions because of the aging group of patients that is no longer attractive to many of the professional and technical services required. If we are going to be able to provide adequate facilities it means that we must become part of a major active treatment complex. We cannot continue to run chronic care institutions with a staff that is not interested.

The Chairman: Can I switch, Mr. MacRae, to Mr. Laniel who has had his hand up recently?

• 1040

Mr. Laniel: I just want to continue with that point. Sometimes I ask myself questions about the modernized high standards of hospitalization you are talking about. I wonder whether it is not a myth. I do not know; high standards give me the impression that the human approach to hospitalization has been put aside and I wonder, sir whether you have been hospitalized in the past year.

I could give you examples. When you go to a big hospital in Montreal for just a medical examination that should take two or three days, you have to stay there for three weeks because of the fact that the clinics are full and the services they give are not so good. Perhaps the medical part of it is very good, even exceptionally good, but I wonder whether patients do not become numbers. What worries me is that veterans might become just numbers in a big hospital. That is the only thing I worry about.

Dr. Ritchie: Well, as you know, in any agreement that has been negotiated we have insisted on a priority use of adequate beds for the veterans' treatment load. This should give us the ability to treat any veteran requiring care. You may have to sacrifice something in the way of ability to get into hospital and to get treatment as rapidly as you do in some of our institutions, although I doubt that this is actually a fact, because we find that the patient-day-stay in our institutions is higher than that in other hospitals which is an indication that there are delays in our hospitals as well.

One of the most common complaints we have in hospitals is that you have to wait sometimes to be seen in out-patient clinics. You have all heard in your own areas that certain people have to wait for diagnostic procedures and for operating procedures. This is prevalent in all institutions and it may be more pronounced in civilian hospitals because possibly at present they are congested with chronic care patients that are using the ward facilities.

There is no doubt, though, in my mind that we in the Department are beginning to be not as well qualified to provide the care as we were before, and it is simply due to the fact that we cannot attract the type of staff that we need to look after these people.

Mr. Bigg: Is it due entirely to the type of work you are doing? Is pay comparable? Are your nurses as well paid as they are in civilian hospitals?

Dr. Ritchie: Pay is not something over which we have control. In answer to your question, though, we attempt to keep the pay comparable but in practice we have found, as in other government departments, that probably the government rates of remuneration lag behind those established under collective bargaining in the local hospitals.

We know, for instance, that certain agreements for nurses will become effective on January 1 of the coming year. We do not know when we will be able to adjust our salaries to match the rates approved for the community. This is a matter for collective bargaining and it is completely outside of our jurisdiction at the present time.

The Chairman: I am a little worried about time. Mr. Émard had his hand up. Who are the others? Did you have any further questions, Mr. Bigg?

Mr. Bigg: No, I just want to say that although this, as you say, is out of your jurisdiction, I think this is one of the causes. I think we could get adequate staff...

Dr. Ritchie: Supplementary to your question and that was, is it purely a matter of salary, no, it is not; it is the type of patient.

• 1045

Mr. Bigg: No, but it is an important item and I suggest that it is not the lack of beds in

our military hospitals that is causing the trouble at all but, as you say, it is a factor of keeping continuity in treatment in the right proportion. Money is a very mundane approach, but if you were offering your nurses comparable salaries I suggest you might still be able to recruit an adequate nursing staff to handle the changing situation of the veterans.

Dr. Ritchie: Even if our salaries were comparable to those outside I think you would find we would have to offer nurses a premium to work in departmental hospitals.

Mr. Bigg: I, for one, would be quite willing to offer a slight premium if it would ensure the spiritual aspect of medical treatment within the department.

Mr. Laniel: Mr. Chairman, there is just one thing I might add. Dr. Ritchie might not be able to comment on his own responsibility in the Department of Veterans Affairs, but perhaps the problem I raised will solve itself. If I am right, I understand that provincial governments are looking at the possibility of orientating their policy to the provision of clinics which would free beds in the hospital and might correct the situation. Is that a fact?

Dr. Ritchie: Yes, this is true. They are trying to do more and more services on an outpatient basis through the diagnostic facilities of the hospital to free the beds within the institutions for those patients who actually need to be admitted.

The Chairman: Yes, Mr. Mongrain?

Mr. Mongrain: I raised a point the other day, Mr. Chairman, and I was declared out of order. I suppose this is the time to raise it now.

First, I have a case in my riding which I do not really understand. I don't know if it is still going on, but this man was brought to Montreal occasionally to have a doctor put drops in one of his eyes. I feel it is not necessary for him to travel 85 miles for that, because we have doctors and we have hospitals. Secondly on at least two occasions his appointment in Montreal was for 9:00 o'clock or 9:30 o'clock in the morning, which meant he had to travel the night before. He had to sleep overnight and have his meals which were paid for by the Government, of course, and then they put in three drops and he returned home. He could have had an appointment at 12:30 or one o'clock and returned by the train at six o'clock. It would be less expensive—if it is absolutely necessary that he go there. He tells me that he does not speak English at all, does not understand a word of English, and his doctor does not understand a word of French, and that at least twice the doctor put the drops in the wrong eye because he could not explain his case. However, it surprises me that a man would have to go to Montreal for three drops in one eye.

Dr. Ritchie: In the wrong eye.

Mr. Mongrain: Even if it is the wrong eye.

I am also surprised to learn that there is a doctor at the Queen Mary Veterans Hospital in Montreal who is not bilingual, at least not sufficiently bilingual so as to be able to understand his patients.

Dr. Ritchie: Mr. Chairman, I would like to answer these questions one at a time. First, in so far as the requirement for any veteran to attend a departmental hospital is concerned, this must depend on whether or not, in the opinion of the consultant at the particular hospital, this man needs to come to hospital for such care. We do operate a doctor-of-choice plan whereby the veteran may be seen in his own community by his family physician and we will pay the account. All that this man has to do is apply to the Department to receive his treatment from his local doctor. Unless there is some very definite reason from the point of pensions or because of the particular type of treatment concerned, this man would be given authority to be treated locally by his own doctor.

In so far as his reporting to the hospital is concerned, we admit that this is an expensive proposition. He has to lose a lot of his own time but if, in order to provide him with the best possible care, he must come in for this treatment then we feel this is justified. In other words, he would only be called in when it was felt by the Department's consultants that this man could not get adequate treatment in his own community.

• 1050

Mr. Mongrain: As far as he is concerned, time is no problem because he is pensioned by the Department.

Dr. Ritchie: All right; if he is pensioned, there is still no reason why he could not be

treated for minor conditions by his own family physician, if he applies. This particular man may want to go to Montreal for other reasons.

Mr. Mongrain: He probably enjoys the trip.

Dr. Ritchie: In reference to the availability of bilingual staff for the treatment of any Francophone in the Province of Quebec, in the Queen Mary Veterans Hospital we are quite well supplied with either bilingual medical staff of Francophones and in this particular service Dr. Duclos, who is a Francophone, is in charge of the service. We do have problems in securing resident staff and possibly this man was treated by a member of the resident staff who may not have been able to speak French. Certainly the French language facility was available within the Department, if there was any problem. Our difficulty in Montreal is to find somebody who also speaks French and English because we have some who have difficulty in either language.

Mr. Mongrain: Yes. If he can go to his own doctor in his home town, that would settle the whole thing.

Dr. Ritchie: That is right, but he must make application to the Department to do that.

Mr. Mongrain: I will tell him that.

The Chairman: Does that answer your question, Mr. Mongrain?

Mr. Mongrain: Yes.

The Chairman: Are there any other questions?

Shall Items 30, 35 and 38 carry?

Items agreed to.

The Chairman: We deferred Item No. 1 on Departmental Administration. I will call this one again. Are there any questions the members of the Committee want to ask?

Mr. Laniel: I have no question, Mr. Chairman, but as a suggestion, in reporting the Estimates to the House could we ask the Minister to refer the annual report to the Committee so that we might leave the door open for any presentation of briefs to the Committee? I do not know what the Steering Committee has in mind on that?

The Chairman: Mr. Laniel, I would like to take this up with the Steering Committee, if I may. The intention at this point is to make the first report of the Committee which would be a report on the Estimates which was the item referred to us by order of the House. The Committee will be adjourned and recalled at the call of the Chair because we have had every indication we are going to have the Report of the Committee to Survey the Organization and Work of the Canadian Pension Commission as our item in the new year, and there will probably be a new set of Estimates in April. Certainly, we will have a very active program in the new year reviewing the Report of the Committee to Survey the Organization and Work of the Canadian Pension Commission and I am sure there will be a number of opportunities to raise almost any item that you want to raise before this Committee.

Mr. Bigg: Mr. Chairman, is any special notice required in order to bring a motion on the question of making sure that the staff's salaries be reviewed with the idea of keeping up the high standard of the Departments and serving them better?

The Chairman: No. At this point we have specific items of Estimates before us. The report of the Committee will be presented to the House and the Estimates, as I understand it, have to be adopted by the House in a Committee of the Whole. I think at that point, Mr. Bigg, it would be in order to present a motion before Committee of the Whole of the House. The intention of the Committee was to make it easier to pass but not to skip any of the formalities, as I understand the procedure.

Shall Item No. 1 carry?

Some hon. Members: Carried.

Mr. MacRae: Mr. Chairman, I have a number of questions. I have been trying to get your eye. I presume it would be Mr. Mace who would answer. I would like to ask about veterans insurance. What is the maximum for which a veteran can be insured?

Mr. Mace: Ten thousand dollars.

Mr. MacRae: Has that always been the sum?

Mr. Mace: Yes.

Mr. MacRae: Have there been representations made in the last years to have the amount raised, in view of the increase in the cost of living, for a veteran who is not insurable other ways and who might wish to take out more insurance?

• 1055

Mr. Mace: The $10,000 limit has always been in effect, Mr. MacRae, and to the best of my knowledge there has been no pressure to change that maximum amount.

Mr. MacRae: There has been no pressure from any source?

Mr. Mace: No.

Mr. MacRae: The second point I want to raise, Mr. Chairman, is in connection with our future sessions but I mention it now for the benefit of the other members of this Committee. I realize that this is a very sincere, very conscientious group of men who are sitting here dealing with the problems of veterans. When we come to the Report of the Committee to Survey the Organization and Work of the Canadian Pension Commission, I think it would be an excellent idea if the Minister of Veterans Affairs were here for every session. We quite likely will be meeting once or twice a week. If we meet once a week, it is one and one half hours; if we meet twice a week, it is three hours. The Minister of Veterans Affairs is new to his portfolio. I am sure he is conscientious and interested. Some members of the Committee are new to the work they are doing. I think it would be an excellent idea if the Minister of Veterans Affairs could sit in on the discussions rather than just read them in due course in the written report. I would like to make that suggestion through you that the Minister be invited to attend. I am sure he could find the time.

The other thing I would like to ask would perhaps be for Mr. Mace to answer. I would appreciate it, Mr. Mace, if you would make a chart for me showing the organization of the Department in the Atlantic regions listing the senior officials of the Canadian Pension Commission, of the War Veterans Allowance Board and of the Department of Veterans Affairs. I happen to know most of them personally but I am not too sure in view of certain changes.

Perhaps that could also be done for, say, Quebec, Ontario, the Prairies and for British Columbia. I have in mind that it would be of help to those new members of the Committee who might wish to deal with officials occasionally on a local level. They would know exactly who to write to. If I have a war veterans allowance problem I write to Colonel Cromb, if a pension problem I write to Mr. Anderson, a departmental problem to the Minister or one of the senior officials, and I have always got excellent service. I would like a chart for the Atlantic region and some of the other members might like to have one for their regions.

The Chairman: Mr. MacRae, I would be happy to raise with the Minister these two points: the first one is his availability concerning the discussion of the Report of the Committee to Survey the Organization and Work of the Canadian Pension Commission. The only reservation I have is just how many meetings we are going to have and how much time the Minister can devote to them. However, I will be happy to review it and discuss it with him. On the second one, could I present a suggestion from the Committee to him that he consider an informational package giving, by regions, the administrative structure and the chain of command and the persons responsible for key areas of the Department? Is this your suggestion?

Mr. MacRae: That is my suggestion, Mr. Chairman.

The Chairman: If I could report that to the Minister I am sure he would be delighted to consider it and appreciate the very kind suggestion that you are making. I think it would be helpful.

Mr. Mace: Mr. Chairman, Mr. MacRae, to whom did you suggest this be made available—to members of the Committee?

Mr. MacRae: I was thinking of this Committee, yes, because we are most directly concerned here in this particular institution with the problem of war veterans.

The Chairman: It does seem to me that this is the kind of thing the Minister should review and should set up. It is a kind of service that he should provide, I think, to members of parliament generally, who are interested in his Department and I am sure he will be happy to consider the suggestion.

Mr. MacRae: Thank you, Mr. Chairman.

The Chairman: Are there any other items before this Committee? Shall Item No. 1 carry?

Item 1 agreed to.

The Chairman: Shall we report the Estimates of the Committee? The Committee will adjourn to the call of the Chair, in the New Year. The Steering Committee will be called in the New Year.

May I call the attention of the honourable members of the Committee to the fact that we have quite a documentation on the Report of the Committee to Survey the Organization and Work of the Canadian Pension Commission. You have all got some reading material and may I suggest that you take advantage during this period to try to get over as much of it as you can. Believe me, there is a lot of material to cover. It will help a great deal if you can do this. Also we are getting submissions from the various organizations of the veterans who are interested in appearing before the Committee and perhaps you can look through their submissions too, because I think most of you have received something at this stage from them. You probably will get more. We have a major agenda in the New Year, and if you can take advantage of this recess and cover as much of the reading material that is in your hands as possible, it will help.

Thank you, very much.

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OFFICIAL REPORT OF MINUTES

OF

PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations and/or a translation into English of the French.

Copies and complete sets are available to the public by subscription to the Queen's Printer. Cost varies according to Committees.

Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER,

The Clerk of the House.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

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STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

TUESDAY, JANUARY 28, 1969

Respecting

Bill C-152, An Act to amend the Veterans' Land Act
Including Second Report to the House

WITNESSES:

From the Department of Veterans Affairs: Mr. R. W. Pawley, Director General, Soldiers Settlement and VLA Branch; Mr. A. D. McCracken, Director, Administration and Finance VLA Branch.

From the Royal Canadian Legion: Mr. Justice Redmond Roche, First Vice-President, Dominion Command; Mr. Donald M. Thompson, Dominion Secretary.

THE QUEEN'S PRINTER, OTTAWA, 1969

29444-1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs,

Badanai,	Laniel,	Peters,
Bigg,	Latulippe,	Saltsman,
Émard,	LeBlanc (*Rimouski*),	Stafford,
Guay (*St. Boniface*),	MacRae,	Thomas (*Moncton*),
Knowles (*Norfolk-Haldimand*),	Marshall,	Turner (*London East*),
	McIntosh,	Weatherhead,
		Wicher—(20)

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Badanai replaced Mr. Mongrain on January 21, 1969.

Mr. Guay (*St. Boniface*) replaced Mr. Lessard (*Lac-St. Jean*) on January 21, 1969.

Mr. Leblanc (*Rimouski*) replaced Mr. Boulanger on January 27, 1969.

ORDER OF REFERENCE

HOUSE OF COMMONS
WEDNESDAY, January 22, 1969.

Ordered,—That Bill C-152, An Act to amend the Veterans' Land Act be referred to the Standing Committee on Veterans Affairs.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

REPORT TO THE HOUSE

THURSDAY, January 30, 1969.

The Standing Committee on Veterans Affairs has the honour to present its

SECOND REPORT

Pursuant to its Order of Reference dated January 22, 1969, your Committee has considered Bill C-152, An Act to amend the Veterans' Land Act, and has agreed to report it without amendment.

A copy of the Minutes of Proceedings and Evidence relating to this Bill (*Issue No. 8*) is tabled.

Respectfully submitted,

LLOYD FRANCIS,
Chairman.

29444-1½

MINUTES OF PROCEEDINGS

(*Text*)

TUESDAY, January 28, 1969.
(8)

The Standing Committee on Veterans Affairs met this day at 9.45 o'clock a.m. The Chairman, Mr. Lloyd Francis, presided.

Members present: Messrs. Badanai, Émard, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Legault, LeBlanc (*Rimouski*), MacRae, Marshall, Saltsman, Weatherhead, Whicher—(13).

In attendance: From the Department of Veterans Affairs: Mr. R. W. Pawley, Director General, Soldiers Settlement and VLA Branch; Mr. A. D. McCracken, Director, Administration and Finance VLA Branch; Mr. N. G. MacArthur, Director of Property, Soldiers Settlement and VLA Branch; Mr. W. Strojich, Director, Farm Services, Soldiers Settlement and VLA Branch; Mr. H. Lamb, Director of Construction, Soldiers Settlement and VLA Branch. *From The Royal Canadian Legion:* Mr. Justice Redmond Roche, Dominion 1st Vice-President; Mr. Donald M. Thompson, Dominion Secretary; Mr. H. H. Hanmer, Service Officer.

The Chairman called Bill C-152, An Act to amend the Veterans' Land Act, and introduced Mr. R. W. Pawley, Director General, Veterans Land Act Branch, and Mr. A. D. McCracken, Director of Administration and Finance.

Mr. Pawley read a statement and the Committee *agreed* to hear representation from The Royal Canadian Legion. The Chairman introduced Mr. Justice Redmond Roche, Dominion 1st Vice-President and Mr. Donald M. Thompson, Dominion Secretary. Mr. Justice Roche read a statement and answered questions posed by the Committee.

Messrs. Pawley and McCracken were recalled and the Committee continued the study of Bill C-152.

At 11.00 o'clock a.m. the Committee adjourned to 2.30 o'clock p.m. this day.

AFTERNOON MEETING
(9)

The Committee resumed at 2.40 p.m., the Chairman, Mr. Francis, presiding.

Members present: Messrs. Badanai, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Legault, LeBlanc (*Rimouski*), MacRae, Marshall, Peters, Weatherhead, Whicher—(12).

In attendance: Same as morning sitting.

The Committee continued the questioning of the witnesses.

29444-2

The examination being concluded, the Committee proceeded to the clause by clause study of the Bill.

Clauses 1 to 9 were carried.

The title carried.

The Bill carried.

It was agreed, that the Chairman report Bill C-152 without amendments, as the Committee's SECOND REPORT to the House.

Mr. MacRae paid tribute to Mr. Pawley and his officials for the excellent administration of the Veterans' Land Act.

The Chairman thanked the witnesses and the Officials of the Dominion Command, The Royal Canadian Legion for their presentation.

At 3.50 o'clock p.m., the Committee adjourned to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

Tuesday, January 28 1969

● 0930

The Chairman: I believe I see a quorum of the committee. We have a reference before us from the House of Commons of Bill C-152, an act to amend the Veterans Land Act.

We have with us this morning from the department Mr. Pawley, who I believe is competent to give evidence on the bill itself and its administration. If it is agreeable to the committee I would like to invite Mr. Pawley to step forward and testify in regard to the clause by clause examination of the bill which has been referred to us.

Bill C-152 was read a second time on Wednesday, January 22 in the House of Commons, as reported at pages 4633 – 4639 of *Hansard*. Following the debate in the house it was referred to this committee. I believe the procedure at this stage is clause by clause examination.

Mr. Pawley, are there any comments that you would care to make at this stage of the bill?

Mr. R. W. Pawley (Director General, Soldiers Settlement and Veterans Land Act Branch): Mr. Chairman, I should like to make a few introductory remarks, after which I would ask Mr. McCracken to deal primarily with the clause by clause discussion.

While we are prepared to spend as much time as the committee desires on a discussion of Bill C-152, I should like to review a few of the salient points which may help better to understand the changes that are being proposed.

If the bill is passed, then it is necessary to have new or amended regulations written, and subsequently approved by the Governor in Council. Therefore it is our hope to try to explain the provisions of the bill and to indicate, if applicable, the recommendations of the Director on matters of related administrative policy.

The Director cannot exercise authority except that delegated by the Act and its regulations, and he must try to anticipate problems resulting from changes and ensure that authority is provided.

Any proposal with respect to regulations will represent my recommendation to the minister, and cannot be taken as final.

As mentioned by the minister, the interest rate established in 1942 on the repayable portion of the $6,000 Part I loan was 3 1/2 per cent. At that time the cost of money was around 3 per cent. In 1954 the Part III loan was introduced and the rate was set at 5 per cent, the same as that under the Farm Loan Board and 1.6 per cent above the cost of money at that time. In 1965 farm loans were increased to $40,000, with the interest rate at 6-3/8 per cent tied to the Farm Credit Act on any loan over $20,000. By 1965 the Part III interest rate on loans under $20,000 was the same as the cost of money–5 per cent–and the rate on loans in excess of $20,000 exceeded the cost of money by 1-3/8 per cent.

Historically, therefore, the Part III loan amount carried a rate normally greater than the rate that the government paid for its money. Since the 3 1/2 per cent interest rate on Part I loans represented a benefit, along with the conditional grant which is still available to all veterans, any underwriting of interest under the act has been confined primarily to Part I loan amounts.

The rate on farm loans in excess of $20,000 has been tied to the Farm Credit Act since 1965, and as a consequence when its rate changed to 7-3/4 per cent in December, 1968 the V.L.A. loans in this same category changed at that time.

The close historical association between V.L.A. and Farm Credit legislation seemed to be a logical course to continue when considering future rates for veterans being established under the act. Further, the government was desirous of establishing a common base to prevent a proliferation of interest rates being charged by different credit agencies. The course adopted, therefore, simply has all Part III loan amounts in excess of $6,000 follow the rate prescribed by the Farm Credit Act, rather than amounts over $20,000 only.

Although interest rates may be changed at April 1 or October 1 only, it is possible that the rate may be higher or lower on the date it was approved, as opposed to the date the contract agreement becomes effective. If this happens, the veteran will be given the lower interest rate. If a veteran makes a prepayment over and above his normal payment as called for in the agreement, such prepayment will apply to the debt bearing the highest interest rate. Further, the new rates apply only to new loans made after the bill becomes law.

I should like to give you an example of the loan repayment under a typical contract agreement, and compare it with that currently in effect. I should like to emphasize that any statements that we might make today are proposals as they affect the regulations or policy, and are not firm.

To the small holder with a repayable debt of $14,000 over 30 years, the monthly cost with the interest rate at 3 1/2 per cent and 5 per cent, as it is at the present time, is $70.85. If the interest rate goes from 5 per cent to 7-3/4 per cent on Part III loans, then the monthly cost is $87.68, an increase roughly of $17 per month.

That completes my statement, Mr. Chairman. If you wish a clause by clause study, Mr. McCracken will deal with that and I would be prepared to answer any further questions that may be directed to me at the time.

The Chairman: Are there any questions? If there are none, I propose to call the bill clause by clause, unless there are objections. Thank you, Mr. Pawley.

Mr. MacRae: I understand the Legion is to make a statement. Would it not be better to have this statement made before we consider the bill clause by clause? It would seem to me that after we have considered the bill and agreed to it, a statement would not have the same weight.

The Chairman: What is the wish of the committee?

Some hon. Members: Agreed.

The Chairman: Then, with the consent of the committee, I shall ask Mr. Justice Roche, representing the Royal Canadian Legion, to take a seat here—he wishes to read a letter into the record, I understand. Mr. Justice Roche is, I believe, First Vice-President of the Legion. We are very pleased to hear from him.

Mr. Justice Redmond Roche: Thank you, Mr. Chairman. May I introduce my associates, Mr. Thompson, the National Secretary, and Mr. Hanmer, the National Service Officer. The Legion appreciates very much this opportunity to outline briefly our views about Bill C-152, which is an act to amend the Veterans Land Act.

[*Translation*]

Hon. Judge Redmond Roche: The Legion representatives regret that their national president is not present this morning to give you the legion's point of view.

[*English*]

The Royal Canadian Legion is pleased that the government has retained, except under Section 21, the interest rate at 3-1/2 per cent on loans up to $6,000. We commend the Minister of Veterans Affairs and the government on maintaining this rate, which has been in effect since the introduction of the legislation in 1942, as part of the Veterans Charter, and which has been of considerable benefit in providing land settlement for Canada's war veterans.

The Royal Canadian Legion and, we are sure, all veterans who may still wish to take advantage of the legislation, regret to see the introduction of Bill C-152. While this will undoubtedly result in an increase in rates of interest on loans over $6,000 and under $20,000, we do, however, recognize the sharp increases in recent years in mortgage rates, bond interest and the rate of interest on money loaned by the Bank of Canada. It is our understanding that from the time the act was amended in 1954 to provide additional assistance through loans at the rate of 5 per cent, until 1965, the cost of money as represented by the return on bonds never exceeded 5 per cent and, therefore, the government was not during this period required to subsidize interest rates.

Since the government now deems it necessary to provide that the rate of interest on those additional loans shall be fixed by the Governor in Council, we ask that the rate be that paid by the government to secure the necessary funds. We believe that administrative costs should be borne by the government.

We trust, therefore, Mr. Chairman, that you and your colleagues will give very careful consideration to the proposed amendments, and the effect they will have on the many thousands of veterans who have indicated their intention to take advantage of the legislation during the next five years. In comparison with veterans settled since the war, they may indeed find themselves in a much less privileged position. This, because the cost of settlement has increased to a greater extent than have wages and salaries, will stem principally from land speculation in most urban areas, particularly the larger centres of population. Suitable lots on which veterans might settle under the Veterans Land Act are virtually unobtainable, except at grossly exaggerated prices which the average veteran cannot afford. This burden, we believe, should be borne in mind when interest rates are under consideration, for, coupled with increased rates, it will deter thousands from proceeding with a settlement. We suggest that a reduction in the size of the lot would go a long way toward solving this problem.

Because of the financial situation in 1968, the government placed an income ceiling of $7,000 gross taxable income on applicants seeking settlement under the act. This, according to the Director of the Veterans Land Act, resulted in an estimated one thousand applications being deferred. We have not as yet been advised of the removal of this income ceiling. We therefore urge you to recommend the immediate removal of this restriction, and the guaranteeing of the present interest rates being made applicable on all applications which were deferred last year.

In summary, therefore, we:

(i) commend the government for maintaining the 3 1/2 per cent rate of interest on basic loans under Part I,

(ii) recommend the new rate of interest on loans over $6,000 be the same as that paid by the government to borrow the money and that the government bear administrative costs,

(iii) ask that consideration be given to reducing the size of the lot, and

(iv) recommend removal of the income ceiling imposed in 1968 and 1969.

These are the brief comments of the Canadian Legion, and they are respectfully submitted.

The Chairman: Thank you very much. Are there any questions anyone would like to ask at this point?

Mr. Badanai: I should like to ask the witness if he could tell us, approximately, the number of applications deferred last year.

Mr. Justice Roche: One thousand, approximately.

Mr. Whicher: This figure of $7,000 is one I have myself asked about. Are you sure it is correct?

The Chairman: The question refers to the $7,000 figure—the income ceiling placed in 1968.

Mr. Whicher: Does it mean that anyone making $10,000 a year could not apply for a loan?

Mr. Justice Roche: That is a question which the Director responsible for this area of the legislation is much more qualified to answer than I.

The Chairman: May I suggest that the question be deferred until later, then?

Mr. Legault: Because of the relationship between the brief we have just heard and the presentation by Mr. Pawley, may I ask whether Mr. Pawley will be at the table as a witness, also?

The Chairman: I believe it is our intention, following a discussion with the present witness, to come back to Mr. Pawley.

Mr. Legault: A question to Mr. Justice Roche. He talked about the cost of money to the government. Would he understand this to be the rate as charged by the Bank of Canada?

Mr. Justice Roche: That is what I would say.

Mr. Legault: And when you talk about the administrative costs, I always assumed that the cost of money does bear the cost of administering these funds, so when you talk about the cost you really mean the rate as paid out by the Bank of Canada without referring to the cost of money?

Mr. Justice Roche: That is right. Here again, the Director could give you a better answer. For instance, on loans above $20,000 there was one per cent charged by the government for administrative costs.

The Chairman: I believe the officials of the department will be prepared to answer questions in detail on that aspect.

Mr. Legault: The two final recommendations of the Legion necessarily cannot be considered in connection with this bill, though they will no doubt be considered further when we are dealing with other legislation, or other recommendations. I take it the suggestions with regard to removal of the income ceiling imposed in 1968 and a reduction in the size of the lot will be considered in the course of further committee meetings. Am I to understand this, Mr. Chairman?

● 1005

The Chairman: A piece of legislation has been referred to us and some of the points raised are beyond the scope of the bill. It is the committee's business to consider what is appropriate. I am afraid some of the points raised go beyond the terms of the bill.

Mr. Legault: Are we considering clause 2 at the moment and making recommendations about it?

The Chairman: That is my understanding.

[*Translation*]

Mr. Laniel: I wonder if Mr. Roche could answer that.

Did you calculate how much more the government would have to pay for its loans if the rate of interest was increased by 1 and 3/8 per cent?

How much does that represent each month for a $20,000 loan?

The Chairman: Have you made any calculations?

[*English*]

Mr. Laniel: Actually, I am trying to find what the costs will be to veterans. I understand that a veteran is allowed to earn up to $6,000 to be eligible to come under the provisions of this act. I am wondering in what position this amendment will put them. My second question ought to be directed to Mr. Pawley. I wonder if anyone here could answer it. What will be the difference between the new interest rate and the rate of interest that Central Mortgage and Housing mortgages, for example, would bear?

[*Translation*]

The Chairman: May I suggest that Mr. Laniel put that question later to Mr. Pawley.

[*English*]

Mr. Justice Roche: Perhaps Mr. Thompson could answer that.

Mr. Thompson: Mr. Chairman, I think Mr. Legault said that the ceiling was not affected by the bill, and strictly speaking that is correct. We have included that point in our submission because in effect the act said that certain people could apply to be settled if they were eligible to be settled under the act, at certain interest rates. Because of difficulties the government encountered it felt it necessary to impose an income ceiling. They said that anyone whose gross income exceeded $7,000 would not come under the act. At the present time the applications of certain persons who applied to be settled last year are being held in abeyance. It is proposed under this bill to raise interest rates, and it seems that those people who could not take advantage of the law as it was passed by parliament were restricted from exercising their legal rights. Now those applications that, so to speak, were shelved because of the provisions of the law will come off the shelf, and be processed at the higher rate than the law presently provides for. They can be settled at the new rate. We suggest that the law is to be modified by this bill. Those who applied last year and were under normal circumstances eligible found difficulty in having their applications processed. Now their applications will be processed at the higher rate. The bill affects this latter group. Special consideration will be given to ensure, also, that the old rates apply to those who applied before, and were eligible for settlement under the law before that law was amended by the bill.

Mr. Laniel: I know it is important to improve the bill, but I am wondering about what will happen to those people whose applications have been turned down, on the basis they did not have a lot corresponding in size to dimensions laid down in the act, or because their incomes were too high. If they filled in an application for a loan in the past will they remain qualified to receive a loan in future?

Mr. Thompson: I understand that once a man is qualified he remains qualified.

Mr. Laniel: Was October 31 not the closing date for applications under the old act?

Mr. Thompson: As I say, I understand that once a man has been qualified he remains qualified. The legislation has been drawn in such a way, I believe, that he remains qualified.

The Chairman: I believe our departmental officials could answer that question more specifically.

Mr. Laniel: Perhaps Mr. Pawley could take this matter up.

Mr. Guay (St. Boniface): Mr. Chairman, could Mr. Hanmer let the committee know how many veterans coming under the ceiling have applied for loans. Can we be told how many veterans have applied for loans and how many would qualify for loans under the present bill.

Mr. Hanmer: We do not have the exact figures. I would prefer not to give a figure that is not correct. I think the correct figure could be obtained from the director.

The Chairman: Has anyone else any questions? If not, may I thank our distinguished witnesses. Thank you gentlemen.

I will now call the departmental witnesses, Mr. R.W. Pawley, Director General, Soldiers Settlement and Veterans Land Act Branch, and his assistant, Mr. A.D. McCracken, Director of Administration and Finance, Veterans Land Act Branch.

Does the committee wish to examine the bill clause by clause?

Mr. Whicher: Could we settle the matter of the $7,000 ceiling, first? Could Mr. Pawley confirm the facts of the brief and give us some background information on the matter? Is there any chance that the income ceiling, for instance, will be lowered in future? Could Mr. Pawley comment on the matter?

Mr. Pawley: Mr. Chairman, late in 1967 because of economic circumstances existing at that time my minister agreed to have our loan budget reduced for the current fiscal year to a ceiling of $74 million. This had the effect of reducing funds available for lending by about 30 per cent, or roughly $30 million. It became clear to us that some guide lines would need to be introduced so that funds could be made available to veterans from one end of Canada to the other pretty well on the same basis. To do the job fairly, some research was conducted. We learned from our files and establishments of the previous year that approximately 60 per cent of all veterans established under the Veterans' Land Act in the previous year had been earning an annual income of $7,000 or less. As a consequence of this research, guide lines were introduced so that veterans earning $7,000 a year or less and wishing to become established as small holders would not be denied a loan so long as we had funds. Furthermore, if any individual earning $7,000 a year and over wished to buy a piece of property the director was prepared to commit himself to make a loan to that individual. That is, that individual who wanted to buy the proper-

ty of his choice had to make satisfactory interim arrangements by himself for the financing of his property until after April 1, 1969, after which time the director's commitment would become effective.

Two or three other guide lines were introduced. Since new construction increased the amount of goods and services available in the country we did not want to limit it. But we did impose a ceiling of roughly 1,400 houses, I think it was, which was approximately the same number as for the previous year. Our farm lending was little affected and was primarily dealt with by our field staff in each individual case, and basically on a needs test. If he could afford to pay for a loan from a bank, then we encouraged him to carry out this method. In addition, any small holding veteran who is already established under the act may be entitled to an additional loan if he has not reached the ceiling under this act. Loans in this category were suspended, except where the welfare of the veteran and his family were in jeopardy or where the property had to be protected because of some unexpected contingency. It was on this basis that we carried out our 1968-69 lending program.

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As far as deferred loans are concerned, when I reported to this committee just prior to the new year I estimated an amount at that time of 1,000 as at the end of December. However, the actual figure was over 1,400, representing a commitment of the director of $21 million. These are currently being processed, and these transactions will be completed shortly after April 1. These are cases where veterans have, through various means, been able to finance the property in the meantime, and the director has committed himself to a loan, and is then picking up the tab in whatever manner it may be after April 1.

As far as next year is concerned I have as yet been given no specific amount of funds which may be released from our loan fund for the fiscal year 1969-70, and as a consequence I am not in a position at this time to indicate what may be the decision in this regard.

The Chairman: Thank you, Mr. Pawley. Mr. Laniel you have a question?

Mr. Laniel: My question, Mr. Chairman, will be the same as I put to Mr. Justice Roche. I am trying to find out the difference in dollars that it would make if the government would consider the suggestion of the Legion just to charge the rate paid by the government to secure the necessary funds available for any money, and I think this is a difference of 1-3/8 per cent or 1-3/4 per cent.

Mr. McCracken: A difference of 1 per cent.

Mr. Laniel: One per cent?

Mr. McCracken: Yes.

Mr. Laniel: That would just represent in real practice on either a $20,000 or $40,000 loan –

Mr. McCracken: I have a rough calculation for a veteran who is established as a small holder. The increase in rate applies for a small holder under Part III, the same as for a farmer. The amount of money involved is $10,000 and a rough calculation is that 1 per cent per $1,000 over 30 years would be approximately $4 per month.

The Chairman: Does that answer your question, Mr. Laniel?

Mr. Laniel: Yes; but how does that rate compare with the one charged by Central Mortgage and Housing?

Mr. McCracken: With the Central Mortgage and Housing Corporation at the present time, the National Housing Act rate, is 9-3/8 per cent.

Mr. Laniel: This means that the veteran still gets a fairly good advantage?

Mr. McCracken: Yes. The composite or average rate between the basis of 3-1/2 per cent and 7-3/4 per cent is, I think, approximately 6-1/2 per cent.

Mr. Laniel: Yes.

The Chairman: Six and a half per cent as compared to 9-3/8 per cent.

Mr. Whicher: That would be $12 a month difference on $10,000.

Mr. Pawley: $12.50 between C.M.H.C. –

Mr. McCracken: The C.M.H.C. or N.H.A. rate would be much greater than that, Mr. Whicher.

Mr. Whicher: At $12 a month interest –

Mr. McCracken: It is $4 I am talking about here, which is the difference of 1 per cent in relation to $10,000.

Mr. Whicher: That's right, so 6-1/2 and 9-3/8 per cent is 3 per cent.

Mr. McCracken: The 9-3/8 rate is charged on the whole amount.

Mr. Pawley: The interest rate exceeds ours by 3 per cent. On every $1,000 over 30 years the annual payment is $51.03 or roughly $51. This includes principal. To compare it with a comparable figure of 2 per

cent, which is about the amount of increase that this interest rate will be, roughly from 4-1/2 on the average previously or currently, to 6-1/2 per cent if the interest rate is 7-3/4. Then the annual payment at an increase of 2 per cent on $1,000 over 30 years is $44.66.

The Chairman: Mr. Pawley, I think what you are trying to do is quite clear. Mr. Whicher was trying to arrive at a rough rule of thumb of the difference between a composite rate of approximately 6-1/2 per cent on a loan, part of which would be at 3-1/2 per cent and part at the rate prescribed by regulation, and the average C.M.H.C. rate now of about 9-3/8 per cent. He indicated the difference would be $12 a month and Mr. McCracken said it would be something more than that because of the C.M.H.C. loan being over the whole amount.

Mr. Pawley: Yes.

The Chairman: I think those are approximately the answers you wanted, Mr. Whicher. This is the magnitude of the difference you wanted to know.

Mr. Laniel: That is what I was looking for.

Mr. Whicher: Yes.

The Chairman: It would be more than $12 a month, probably $14 or $15.

Mr. Guay (St. Boniface): I fail to understand the reason why we are trying to place veterans in the category of a farm loans act or C.M.H.C. I believe that veterans are unique. They are certainly not in the farmers' category, and neither are they applying under C.M.H.C. I am wondering if Mr. Pawley would state the reason why we are really making reference to the veteran or trying to place him in the same category. I know it is a matter of interest, but I think even at that the veterans might possibly be placed in a separate category.

The Chairman: Mr. MacRae has a series of questions. I intended to ask Mr. MacRae to proceed with his questions.

Mr. MacRae: Mr. Guay can go ahead.

The Chairman: Do you want to reply on Mr. Guay's comment?

Mr. Pawley: Initially the Veterans Land Act was farm legislation, Mr. Guay.

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In the early stages, I would say until probably 1960, the predominance of the work load was with the farm population. As a consequence it has been tied to the Farm Credit Act or its predecessor act the Farm Loans Act. While I agree that we like to think of veterans as being a little separate from others, we have established this relationship. It goes back actually I think, from the point of view of information, to what happened in respect of the Veterans Land Act initially. I think many of the experiences under the Farm Loan Board and other farm legislation found their way into the Veterans Land Act. Later many of our experiences under the Veterans Land Act found their way into the Farm Credit Act. Much of the farm credit legislation now is patterned after the Veterans Land Act.

So we have had this rather tight relationship over the years. I think it would be hard to break away from it and be isolated. In its current policy the government wants to have a base rate for all credit agencies. So if we should go from the farm credit people with whom we have associated for years and, let us say, go to Central Mortgage and Housing Corporation, which administers the National Housing Act, this would probably tend to be a disadvantage to the veteran who wishes to be established as a small holder, because his interest rate would be tied to the National Housing Act.

So, on balance, it seems to me it is reasonable to continue to relate it to the Farm Credit Act. We still have 15,000 farmers. Granted, our work load now is mainly small holdings, but not in the prairie provinces, including the province of Manitoba, where it is about 50-50. I do not think we could have broken away from this tradition.

Mr. Guay (St. Boniface): I will make one short statement, Mr. Chairman, and then let Mr. MacRae ask his questions. When he has finished, then perhaps I could continue. Personally I feel that things can be changed. We do not always have to follow the old rule, but can set out new rules. I do not believe we should always follow the old system. Can a new system not be implemented whereby the veterans would be in a unique category, or would this throw everything out of kilter and bring about a problem for you? As I mentioned earlier, I think the veterans should be unique and separated from the others. I do not think they should be tied to anybody else's apron strings. Possibly we might be able to give them just a little advantage over the others.

Mr. Weatherhead: I think Mr. Guay is forgetting that with the 3-1/2 per cent interest given on the first $6,000 the veterans are indeed in a preferred category to farmers under the farm credit legislation. I believe they are in a little better position than the farmers who come under the other act, and that Mr. Guay's objection might be partly satisfied on that basis.

Mr. Guay (St. Boniface): I would like to say that I was quite aware of the 3-1/2 per cent. I had in mind

the demand of the Legion, because I think they have a very good point. I believe they had a very nice presentation.

The Chairman: Mr. MacRae has been patient. At this point I think he should have the opportunity to put his questions.

Mr. MacRae: I shall be brief, Mr. Chairman. Mr. Pawley, I presume the $7,000 ceiling which was imposed by ministerial direction did not need the sanction of parliament. Is that correct?

Mr. Pawley: That is correct. This was strictly an administrative decision.

Mr. MacRae: I wondered whether I missed something last year when I first saw it in Judge Roche's letter. The reason for its being there was simply a shortage of funds.

Mr. Pawley: Yes. So far as I am concerned this limitation applied only to the one year.

Mr. MacRae: What you were actually doing here was penalizing the man who because of his initiative, hard work and so on was able to earn more than $7,000 a year. Therefore the man who likely would be a better prospect was prohibited. That is not meant to be undue criticism, but it is what happened, is it not?

Mr. Pawley: I do not think so. I believe what we wanted to try to do was funnel the funds to those people who are a little less fortunate than those who may be earning in excess of $7,000. I think it is axiomatic that if a person is earning a good salary he can be established much easier than the fellow who does not have too much money to play around with.

What we really wanted to do was help the chap who was making what we consider to be a minimum wage. We did not stop the other people who were making more. We said to them, "Sorry we cannot help you this year, but if you can find a property which you wish to buy we will commit ourselves to a loan which you can finance in the interim, and then we will take any responsibility associated with that property; but we are sorry we do not have the funds to advance to you this year." So we did not in effect deny him. Granted, some of them could not make these arrangements. At the end of this fiscal year we will probably have 2,000 deferred loans. Compared to a little less than 10,000 loans which we made the previous fiscal year, we will make a little better than 7,000 loans this year both actual and deferred.

We know that, yes, some people are disappointed; but we feel in the circumstances there were fewer disappointments than would have been the case otherwise. I think you will understand that the Veterans Land Act administration has never been faced with this kind of a problem. It commonly happens with mortgage companies under the National Housing Act, and so on. We had to do something in these circumstances and it seemed to us that this was a reasonable approach. We could visualize that if we had no guide lines and it became widely known that the V.L.A. was short of funds, then I think the people we would have had to help, because it is easier to help them, would have been those who had greater than average incomes.

Mr. MacRae: Thank you Mr. Pawley and Mr. Chairman.

Mr. Marshall: I should like to follow on in respect of Mr. Guay's question. I cannot reconcile why there is a Veterans Land Act, with this rate of interest, when any veteran can obtain a loan under the Farm Improvement Loans Act, or if he is in a certain category under the National Housing Act. Where is the benefit in the Veterans Land Act, and why do we have two acts which are very similar?

Mr. Pawley: I am not too sure what is behind your question. I do not know whether you are suggesting that the Veterans' Land Act should be part of the National Housing Act or whether it should be part of the Farm Credit Act.

Mr. Marshall: I am just saying that a veteran should be in a different category. I imagine the purpose behind this was that the veteran would receive a little advantage, but he is not getting an advantage because all we are talking about are rates of interest, and making this thing pay.

Mr. Pawley: The prime advantage under the Veterans Land Act right from the start—and is continuing—is that Part I provides the 3-1/2 per cent interest rate for all veterans plus a $1,400 conditional grant for small holders, and a maximum of $2,320 for farmers, at the end of 10 years occupation of the property.

Treated from there on it is the same. I have a hard job to try to think up some reason why veterans should be treated differently at this stage, because I think you must remember that the act is actually being brought to an orderly termination, and the first termination date for establishment is 1974. I think you will recognize that for me, at least, to convince the government to make any great changes in this kind of plan is very difficult. I do not like to hide behind the well known phrase that "this is government policy", but I am afraid I can only recommend and suggest up to a point. However, what I have said today is what I believe.

The Chairman: Have you any further question, Mr. Marshall?

Mr. Marshall: No.

Mr. Guay (St. Boniface): I would like to follow up what I originally intended with Mr. Pawley and I appreciate his answers. You, Mr. Pawley, must know now what the total applications are.

Mr. Pawley: 158,000 qualified, not established.

Mr. Guay (St. Boniface): Is there any possibility that with the change of policy – I will use the phrase "change of policy" rather than the phrase "difference of interest rate" for any amounts over the $6,000 – that you may reduce the numbers of interested applicants?

Mr. Pawley: We think there will be a dampening effect. We just cannot estimate what the decrease might be. I have had my own staff try and give me some idea, and it ranges from a small amount up to 20 per cent. My own feeling is that the dampening effect will vary across Canada in accordance with other conditions that exist, which probably do as much to prevent veterans from coming under the Veterans Land Act as would an increased interest rate. I think this is primarily a desire of where people want to live. Under the Veterans Land Act this is suburban or beyond suburban areas.

Mr. Guay (St. Boniface): It is a possibility then that because of this increase over the amount mentioned in the bill some of the applicants would feel they would be unable to proceed, and there would possibly be another group that, because of the waiting period for their applications to be processed, would become disinterested. Is that possible?

Mr. Pawley: I don't think the latter is possible. If a veteran wants to be established now, and he has not been processed, we are prepared to dig out his application and proceed without delay. He merely has to request this. So far as the first part of your question is concerned, I don't doubt but what there will be people disappointed.

Mr. Guay (St. Boniface): Under this new policy.

Mr. Knowles (Norfolk-Haldimand): In the Legion presentation, which was very well presented, they pointed out the fact that the persons deferred – we have been speaking a great deal about those – were deferred through no fault of their own, but rather through lack of funds. Is there any way that they can be given some preference, that these interest rates would not be applied to the full extent in their case? Surely there should be some recognition given to the fact that they had their applications in at the proper time, and that they are in no way to be held responsible for this. I know that we are up against solid facts, that we cannot get money at the rates that you have been getting it until now. But still, Mr. Pawley, have you given any consideration as to what means might be applied to give some preference in these cases?

Mr. Pawley: Are you talking about – ?

Mr. Knowles (Norfolk-Haldimand): The deferred, the 1,400.

Mr. Pawley: I want to make this clear. If the Director has commited himself to a deferred loan for any veteran, and as I say there are 1,400 as of the end of December, this loan in effect has been approved and the old interest rate will apply. As we continue to defer loans the interest rate will not be changed on those approved before this bill becomes law. However, with respect to veterans who came in and could not find it possible to carry out interim financing or make arrangements with a vendor, which is usually the case, there was no commitment made to this group. So far as the 150,000 that are qualified outside of this, are concerned, who may be in the mill, there has been no commitment made to them, nor is it possible to make a commitment so far as interest rates are concerned.

Mr. Knowles (Norfolk-Haldimand): I was referring to this group of 1,400.

Mr. Pawley: They are protected, sir.

Mr. Weatherhead: Mr. Chairman, I know that Mr. Pawley has spoken of these 1,400 people who will be getting the present interest rates; but, Mr. Pawley, what about the other people who have applied for establishment, say in the last six months or so, but whose loans have not yet been approved? How many of these people are there, and what is their situation?

Mr. Pawley: If they have applied in the last six months and have had a specific property – we don't accept applications until there is a specific property – these people will either have had their loans approved or deferred, and the director will have committed himself in exactly the same manner as I explained previously. The key word in this connection is a loan that has been approved. We have approved a deferred loan.

Mr. Weatherhead: Can you say, Mr. Pawley, whether money will be forthcoming for these approved loans after April 1?

Mr. Pawley: Absolutely. There is no doubt about this whatsoever. We know that we will have at least $35 million of our own money to spend from our own resources. This is revenue which we receive from principal payments, and we expect we will get some on top of that to release from our own loan fund; but we can get up to the extent of $35 million without any concern at all, and we are quite a bit short of that yet.

Mr. Weatherhead: You mentioned that there was $22 million committed to these people who have got other interim financing in the meantime, and in addition there are a number of people who have been

approved in recent months who will get the money after April 1?

Mr. Pawley: Yes, that is right. Every year we carry over about $25 million of funds that have been committed the previous year, but not spent. We will not spend them in that fiscal year but we will earmark the first $25 million of the next fiscal year's funds to meet those payments to which we have made commitments. We are in no different position with a deferred loan than we have been previously. By virtue of the fact that our loan fund was almost exhausted by September, this means we are spending more money for property this year sooner than we would have previously, with the result that normally we could carry over $25 million. This year we will carry over $30 million, both deferred and funds committed to veterans that are already under way, so I don't think we are taking any risk here whatsoever.

Mr. Weatherhead: Are any loans actually being approved at present or are we waiting for the passage of this legislation?

Mr. Pawley: We are in fact approving loans because we are making sure that the whole $74 million that we had available this year is paid out on loan expenditures. Now on that basis, so that we won't lapse any cash funds in the fund, we are in fact paying out money for loans right now that had been previously committed. We are certainly still approving deferred loans with no let up. However, I should explain that the winter does slow us down pretty badly.

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Mr. Weatherhead: When do you expect that you will know how much additional money will be available for 1969-70?

Mr. Pawley: I am rather hopeful that we will know within the next two weeks.

The Chairman: There are two other members of the committee who have indicated they would like to ask questions. First, Mr. Émard, who has not yet asked any.

[*Translation*]

Mr. Émard: Mr. Chairman, Mr. Pawley: I am surprised to see that the veterans' status seems to deteriorate with the years and I wonder if the resistance to this deterioration is as strong within the Department of Veterans Affairs as it was before.

I need not give you any examples, but everybody is aware that certain benefits given to the veterans are being reduced and I would like to know how far we can go.

It has been said a while ago in reply to one of Mr. Guay's (St-Boniface) questions, I believe that a veteran is allowed approximately as much merit as a farmer. However, in my opinion, the merits of a veteran are much greater than those of a farmer's, especially when applying for a loan from the Government. It also seems to me that in certain cases, to facilitate the administration, the interests of a farmer and those of a veteran were mixed. In fact, I think this is the only reason.

The members of the Veterans Affairs Committee think that the Department of Veterans Affairs should take a stronger stand in protecting the advantages that were so hard to acquire. There is really not much time left to take advantage of many of those benefits, especially the Veterans' Land Act and the Soldier Settlement Act, As this law will be repealed in 1974, I wonder why the same conditions could not be maintained until 1974.

I admit that there are certain economic problems—and I am not an expert in this field—in fact I know very little about it—which may force the government into a bad position concerning the appropriation of funds to enforce this law. In my opinion, the recommendations submitted by the Legion are sensible, mainly the second one, where the surplus should be based on the cost to the Government to obtain those funds.

I also think that it should be mentioned in the Bill for if the actual latitude is left to the Bill, nobody knows where this could lead us.

I remember one case. When we were examining the amendments to the Bank Law, when the current interest rate was 6 per cent and when the Banks requested a free interest rate, we received all kinds of promises from the bank authorities who said: No, the interest rate will increase very, very little, maybe one per cent. That was a year ago and the interest rate has already increased, I think, by three per cent, not counting all the supplementary expenses.

Therefore, I wonder what the interest rate on veterans' loans will become, if we let the Government absolutely free to increase this rate. I know it is difficult in certain cases to borrow money these days because the interest rate is so high, but I think that the Government should make certain sacrifices towards the veterans.

The veterans who, up to this day, have not taken advantage of the loans that the Government offered them, have as much right to our consideration as those who have taken advantage of them 20 years ago.

In my opinion, we should take that in consideration.

Another point I have touched concerns the third recommendation submitted by the Royal Canadian Legion where it is suggested that the areas of the lots should be reduced. In my opinion, in many cases, this

would help the veterans and moreover would reduce the expenses for many of them.

The Chairman: Many members of the Committee have to be present at the External Affairs and National Defence Committee meeting at 11 o'clock.

I wonder if it is the wish of the committee to adjourn at the present time, because I know we are going to have a problem in that a number of members here wish to be at the External Affairs and National Defence Committee hearing at 11 o'clock. We are scheduled to meet again in this same place at 2.30 this afternoon. Possibly at that time we could start with Mr. Émard's series of questions, if Mr. Pawley wishes to comment. Is that agreed?

Some hon. Members: Agreed.

Mr. Laniel: Mr. Chairman, perhaps we should ask Mr. Émard if he will be available this afternoon to hear the answer. If not, perhaps we should take a few minutes now to listen to Mr. Pawley.

The Chairman: Will you be here this afternoon, Mr. Émard?

Mr. Émard: I have three committees this afternoon, Mr. Chairman.

The Chairman: Then let us give Mr. Pawley the opportunity to reply.

Mr. Pawley: Far be it from me to give any opinion as to whether or not the status of a veteran or the department is deteriorating. Actually, sir, I am still pretty proud of the department, and think we remain a viable organization. Most of the things you have touched on are matters of policy and I must probably hide behind this to some extent. But I think it is my responsibility to suggest that there is an inherent danger of making veterans unpopular by continuing to put them in a highly preferred position.

It seems to me that the position in which they are placed at the present time means that the initial benefits to any veteran have not been denied; they still receive these benefits. To put them in a more preferred position than this would, I am inclined to think, make them become a little more unpopular with those people across Canada who are probably in dire circumstances.

I think we have to accept that conditions, including acreage conditions, the kind of establishments and the amount of money that is needed, have changed a great deal. To make any great change to correspond with these changed conditions at this stage seems to be a pretty difficult thing to do, when you consider that in 1974 we are going to terminate the act, as far as new establishments are concerned. I think I have already said too much about the acreage program, and I do not think my feelings have changed in this connection from those I expressed at the previous meeting of the committee. I do not think I can add anything more to what has been said previously in this connection.

The Chairman: Thank you, Mr. Pawley, We will meet at 2.30 this afternoon in this room. I hopy we will have a quorum at that time. Would members please take the same seats. It would assist the *Hansard* Reporters a great deal if you would this afternoon take the same seats that you occupied this morning.

AFTERNOON SITTING

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The Chairman: Gentlemen, I believe I see a quorum and with your consent we will now proceed. Just before we adjourned we had been putting questions to Mr. Pawley and Mr. McCracken of the Department of Veterans Affairs. Are there any other questions hon. members would care to ask at this point?

Mr. Laniel: Mr. Chairman, my question has relation to the cost of money. I have confined my questions to this subject in order to find out how much money costs the veterans and why the government has decided to increase the rate of interest this coming year in respect of the $35 million now available. Can you tell me what it is costing to make this $35 million available? Do you know that figure? If we are to make loans, I should like to know whether the interest charge is based on the cost of the money to the government for all these services. I am not sure that this basis is real so far as the interest rate on V.L.A. loans is concerned. Does this represent the cost of the money to V.L.A. or does it represent an average? Is there a difference between the two costs, and will we be making money as a result of the difference?

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Mr. Pawley: I am not sure, Mr. Chairman, that I understand Mr. Laniel's precise question. If you will permit me to try to interpret it, I think your question was: Since we get $35 million back in revenue which we relend, is this money costing us that much interest rate or as much interest rate as is being proposed?

It is a difficult question to answer without a little preparation, but let me try. In the initial stages when the cost of money was 3 per cent, money was lent at 3-1/2 per cent. In other words, any veteran who got a loan when it was costing the government this amount of money went for 25 years on his agreement for sale and theoretically was always paying back money that cost 3 per cent.

As the cost of money increased, the same thing happened. In other words, currently the cost of money to the government is 6-3/4 per cent. This is

calculated on the base rate yielded by long term bonds and is determined by the Bank of Canada. In effect this man would continue to pay back money that cost 6-3/4 per cent.

The Veterans Land Act has depended on the Department of Finance and government appropriations every year to provide new money. As a consequence, the cost to the government of borrowing money at the present time is 6-3/4 per cent. The fact that $35 million is now coming to us means that the government has to borrow less money. Whether or not they are entitled to collect 6-3/4 per cent on this money I do not think is for me to say, but if this money did not come in as revenue and we had to use it, it would cost the government 6-3/4 per cent.

I do not know whether I have come even close to answering your question, Mr. Laniel.

Mr. Laniel: Yes, that is what I was trying to get. I know that the government has to put up additional money at different periods. Since there is some return to the V.L.A. and this contribution comes from the government from year to year, I was wondering whether we could build up some average cost figure for that money, especially now this legislation is going to terminate at a definite date. I think we would be able to build up the average cost of interest on money within the administration for V.L.A. purposes which might even be 1 or 2 per cent lower than the cost of money to the government today.

Mr. Pawley: I will answer another question here that I think you asked. You asked how much more money a veteran would pay in interest under the proposed as compared with the former figures. Did you ask that question?

Mr. Laniel: I asked that before.

Mr. Pawley: Yes. A small holder who had a maximum repayable debt of $14,000 would pay under the old system $11,506. Under the proposed rates he would pay $17,554. This is interest only. Add to that the $14,000 principal to get the total amount he would repay.

Would you be interested in knowing how much a farmer would pay?

Mr. Laniel: Yes, please.

Mr. Pawley: With the repayment of $37,200 over a 30 year period, on the old basis he would pay $42,486. At the new proposed rates he would pay $56,495.

I should like to explain something in this connection. Granted, if a new farmer were established under the Act and he borrowed $40,000 on the new proposed rates and went for 30 years, he would, in effect, pay this amount of interest. Generally speaking, however, in our system of lending money to farmers on what we call an open-ended mortgage type of agreement where he can pay off the principal and then some back and reborrow, we have found that the average loan to commercial farmers is in the vicinity of $13,000.

In addition, if he already has a debt at 3-1/2 per cent interest, or money at 5 per cent interest, or money at 6-3/8 per cent interest, those debts will continue at that same rate for the period for which the money has already been designated. The interest rate will apply only to the new money that the farmer gets. So in effect, while he does pay increased interest, it is not quite as onerous upon him as these figures may imply. I am not minimizing the fact that he does pay more money, but it is not quite as onerous upon him in these circumstances.

In other words, what he is really doing is probably taking a loan at a higher rate of interest for a relatively short period. If he is able to get a good crop of wheat or receive some other money unexpectedly, he can use that to pay off the debt. Then when he is in a position to reborrow, he can come back to us. Granted, he has to pay the higher rate of interest again.

I do not know whether Mr. McCracken has any further comment on your former question.

Mr. McCracken: I have some figures here, Mr. Laniel, that are related to government long term bond yields, as put out in the weekly report of the Bank of Canada. This is the basis for the National Housing Act rate.

I was looking back to 1954, 1955, when Part III first came into the Veterans Land Act with a 5 per cent interest rate. At that time the long term bond yield was 3.9 per cent. This is on the basis of averaging four quarters; that is the figures that are reported at the end of each quarter are averaged over the year.

Mr. Laniel: And we were charging 5 per cent?

Mr. McCracken: We were charging 5 per cent. On that basis of calculation the long term bond yield did not get up to the 5 per cent mark until 1959 or 1960.

It hovered between 5.2 and 4.9 for four or five years. The average on a quarterly basis in 1965-66 was 5.3; for 1966-67 it was 5.5, for 1967-68 it was 6.8 and for the first three quarterly periods of the current year, taking the figures as of December 31, September 30 and June 30, it was 6.7. During the past three and three-quarter fiscal years up to the end of December this year we have lent approximately $180 million under part III of the act, the bulk of it at the 5 per cent rate, some of it at 6-3/4 per cent and some of it, in the last month or so, at 7-3/4 per cent. The average long term bond yield for that period of three years and nine months was 6 per cent. In the last year it was

6.4 per cent and in the first three quarters of this year it was 6.7 per cent. In the Bank of Canada weekly statement as of last Wednesday, January 22, the long term average yield cited was 7.13 per cent. The cost of money to the government on the basis of 91-day bills and 182-day bills last week was 6.36 and 6.57 respectively. This is the source of cash for the government's day to day operations.

Mr. Laniel: If we were to take an average of the cost over the whole period we might come close to a figure of five point something—it would be over five, I guess.

Mr. McCracken: It would, particularly if it were related to the amount of money lent. In other words, there has been a greater amount of money lent under part III in recent years, and this would raise the rate —

Mr. Laniel: Because of the change in the act which permitted smaller lots?

Mr. McCracken: Plus the fact that in 1965 Part III of the act was amended to make substantially more money available—from $20,000 to $40,000 for farmers and from $6,000 to $10,000 for small holders.

Mr. Guay (St. Boniface): The only other question I should like to ask relates to what was said this morning. Mr. McCracken told us that while the government has to borrow money every year to meet the lending needs, some of the money used for this purpose is derived from repayments and from interest charged. Is this money not used again, together with the funds the government makes available? I want to be clear about this. The government might have to borrow $30 million but the administration could also use the money which had come in in the meantime. My question is: has anyone figured out what the over-all cost to the government would be for helping veterans under the Veterans Land Act on the basis of the figures now at hand, taking into consideration the amendments made in Bill C-152? What would be the cost to government of doing all this and helping out the veterans? I understand we shall recover all the money we are lending to them. Has anyone sat down and figured this out?

Mr. Pawley: I think we have attempted to do this, Mr. Guay, but not too accurately—not accurately enough for me to go on record. But I can give some indication. The interest we collect annually now is in the vicinity of $13 million. This will increase quite substantially if the new interest rates come into effect. Our administrative costs amount to a little more than $5 million.

It was not until 1957 or 1958 that our interest return actually equated with the cost of administration. It must be remembered, however, that in the cost of administration nothing is charged against V.L.A. for borrowing money from the government and if you really wanted to work out the debit and credit you would have to add to the debit the cost of borrowing the money from the government.

Our administrative cost in relation to the mean yearly principal outstanding is in the vicinity of 1.45 per cent including legal charges. If you take legal charges out it comes to about 1.28 per cent. In other words, about 1.25 per cent is the cost of administering the Veterans Land Act. This excludes such things as accommodation and all the other things that as yet we are not paying for.

Mr. Guay (St. Boniface): The reason I asked that question was, really, to get exactly the indication which has now been given me, that we are not really handing anything out to the veterans, except to finance them. The money is recoverable.

Mr. Pawley: I think I must agree with you, sir, that that is the case. I think I can go one step further. To project this until the time the act is ended, in all probability we can say that the act will have paid for itself on the interest returned.

Mr. Whicher: But not, of course, in regard to the initial $6,000 and the interest on that?

Mr. Pawley: No, in effect that is a feature which represents a recognition of war service and it probably will never be totally recovered. But from the point of view of part III loans and the interest rates attached thereto, notwithstanding the fact that the interest rate is lower, ultimately, in the long run, it takes a very limited staff to administer the act and there will be enough interest collected probably to pay for the administration of the act.

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Mr. Guay (St. Boniface): My last question is about the 1,400 persons—I think the figure was 1,400—who have been mentioned here. The members of that group need help, surely.

Mr. McCracken: They will be given the benefit of the existing rate of interest. Their applications have been approved and they will not be subject to whatever rates of interest will be developed after the act has been amended.

Mr. Guay (St. Boniface): You are referring, I take it, to those who earn $7,000 a year or less.

Mr. Pawley: I should think that most in that group earn more than $7,000.

Mr. Guay (St. Boniface): Is there any way we can accelerate the requests of those earning $7,000 a year or less? Are they getting preference? I think those veterans need assistance most. Is that not the case?

Mr. Pawley: I think we can say this: we have tried our level best to make sure any person in this category does not suffer hardship. It will be found that wherever he could the Director has leaned over backwards and I am satisfied that those earning less than $7,000 a year have been taken care of to the best of our ability. I say that notwithstanding the fact that some in this group probably have not been taken care of. I am confident, however, that the majority have been taken care of.

So far as the other group of deferred applications is concerned, we have protected the interest of members of that group and under appropriate conditions we are prepared to go ahead with our commitments to the members of that group without any hesitation whatever. Those who have not made the requisite interim arrangements unfortunately are out in the cold. We cannot do anything about them. It must be remembered that the Director works under the direction of an act of parliament and any commitment made must be legally valid. The Director can go his own way to a certain extent, but not very far.

The undertakings given with respect to deferred loans have worked out very well from our point of view. In two or three cases the veteran had died after having received our commitment. In those instances where the veteran had assumed an obligation to purchase a property we are without exception recommending to the Governor in Council that the loan be proceeded with on behalf of the widow. I am confident that the Governor in Council will approve. As I say, we have tried to lean over backwards in helping our veterans.

The Chairman: Are there any other questions?

Mr. Peters: I have a question to do with what I understand is termed the revolving fund. Borrowings under the Veterans' Land Act at some time are paid back. I take it that those moneys go back to the treasury. My question is, to what extent do the borrowings made under the act return to the treasury?

Mr. McCracken: Mr. Peters, until 1965 loans made under the Veterans Land Act were made as a result of an annual appropriation by parliament. When the act was amended in 1965 a revolving fund of $380 million was established. Of course, until the Department of Finance actually provides us with the money this is a paper figure. In 1967-68, by an appropriation under an item in the estimates, the revolving fund was increased from $380 million to $530 million.

The first charge against the fund was the value of the outstanding principal indebtedness on all agreements for sale then existing. Last year, our recovery of principal into the fund was approximately $30 million. We estimate that this year that recovery will be $33 million and next year it will be $35 million. The amount of this figure has some relation to crop, harvesting and marketing conditions in the west. But those are the three figures I can give you off the top of my head. Do they answer your question?

Mr. Peters: Then, really, a very small proportion of the money lent goes back into the revolving fund. Most of the money goes back to the treasury and not to the Veterans Land Act lending authority.

Mr. McCracken: All the principal we recoup with respect to agreements for sale is paid back to the fund. I have just referred to the amounts that were recovered last year. Last year it was $30 million, this year it is $33 million and next year it will be $35 million. The recovery will go up by about $2 million to $3 million per year.

Mr. Peters: But the money the V.L.A. people put out exceeds those amounts.

Mr. McCracken: In 1967-68 we approved $103 million in loans. During that period we recovered on existing contracts the principal sum of $30 million. There is no direct relationship between the amount of principal we recover and the money we lend in any one year.

Mr. Peters: The money that was originally borrowed and returned bears interest at 3 per cent. That is the original rate it was lent at.

Mr. McCracken: I do not profess to be an economist, Mr. Peters, but I think some economists might suggest that if the government had to borrow the money it lent at 7 per cent the rate of interest to be applied to moneys recovered on principal and lent again should also bear the rate of 7 per cent.

Mr. Peters: But the money is taken from the revolving fund. The government is not lending new money but old money that has been paid back.

Mr. McCracken: Money lent again under Part III would not be lent at 3-1/2 per cent. It would bear interest at 5 per cent or 7-3/4 per cent, because those are the rates our loans bear now.

Mr. Peters: I am not sure I understand you or agree with you. If you borrowed money originally at 3-1/2 per cent from the government and you paid that money back through a revolving fund established by the government, you are repaying money which originally bore a rate of interest of 3-1/2 per cent, 5 per cent or whatever it was. The point is that the money would be returned and relent. In effect you are relending original money. You need not borrow that money again. It comes back into the fund and it ought to carry the original rate of interest. Doing it that way would cost the government the difference between $30 million and $125 million.

Mr. Pawley: I do not wish to disagree, sir, but I do not think that is quite correct. If a veteran borrowed money 25 years ago at 3-1/2 per cent under an agreement with the Director, that money cost the government 3 per cent. But the government never recovered that money at 3 per cent. That is, we never paid the government 3 per cent for money which cost it 3 per cent. At the end of 25 years the veteran, we will say, has paid back his loan which carried the rate of 3-1/2 per cent. He is square with the world. If he wants to borrow an amount equivalent to his original loan he will use new money that the government provides. It does not matter whether he wants to build a house or anything else. He will borrow new government money. Veterans must then pay 6-3/4 per cent on that money regardless of what happens to it.

The Chairman: That is after the first $6,000.

Mr. Peters: You are saying, then, that you receive the money that is paid back and you pay the treasury for that borrowing. I take it you do not pay the treasury until the borrowing has been repaid. Therefore, from what I can make out the fund is not a revolving fund. It works in a way that is similar to the operation of the Farm Credit Corporation, which has a sort of limited revolving fund.

Mr. Pawley: The revolving fund applies only to principal payments. The interest paid goes back to the Receiver General of Canada. We cannot re-use interest paid; we can only re-use the principal.

Mr. Peters: I do not understand finance either, but it seems to me that if money originally paid out is paid back to a revolving fund and that money is lent out again it should carry the rate of interest originally charged. The interest rate should not vary and that, I think, was Mr. Laniel's point. If the fund is diluted with new money I suppose a different rate might apply. Perhaps any new rate arrived at could be a compromise between the old rates applicable to original money and new rates applicable to new money. But the new rate ought to be different from that charged with respect to Central Mortgage and Housing loans.

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The Chairman: I wonder if I could help by asking one question of Mr. Pawley. Do you have authority, Mr. Pawley, to lend under any other basis than the loan regulations, the first 6 thousand at 3-1/2 and the next amount as prescribed? Do you have any authority to deviate from that?

Mr. Pawley: No, we cannot deviate from that. I think what is probably confusing Mr. Peters is the fact that he has some difficulty in separating the cost of money to the government from what a veteran pays to the director for his loan. These are two entirely separate things.

Mr. Peters: My difficulty is with regard to the revolving fund where the money has been over a period of time and is diluted with new money put in by the government. In the revolving fund, and you clarified this, the interest rate went back to the treasury as a repayment on the borrowing. In other words, money put into the revolving fund to the tune of $300 million or something of that nature was money they borrowed at that interest rate and the interest rate is now being paid by the veteran back to the Treasury Board, but the money that comes back in probably is used again and does not carry any interest rate. It certainly does not carry any new interest rate. It would seem that Mr. Laniel's point would be right, that there must be a dilution of the interest rate because of the revolving fund.

The Chairman: Mr. Whicher had his hand up and I think his question is related.

Mr. Whicher: I borrowed under the V.L.A. at 3-1/2 per cent. I paid it all back. It is in the fund now. Where is it? It will be in your fund, won't it? It cost you 3 per cent to borrow.

Mr. Pawley: I presume this is right.

Mr. Whicher: That $5,400 I paid back is now diluted with 7, 6 and 5 per cent money. Mr. Peters and Mr. Laniel are quite right. Instead of putting the rate at 7-1/2 you should be able to lend to the veteran at 6-1/2 per cent.

Mr. Pawley: I don't know how I can really explain it, but the purpose of the Veterans Land Act fund was not to set up a revolving fund for the purpose of charging or crediting any interest. This was never figured at that time. It has only been within recent years when interest rates have risen to the extent which they have that it has become a question. The revolving fund itself was simply a means of having a fund in which our revenue would flow so that every year we would not have to go back to parliament to ask for new funds. The government had the power to establish this fund and did so at that time on the basis that it would simply keep us in funds without having to go back and take up the time of parliament for something which was pretty routine for many years. The interest rate has never been a consideration under the Veterans Land Act, either when we borrow or get it from the Department of Finance, from appropriations, or from the revolving fund. I do not think I can actually answer your question because I do not think the revolving fund is there for that purpose.

Mr. Whicher: The $5,400 which I repaid cost you 3 per cent. You are going to lend it at 7-3/4 per cent. I as a veteran and member of this committee do not think that is being square with the veterans.

Mr. Laniel: May I intervene here? The answer given Mr. Peters has helped me to see this differently. The government has been paid interest on the $5,400 you repaid. It went back to the government to permit them to pay interest on the government bonds that were issued but because of the fact that the government itself from year to year had to repay the bonds on the market, that money had to be replaced from year to year. They have to pay a higher rate of interest and possibly this is the reason it cannot be done that way.

Mr. Peters: That was in the estimates one year. We raised that money. It is tax money which was raised and spent this way. It is the same situation as if this money was spent to build a bridge. In this case the revolving fund money is there as well as the interest. I was not aware of this. The borrowing cost of 3 per cent was paid, but the money originally raised by an estimate is in the fund.

Mr. Laniel: It was not taxation.

Mr. Peters: The Chairman said it was out of the estimates. It was an expenditure that year and most of our expenditures are not recoverable. In this case I presume it is not recoverable. However, we hope some day it will be recovered.

The Chairman: I believe Mr. Pawley has some comments on this.

Mr. Pawley: Let me return to Mr. Whicher's case. Mr. Whicher repaid us at 3-1/2 per cent, assuming the money is there. Let us follow this money paid back by Mr. Whicher into the account. This could go to two areas. If it so happened that at precisely the same moment another veteran came along and made a new loan, we would lend him some money out of this fund at 3-1/2 per cent. There is the possibility however, that your $3,200 Part I loan—I don't know when you paid this back—

Mr. Whicher: Quite some time ago. As a matter of fact I gave you a cheque for the whole amount.

Mr. Pawley: If it was before the revolving fund was established then it went to the government coffers and it could go to any source or place that the government wished. Now this other veteran comes along and still wants money. The government in effect has to take money, whether it is new money or your money, which they have to pay out—.

Mr. Whicher: That's right.

Mr. Pawley: —at whatever interest rate they have to pay to get their money, and this is what the veteran would have to be charged.

Mr. Peters: You really do not put his money back into the revolving fund, then?

Mr. Pawley: It may or may not. We put paper money in there.

Mr. Whicher: If this were a personal case and I borrowed $5,400 from you 25 years ago and repaid you ten years ago, this money would have cost you 3 per cent and you are now getting 7 per cent, if you still have the money.

Mr. Pawley: Nobody ever paid the government for the use of this money in such a case.

Mr. Whicher: You paid the interest of 3-1/2 per cent.

Mr. Pawley: This is during the period that it was loaned. Granted, they got it at 3-1/2 per cent, but over a 20 or 25 year period.

The Chairman: I wonder if the committee really wants to pursue this much further? I think we have exhausted the arguments on the nature of the fund. I do not like to be unfair to Mr. Marshall whom I was calling by the wrong name this morning, for which I apologize.

Mr. Marshall: When the Veterans Land Act first came into being it was designed to help the war veterans get the lowest possible rate of interest. We have reached the stage now where a veteran who might be a fisherman could take advantage of the fishermen's loans or a farmer could take advantage of the farm improvement loans. It appears now that the object is to put the Veterans Land Act on a paying basis. I would like to ask your comments, Mr. Pawley, on recommendations Nos. 2, 3 and 4 of the Canadian Legion, primarily recommendation No. 2. What is the object now? There is no more benefit to the veteran, so we might as well forget about it. Why is the government wasting money in setting up the Veterans Land Act administration if it is of no advantage to the veteran? What are we here for?

Mr. Pawley: I submit that up until 1965, or even from inception in 1954, when the cost of money was greater than the 5 per cent rate which was charged at that time the circumstances were no different than what is being proposed now. The proposal here is to bring the interest rate on part III loans up to an amount about one per cent above the cost of money. In 1954 the 5 per cent rate was about one per cent above the cost of money. During those intervening years from 1954 to 1964 it was almost continuously in excess of the cost of money. In 1965 when they brought in farm loans of $20,000 and over it was 1.38 or 1-3/4 per cent above the cost of money, at least that portion of the loan.

So in defence of what is being attempted the circumstance which will exist with making it 7-3/4 per cent, which is one per cent above the cost of money, is very little different from what has been the case since 1954. The advantages contained under part I of the Act at 3-1/2 per cent, $1,400 conditional grants, and so on, are continuing.

Mr. Whicher: I note that the costs of the administration are starting to go down.

Mr. Pawley: They are going down now. In 1946 or 1947 there was a staff of 1,700 people in the Veterans Land Act administration and at the present time we have currently under 600, while the volume of business we did last year and anticipate we will probably do this coming year moneywise is greater than it was in 1946 or 1947 and not too much different in the volume of loans.

From the point of view of staff the figure will go down gradually. Costs may not go down to any great extent because as you know costs such as salaries and so on continue to increase each year.

In getting back to trying to answer these questions, I really cannot comment on them in my position. I hate to seek refuge in this kind of statement, but I think this is government policy. I have tried to put my point of view across. I do not think we did too well in Mr. Peters case and Mr. Laniel's case when discussing the interest rate so far as the revolving fund is concerned, but if you will give me more time and a quiet place I might be even able to convince you about that.

Mr. Knowles (Norfolk-Haldimand): I have one comment, Mr. Chairman. I am wondering whether Mr. Pawley would agree it is a valid comment to say that the veterans now applying for loans which are being approved are more those who perhaps are older in point of years and that those who become older find that often the ravages of their war service or wounds begin to show up so that they are in a less favourable position to take advantage of a loan. If that is the case, should they not be given more consideration now than they were at earlier times?

Mr. Pawley: We have recognized this. Actually there is a section in the regulations that if a veteran who may not have a disability pension is sick, to the extent that it equates with a 50 per cent disability pension, we are prepared to waive the requirement of the half acre of land. We will do this provided the man can obtain an opinion from a doctor in the pensions commission.

Mr. Laniel: Actually because the interest goes back to the government and does not remain in the revolving fund it will not help increase the amount of money that is available for veterans loans.

Mr. Pawley: This is true. We have to depend on the government to make money available to us each year.

Mr. Laniel: Plus the amount in principal that you accumulate.

Mr. Pawley: That is right.

Mr. Laniel: Thank you.

Mr. Pawley: We have no other source. We cannot go to the public to borrow money.

[*Translation*]

Mr. Leblanc (Rimouski): Mr. Chairman, I shall speak French. If a veteran has a loan and passes away, is his widow oblige to continue paying his debt?

Mr. Pawley: The property devolves on the widow in every way if she wishes to continue. In many cases we have life insurance which protects the debt to the Director. About 1,400 or 1,500 veterans also have this kind of insurance. In those circumstances the widow of course can remain on the property without any debt whatsoever. The property simply passes to her and she becomes in effect the veteran.

Mr. Leblanc (Rimouski): If insured.

Mr. Pawley: No; regardless.

Mr. Leblanc (Rimouski): Then this also would increase the cost of the administration. This is where the costs are involved in respect of the interest, I presume. This would be money that is recoverable in a case like that.

Mr. Pawley: Yes. She pays the remaining debt.

The Chairman: Unless there is some insurance to liquidate the debt.

Mr. Pawley: Yes, unless there is insurance to liquidate the debt. She continues to pay the Director on the same basis.

The Chairman: Then she would require that the insurance be free of the indebtedness.

Mr. Pawley: Yes. This is a good feature if she can get it.

Mr. Weatherhead: I have a question on a slightly different point. I am not sure I understand the situation, Mr. Pawley. If this bill goes through I gather you will be adjusting the interest rates on April 1 and October 1 each year. I am not sure if this affects all the mortgages or agreements in force at that time or only the new applications from that time on.

Mr. Pawley: It just affects the new applications after the date when this bill becomes law in the future.

Mr. Weatherhead: So if the interest rate drops substantially, say three or four years from now, the veterans who borrowed in the meantime will still have to pay the higher rate, the rate that the money was at at the time they borrowed it.

Mr. Pawley: That is correct, sir.

The Chairman: If there are no further questions I propose we go on to clause by clause examination of the bill.

On clause 1.

Mr. Pawley: I would ask Mr. McCracken to deal with the clauses in the bill.

Mr. McCracken: Establishments under section 15 of the act are made on a mortgage basis. If a veteran who gets a section 15 mortgage establishment wants to get additional loans, additional money, he can do this under Part III. If a veteran settled on a mortgage basis under section 15 sells his property and assigns the mortgage between himself and the Director, then under the existing provisions of section 15(2) the interest rate payable on the outstanding mortgage indebtedness by the assignee shall be 5 per cent rather than 3 1/2 per cent.

The amendment proposed to section 15(2) provides that in the future the rate of interest payable by the assignee would be the rate or rates in effect at the time of sale by the veteran as established by regulation. This amendment would relate to future settlements only to be made under section 15, and it is contemplated that the rate which would be prescribed by regulation would be the rate applicable to loans under Part III at the time the veteran is established. In other words, if it was 6 3/4 per cent after the bill was given royal assent and we settled the veteran on a mortgage basis under section 15, then the mortgage would provide that if at some future date he sold and assigned his mortgage the interest rate payable by the assignee would be that 6 3/4 per cent rate.

Mr. Guay (St. Boniface): If a veteran were to make a loan and for unforeseen circumstances he had to sell his property within a relatively short period, this could turn out to be very costly to him, particularly if the sale of the land in question was only equal to the land loan.

Mr. McCracken: This is rather unlikely because the amount we can actually lend under section 15 is 40 per cent of the value of the property. We can then make additional money available to the man under Part III of the act up to the equivalent of 75 per cent of market value. I doubt if the assignee under the contract was going to pay what could be termed an economic interest rate, that this would have an adverse affect on the man being able to sell his property.

The Chairman: Shall clause 1 carry?

Some hon. Members: Carried.

Clause agreed to.

On clause 2.

Mr. McCracken: Mr. Chairman, I want to mention that clauses 2, 3 and 4 all deal with the same type of situation.

The Chairman: Is it agreed that we take the three together? They are all derivative in effect from the basic change.

Some hon. Members: Agreed.

Mr. McCracken: Clause 2 pertains to section 16 of the act. Section 16 provides that if the veteran under contract fails to keep a property insured against fire then the Director may do so and charge the premium to the veteran's account. At the present time the act provides that the cost of that—what we call a special advance—shall be 5 per cent.

Clause 3 deals with section 16A of the act which has a similar provision that if a veteran who is a participant in the V.L.A. Group Life Insurance Plan does not pay the premium, then the Director may do so and charge the cost of the life insurance premium to the veteran's account and the interest shall be at the rate of 5 per cent.

Clause 4 deals with section 17 of the act which provides that if a veteran does not pay the taxes on his property then the Director may do so and charge the cost of the tax arrears to the veteran's account and the interest rate shall be at 5 per cent until the money is repaid.

These three clauses, 2, 3 and 4, provide that the rate in future instead of being 5 per cent would be established by regulation, and it is contemplated that the rate that would be charged would be the highest rate specified in the veteran's contract or the rate that is applicable under Part III, at the time the contract is made, whichever is the higher. This would not have any bearing on any existing contracts. This would relate to new contracts to be made in the future. The relationship here is the cost of the money to the government in relation to the special advances that have to be paid out.

The Chairman: Are there any questions?

Clause 2 agreed to.

Clauses 3 and 4 agreed to.

On clause 5.

Mr. McCracken: There are two changes in clause 5 which deals with section 21 of the act. When an agreement of sale is rescinded the property is repossessed by the Director and advertised for sale. In the interval between rescission and resale, interest continues to be charged on the outstanding principal indebtedness and on any costs incurred by the Director for taxes, insurance, repairs, etc.

Although the amendment to paragraph (e) of section 21 (2) deletes reference to specific rates of interest, the principle is maintained, that is, interest is charged on the oustanding principal indebtedness at the same rate or rates as called for in the agreement of sale.

The amendment to paragraph (f) of section 21(2) also deletes reference to a specific rate of interest and provides that, on any costs incurred by the Director after rescission of a contract, interest will be charged at the rate or rates in effect at the time of rescission.

It is contemplated that the rate that would be charged would be the highest rate that was in effect under the contract, or the rate applicable to loans under Part III of the act on the date the contract was rescinded, whichever is the higher. The same principle applies to the latter point I have made as to clauses 2, 3 and 4 which we have just discussed.

The Chairman: Are there any questions?

Clause agreed to.

On clause 6.

Mr. McCracken: At the time a veteran is established, section 25B of the act authorizes the Director to use part of the Part III loan funds to repay the amount of re-establishment credit, or university training allowances of nine months or less, that the veteran had received.

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Section 25B now provides that the interest rate to be charged on the loan that is used for this purpose will be 5 per cent. The amendment in clause 6 provides that in future the rate of interest will be specified by regulation. In practice it is contemplated that the rate will be the same as that applicable to loans made under Part III.

The Chairman: Are there any questions on clause 6? Shall clause 6 carry?

Clause agreed to.

On clause 7.

Mr. McCracken: Section 68 now establishes the rates of interest payable on part III loans, that is, 5 per cent on debt amounts up to $20,000, and the rate set for the Farm Credit Act on debt amounts greater than $20,000. The amendment to section 68 provides that the rate or rates of interest payable on a part III loan will be the rate or rates in effect at the time the loan is approved, as established by the Governor in Council. The intention is that the rate or rates of interest to be charged on part III loans will be the base rate or rates charged under the Farm Credit Act.

The Chairman: Are there any questions? Shall clause 7 carry?

Clause agreed to.

On clause 8.

Mr. McCracken: Clause 8 is an omnibus authority-making clause of the bill which provides authority for the Governor in Council to prescribe the rates of interest applicable to the various sections referred to in the bill.

The Chairman: Shall clause 8 carry?

Clause agreed to.

On clause 9.

Mr. McCracken: Clause 9 covers a point that has been raised by a number of members. It provides that any loan approved pursuant to an application for financial assistance received before September 13, 1968, which was the date notice of motion was given with respect to this bill, or before the bill is given royal assent, will bear interest at the old or existing rates of interest.

Mr. MacRae: Mr. Chairman, I have a question in connection with this clause. The cut-off date was October 31, was it not?

Mr. McCracken: That was for qualification. It had nothing to do with the loan application date.

Mr. MacRae: So up to that point everybody is completely covered, that is, all those people who applied previously?

Mr. McCracken: Everybody who applied for qualification up to October 31, 1968, is eligible to apply for a loan. This clause in the bill relates to people who have already made application for financial assistance or who make application for financial assistance and have loans approved on their behalf up to the date the bill is given royal assent.

Mr. MacRae: Thank you.

The Chairman: Are there any further questions? Shall clause 9 carry?

Clause agreed to.

The Chairman: Shall the title carry?

Title agreed to.

The Chairman: Shall the bill carry?

Bill agreed to.

The Chairman: I believe that completes the reference of the house to this committee. Is there any other point that any member wishes to raise at this stage?

Mr. MacRae: Mr. Chairman, I would like to express on my own behalf, on behalf of those of my party and, if I may be so bold, on behalf of other members of the committee, appreciation and congratulation to the witnesses for the excellent presentation they have made.

I think the Veterans Land Act is one of the best administered of all government legislation. We must never forget that these gentlemen are responsible for the administration of the act; they are not responsible for policy or regulations. They have administered their department and its functions extremely well, and are to be congratulated. I am very grateful for what I have learned today.

The Chairman: I am sure that expression of gratitude is unanimous. I should also like to express the appreciation of the committee for the excellent presentation made today by the representatives of the Royal Canadian Legion, Mr. Justice Roche, Mr. Hanmer and Mr. Thompson. Are there any other items to come before this committee?

Mr. Badanai: I move that we adjourn, Mr. Chairman.

The Chairman: A motion to adjourn is before the committee. The committee is adjourned.

Publica

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968-1969

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STANDING COMMITTEE
ON
VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9

THURSDAY, APRIL 17, 1969

Respecting
Main Estimates 1969-70 of the Department of Veterans Affairs.

WITNESSES:

(See Minutes of Proceedings)

The Queen's Printer, Ottawa, 1969

29446—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs,

Badanai	Laniel	Saltsman
Bigg	Latulippe	Stafford
Boulanger	MacRae	Thomas (*Moncton*)
Emard	Marceau	Turner (*London East*)
Gibson	Marshall	Weatherhead—(20)
Knowles (*Norfolk-Haldimand*)	McIntosh	
	Peters	

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Gibson replaced Mr. Whicher on April 17, 1969.
Mr. Marceau replaced Mr. Guay (*St. Boniface*) on April 17, 1969.

ORDER OF REFERENCE

HOUSE OF COMMONS
THURSDAY, February 20, 1969.

Ordered,—That Votes 1, 5, 10, 20, 25, 30, 35, 38, 40 and 45 relating to the Department of Veterans Affairs be referred to the Standing Committee on Veterans Affairs.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

29446—1½

MINUTES OF PROCEEDINGS

[*Text*]

THURSDAY, April 17, 1969.
(9)

The Standing Committee on Veterans Affairs met this day at 9.05 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Emard, Francis, Gibson, Laniel, Legault, Marceau, Marshall, Saltsman, Thomas (*Moncton*), Turner (*London East*), Weatherhead—(12).

Also present: Mr. David MacDonald, M.P.

Appearing: The Honourable Jean-Eudes Dubé, Minister of Veterans Affairs.

Witnesses: From the Department of Veterans Affairs: Dr. J. S. Hodgson, Deputy Minister; Mr. E. J. Rider, Director General, Welfare Services; Mr. W. T. Cromb, Chairman, War Veterans Allowance Board; Mr. T. D. Anderson, Chairman, Canadian Pension Commission.

The Chairman introduced the Minister who read a statement and answered questions posed by the members.

The Chairman thanked the Minister who retired.

Dr. Hodgson was called and introduced his Officials.

The Committee began the study of the Estimates 1969-70 (New Format).

Item (1) was allowed to stand.

On Item 5, Welfare Services, etc., Mr. Rider made a statement and answered questions.

After discussion Item 5 was carried.

On Item 10, Pensions Program, Mr. Anderson answered questions.

The examination of the witness continuing, at 11.00 a.m., on motion of Mr. Laniel, the Committee adjourned to Wednesday, April 23, 1969.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, April 17, 1969

• 0909

The Chairman: Good morning, gentlemen. I think we have a quorum.

Mr. Dubé, the Minister, must attend a Cabinet meeting this morning and will have to leave about 9:45 a.m. So he will make a short statement for the record and then will be available for questions. Without further ado, I will ask Mr. Dubé to make his statement.

Hon. Jean-Eudes Dubé (Minister of Veterans Affairs): Thank you, Mr. Chairman. The first part of my remarks will be in English and the second part in French. Mr. Chairman and Gentlemen, I am very happy again to have this occasion of appearing before the Standing Committee on Veterans' Affairs this time to present the 1969-70 estimates of my Department. As only six months have passed since I spoke to the Committee at some length about the 1968-69 estimates, my remarks this morning will be somewhat briefer and less detailed.

As you may know, the Minister of Veterans' Affairs has a broad responsibility for five programs.

First, the Program of Welfare Services, Allowances and Other Benefits is one that seeks to ensure that all persons eligible for War Veterans Allowance, Civilian War Allowance and other veterans benefits are assisted to the full extent of the provisions of the various statutes affected.

The second is the Pension Program administered by the Canadian Pension Commission, which is a quasi-judicial body reporting to Parliament through the Minister of Veterans' Affairs. Under this program, pensions for disability and death are provided as set forth in the Pension Act. The program also includes the adjudication of claims for pensions under several other statutes including The Civilian War Pensions and Allowances Act, the RCMP Superannuation Act and the RCMP Pension Continuation Act.

A third program is concerned with the provision of treatment services to veterans and to other designated classes of patients as authorized by the Veterans Treatment Regulations.

Fourth, the Soldiers' Settlement and Veterans' Land Act program seeks to effect the successful settlement of qualified veterans as farmers, small holders, commercial fishermen and homesteaders, including Indian veterans on reserves.

The fifth of the programs, Departmental Administration, is concerned with the effective and efficient provision of a number of common professional and administrative services.

As you will notice, the total estimates for 1969-70 amount to about $417 million. Of this sum approximately $96 million is for War Veterans' Allowances and $224 million is devoted to pensions under the Pension Act: thus, like last year, these two items, War Veterans' Allowances and pensions, comprise over 75 per cent of the departmental estimates. A further sum of $69 million is allowed for treatment services and $5.6 million for the departmental administration program. The loans for the establishment of veterans under the Veterans' Land Act are of course not included in these estimates, but are provided through a revolving fund whose authorized ceiling is set at $530 million. A sum of just over $9 million however is contained in the estimates to cover VLA administration and a reserve for conditional benefits.

The over-all total of $417 million for the departmental estimates represents a *reduction* of $4.6 million over last year. The cost of the Treatment Services program has risen by an estimated $5.3 million, reflecting the fact that the cost of providing hospital services to veterans continues to increase in line with similar services in hospitals for the general public. This increase however is more than offset

• 0915

by a reduction of $5 million in the Welfare Services program (including War Veterans'

Allowances) and a reduction of $4.6 million in the Pensions program.

Mr. Chairman, I should like to speak briefly about each of the five programs in turn. The largest element of the Welfare Program arises under the War Veterans' Allowance Act 1952 and refers to the provision of allowances to those otherwise eligible veterans who by reason of age or infirmity are unable to make their way in the employment field. The Act also makes provision for allowances for widows and orphans. A companion measure, Part XI of the Civilian War Pensions and Allowances Act, authorizes the payment of similar allowances to certain groups of civilians who performed meritorious service in either World War I or World War II.

The War Veterans' Allowance Board is a statutory body which reports to Parliament through the Minister of Veterans' Affairs. It is administratively co-ordinated with the Department and has the assistance of Departmental services in carrying out its task. During the period covered by the estimates it is anticipated that a total of 87,000 recipients will receive benefits under this program. Although this projection represents a modest increase in the number of recipients, the total expenditure is expected to be lower than last year because an increasing number of those concerned will also be in receipt of income in the form of Old Age Security Pension, Guaranteed Income Supplement or other pension plans.

The Welfare Program includes many other elements, all designed to promote the maintenance and betterment of the life-chances of socially vulnerable individuals, or of their immediate kin, in recognition of wartime military service. Mention might however be made of the Assistance Fund which provides supplementary assistance to War Veterans' Allowance recipients on the basis of need: expenditures for the purpose of the Assistance Fund are estimated at $7 million for the year 1969-70.

It will be recalled that October 31 of last year was set as the final date for the claiming of War Service Gratuity or generally of Re-establishment Credit, or for purchasing Veterans' Insurance, and also for the establishment of eligibility to be settled under the terms of the Veterans' Land Act. This step was taken as part of a program approved by Parliament in 1962 for the orderly termination of certain features of the Veterans' Charter.

Turning now to the Pension Program, the most important question that will come before you is the Report of the Woods Committee. As I announced in the House during February, the government intends to refer this Report, together with a White Paper outlining the government's policy on it, to this Committee during the present Session. I know that you will study both documents with interest, and I can assure you that the government will give the most careful consideration to your conclusions.

In the meantime I might mention that a number of the recommendations of the Woods Committee that do not require legislative authority are now either in effect or in the process of implementation.

[*Interpretation*]

Mr. Chairman, the question of basic rates of pensions was not included in the terms of reference of the Woods Committee, but as you know they referred to it in their report. In addition the matter was studied by a committee made up of officers of the Department and the Canadian Pension Commission, and this Committee has made two separate confidential reports to me. It is important to note that all pension rates were increased by 15 per cent, effective as of January 1, 1968. I want to assure you that the question of the rates to be fixed from time to time under the Pension Act, and also under the War Veterans' Allowance Act, is being kept under active study. Members of the Committee will recognize, I am sure, that any change in these rates would be a matter of government policy and would be announced in the usual way.

With regard to the day-to-day work of the Canadian Pension Commission I am informed that the volume of claims remains at a high level, and that during the fiscal year 1967-68 over 13,000 entitlement claims were dealt with by the Commission. However the number of pensions in payment as of December 31, 1968 was 166,689, representing a decrease of 9,000 over the past three years. This decrease of course reflects the fact that most surviving World War I veterans or their widows are now well over 70 years of age; furthermore the number of World War II pensions in payment has also declined by 1,400 in the past two years. Nevertheless, while the annual number of claims is decreasing slightly, the claims themselves are becoming more and more difficult to handle because the evidence in their support becomes harder to obtain with each year that passes.

Now I should like to say a word about the Treatment Program. Members of the Committee will recall that last year I mentioned that the Department was continuing its efforts directed toward the transfer of veterans hospitals to other jurisdictions provided that satisfactory arrangements could be made. As you are aware, Sunnybrook and Ste. Foy Hospitals have now been transferred and Lancaster Hospital, Saint John, is slated for transfer on July 1, 1970. Discussions have continued with various provincial authorities, and although considerable interest has been shown, no specific negotiations for agreements have actually been initiated.

With the passage of time, many of the Department's facilities are becoming obsolescent, and their maintenance or replacement must be continued so that we may discharge our responsibility for the care of veterans. This updating process is essential also to make the properties attractive to communities as permanent facilities for both veterans and the general public. It is for these reasons that Parliament will be asked to approve an

• 0920

increased appropriation for hospital construction. The major part of this proposed expenditure is for the new wing at Ste. Anne de Bellevue where construction is proceeding very satisfactorily.

The introduction of Medicare plans in six of the ten Canadian provinces will already lead to some decrease in the cost to the Department for professional services. Furthermore with the aging of veterans, the proportion of chronic care patients is steadily increasing, and these require more extensive nursing care than either acute or domiciliary patients.

With regard to the fourth program, the Veterans' Land Act, a total of 158,000 veterans have been qualified but not settled. It is of course impossible to predict at this time how many of them will actually apply for VLA loans before March 31, 1974, five years hence, which is the closing date for applying for loans for new settlements. The current estimate however is that the average number of applications in each of the next five years would be slightly under 6,500, as compared with 5,500 in 1967-68 and 4,000 during the past year.

Last year it was found advisable to follow a guideline based on a taxable income ceiling of $7,000 in order to channel the available money to those with lower incomes. Applicants earning more than $7,000 were informed that, if they were able to make private interim purchase arrangements for suitable properties, they would receive a VLA deferred-loan commitment effective April 1, 1969. Generally speaking, veterans recognized the need for this guideline, and over 1,400 obtained forward-loan commitments. I am happy to state that, although financial pressures still continue, VLA lending operations are being resumed without any salary or other limitations on new settlement loan applications.

In other words, we have loaned this year without requesting this limit of $7,000 dollars, which existed last year.

Over the past year, one of the recurrent complaints concerning the Veterans' Land Act was perhaps related to the minimum acreage requirement under the part-time farming provisions of the Act. From 1946 to 1961 the minimum size was either two or three acres, depending on the cost of the land and a suitable water supply. In 1961 the minimum was reduced to half an acre, and in 1965 the Director was given discretionary authority to accept properties containing 20 per cent less than half an acre. Special concessions were also authorized in respect of seriously disabled veterans.

It is realized that, particularly in or near large metropolitan areas, land is scarce and costly. Nevertheless in the last few years, more veterans have been locating suitable properties than at any time since immediately after World War II. Members of the Committee will recognize that the Veterans' Land Act is agriculturally-oriented: it is not primarily housing legislation. Bearing in mind the nature and purpose of the Act, which is to assist veterans in settling on farms, the conclusion has again been reached that the minimum acreage should not be reduced to city-lot size, as this would result in duplication if not conflict with the provisions of the National Housing Act. Furthermore such a reduction would be deemed to be unfair to many veterans, as it would be tantamount to changing the rules near the end of the game.

I might perhaps recall the fact that the Veterans' Land Act was amended during this Session of Parliament to provide that the interest rate on loans in excess of $6,000 would be fixed from time to time by the Governor-in-Council instead of being fixed in the statute itself. As I have said, it is anticipated that the demand for loans will remain active under the new circumstances.

The fifth program provides professional and administrative services for the Department as a whole. Without going into detail, I should say that these services include matters such as Operations Audit, Architecture and Engineering, Financial Management, Public Relations and Personnel Administration. In a Department having some 11,000 employees, the fields of manpower planning and staff development are of particular importance, and these have been receiving special emphasis.

Apart from the five programs to which I have just referred, the Department engages in a variety of other activities affecting veterans. In this connection I would like to mention the ceremonies conducted last autumn to commemorate the 50th anniversary of the end

• 0925

of World War I.

On that occasion, as you will remember, 100 representative veterans proceeded as pilgrims to the World War I battlefields in France and Belgium, and another 100 veterans were brought to the nation's capital for Remembrance Services on November 11th. It seems to have been generally agreed that the various ceremonies were well conceived and expertly carried out, both in Canada and overseas. In the words of the Honourable Milton F. Gregg, V.C., a former Minister of Veterans Affairs, who was commandant of the overseas contingent, and I quote: "I consider the operation a great success, and I think also it has helped in Canada's relations with people in the places visited in France and Belgium".

In June of this year, special ceremonies will be held in Normandy by the Government of France to mark the 25th anniversary of the D-Day landings, and Canada will again participate. I recently made an announcement in general terms on this program, and details will be announced from time to time.

May I be allowed, Mr. Chairman, to thank all the members of the Committee for the attention they have kindly given me. The Senior officials of the Department who are here this morning, as well as those of the Canadian Pension Commission, as well as the War Veterans Allowances Commission will be ready to answer detailed questions, in order to help you in the consideration of the budget.

[*English*]

In concluding perhaps I should underline that we have a new Deputy Minister in the person of Dr. J. S. Hodgson, who was a new Assistant Deputy Minister when we last met; and we have two new Assistant Deputy Minister, Dr. K. S. Ritchie, who was previously head of Treatment Division, and Mr. W. B. Brittain who is presently a member of the Treasury Board. Thank you very much.

The Chairman: Thank you, Mr. Minister. I believe there are one or two members of the

• 0930

Committee who indicated they wanted to ask questions. Mr. Laniel.

[*Interpretation*]

Mr. Laniel: Mr. Minister, first, I wish to thank you on behalf of the Committee for the most complete statement that you gave us this morning. I am sure it was appreciated by all the members. However, we might have a few general questions to put. I know that you will be busy at 10 o'clock, but if you want to come again before the Committee, you will be most welcome.

[*English*]

I do not know, Mr. Chairman, how much latitude you are going to give me. I have three or four points to bring up with the Minister.

The Chairman: Could I offer just one caution? The Minister's time is limited and there are at least one or two other people who also have questions.

Mr. Laniel: Yes.

[*Interpretation*]

My first question, Mr. Minister, is the following: If I refer to the answer which you gave to Mr. Stanley Knowles on the 14th of April, on the report of the Woods Commission and on the publication of a White paper, I was glad to note that a first draft of it had been made and handed to the Cabinet. But you mentioned this morning that certain recommendations from the Woods Commission which would not require legislation, had already been put into application or were about to be put into application. Could you tell the Committee what measures dealing with these recommendations in the Woods Report you have already put into application?

Mr. Dubé: Certainly and I believe that the Committee could question Mr. Anderson, the Chairman of the Canadian Pension Commission on that subject and who could give details about the recommendations which have already been carried out.

Mr. Laniel: Briefly, Mr. Anderson will have the authority to give us these details.

• 0935

[*English*]

The Chairman: And he will appear before the Committee.

[*Interpretation*]

Mr. Laniel: My second question bears on the decision of the Department to transfer the maintenance of the Vimy Cemetery and the Beaumont-Hamel Cemetery to the Commonwealth War Graves Commission. I asked you a question recently in the House and you gave me an excellent reply, nevertheless, may I be allowed to repeat the arguments which I put forward at that time. I was opposed to this decision which might be difficult to reconsider. But as far as I am concerned, I believe that Vimy Cemetery among others, is quite different from all the other cemeteries or memorial parks in Europe, on the Continent, and I would be rather inclined to wish that the Department would set up an expansion program. Is the Department now considering the possibility of building in Vimy, before too long, a memorial building marking the end of the second World War, and this would include a museum and also have facilities for the numerous Canadians and Europeans who go to Vimy every year.

Mr. Dubé: In reply to the first part of the question, you are no doubt aware, Mr. Laniel, that we have 13 memorial monuments in Europe, France and Belgium, 11 of which are already administered by the Commonwealth War Graves Commission and the Canadians, and this includes the members, who have had the opportunity of travelling in Europe, have seen the excellent services rendered by the Commonwealth War Graves Commission.

The two most important monuments, Vimy and Beaumont-Hamel, are still administered by the Canadian government with people on the site. What we propose to do is this, we would not so much change the maintenance but rather the administration. In other words, the people on site at Beaumont-Hamel and at Vimy will be the same, i.e. Canadians. The guidelines and the policy will still be that of the Department of Veterans Affairs.

The only change would be to have, not the maintenance, but the administration as such in the hands of the most highly competent people, i.e. people from the Commonwealth War Graves Commission.

At present, those who administer are people from our office in London.

Mr. Laniel: They are closing down. Mr. Minister, you are busy closing down.

Mr. Dubé: We are not busy closing down. This could happen, but we never decided to close down in London. On the contrary, you may have seen in the newspapers recently that one of our ex-Assistant Deputy Ministers had been appointed to go to London.

Mr. Laniel: He hasn't arrived yet.

• 0940

Mr. Dubé: No, because he is very sick.

Mr. Laniel: Yes?

Mr. Dubé: Mr. Mace. The purpose is to continue to have Canadian control and to continue to have Canadians on site, and to have the supervision and the administration done by the most competent people. The Commonwealth War Graves Commission has given proof of its competence as far as the other Canadian and foreign monuments are concerned, which are very very well administered in Europe. Those people who are on site right now have no reason to fear that they will have to move.

Mr. Laniel: I am not questioning the competence of the Commonwealth War Graves Commission, but I wonder whether this decision will not reduce the authority of our representative in Vimy. If my information is correct, it might not be your own intention, Mr. Minister, but some of your officials recommend the closing of the office in London. Automatically, you will have to give a certain amount of authority to the Commonwealth War Graves Commission and, as far as I am concerned, I think this will lead to reduction of the authority of the truly Canadian representation in Vimy. Taking into account the political context in France right now, I am afraid of this. And I think that this will push Vimy further and further away from Canada rather than reinforcing the local administration in Vimy, and to provide for long-term expansion and development of the cemetery.

Mr. Dubé: I certainly appreciate your arguments, Mr. Laniel, and anyhow, the decision is not yet taken and you shall also have the opportunity to put questions to the officials, who will follow me, on this subject. They may quite possibly give you details which

wil be still more specific than those I have just given you.

As a summary, and I stress this point, what we intend to change is not at all the Canadian control and policy, neither is it on site maintenance, but rather the supervision, the administration. We are convinced, unless you can prove the contrary, that the administration and supervision can be done in a more competent way by a commission of experts rather than by officials in offices in London.

The Chairman: Are there any other questions, Mr. Laniel?

Mr. Laniel: I do not wish to have the floor too long, Mr. Chairman, but on the subject of Vimy and of our parks, particularly Saint-

• 0945

Julien, could the Department consider the possibility of making representations to the Department of Health and Welfare, in order to find the means of granting the right to an old age pension to Mr. Paul Piroson who, for 25 years or 50 years, I believe, looked after Vimy Cemetery, and to Mr. Jérôme Verfaille who was in Saint-Julien. These are two men who have spent their lives, even during the war, even during the Second World War in the case of Mr. Verfaille, to take care of these plots of Canadian soil in Europe, and who have been retired and are receiving a pension from the Department. Mr. Piroson was staying in Vimy on Canadian soil and we refuse to recognize their right to old age security. That is my final question.

Mr. Dubé: This is the first time that this request has been brought to my attention, and I shall be glad, Mr. Laniel, to treat it with all due consideration.

The Chairman: You have to see the Department of National Health and Welfare.

Mr. Laniel: They don't want to understand. Perhaps that by having another Minister on our side, that might help us.

The Chairman: Mr. Émard.

Mr. Émard: I have only one comment, Mr. Chairman. Not too long ago, your Department was authorized to increase, that is not to increase, but rather to remove the maximum limit of the 5 per cent interest rate for loans on veterans' housing and land, do you remember that? Now, I have been told that the interest rate went up immediately from 5 to 7½ per cent—I do not know whether or not this is true—and that this would even be increased somewhat more.

Some veterans complain that it will now be absolutely impossible for them to make use of the Veterans' Land Act because it will become too costly. One of them wrote to me recently that according to the former 5 per cent rate, he had to pay somewhat in excess of $77 per month for the reimbursement and that, henceforth, he will have to pay, I believe, $109 per month for the reimbursement. I may be wrong about this, but in my opinion, a veteran is a citizen who is entitled to special privileges, because he has earned them.

Yesterday evening, I was listening to Minister Hellyer on TV, and he was saying that some citizens would be able to buy a house for about $16,000 and pay an interest rate of about 6, 7, and 8 per cent, I believe. I find it rather curious that a veteran who, in my opinion, is entitled to certain special privileges, because he has earned them, cannot have better conditions than those enjoyed by an ordinary citizen who has never done any military service. Don't you think that we are being somewhat unfair towards veterans in this Veterans' Land Act which has already been passed?

You mentioned a while ago that the maximum loan for veterans' lands is $530 million. Now, if I understand correctly, the money we are now loaning to veterans who wish to settle down comes from this $530 million fund.

So, I do not know whether you are obliged to apply a higher rate of interest when you re-loan this money or whether you draw from the fund that has been at your disposal for numerous years, at an interest rate that is definitely lower than 7½ per cent. It might be too late to do something, but I know that it will be very difficult in future for many veterans.

The Chairman: Excuse me, Mr. Émard, but as you know, the Minister will have to leave us very shortly. Do you wish to reply to this question, sir?

Mr. Dubé: Yes. To give a brief reply to this question, first, nothing stops a veteran from availing himself of the offer which you mentioned a moment ago, and which Mr. Hellyer mentioned on TV. That offer regarding housing...

Mr. Émard: No, that's not what we are dealing with.

Mr. Dubé: ...does not stop any veteran from availing himself of it, but I am convinced that they will not want to do it because the measure we are proposing is still the best. We must not forget that the rate of 3½ per cent for the first $6,000, and this was part of the veterans' charter, has not been eliminated. There is no other loan in the country for which a borrower only has to pay 3½ per cent for the first $6,000. For the balance of the loan, the veteran only has to pay the cost of the money, what it costs the government to have the money, plus 1 per cent for administration costs. If you combine those two rates together, you will see that the rates offered to the veterans are very advantageous.

• 0950

Certainly, everything is going up; the rates throughout the country are going up, but it is difficult to compare what exists in 1969 with what was existing in 1945, for instance. But if you compare the rates which are effective in 1969, you will see that the rates offered to the veterans are still the best in the country.

[*English*]

The Chairman: I hesitate to interrupt, but we are concerned about time. Are there other members of the Committee who want to ask questions? Mr. Marshall?

Mr. Marshall: Will the Minister be returning, Mr. Chairman?

The Chairman: Mr. Dubé?

Mr. Dubé: Yes, I am willing to come back. Of course, if we can conclude in a few minutes I will stay here until 10 or 10.15 a.m.

The Chairman: Did you have a question, Mr. Marshall?

Mr. Marshall: Mr. Chairman and Mr. Dubé, I am concerned about the lack of communication I find in the Province of Newfoundland since it came into Confederation. I get very many letters stating that people do not know of the advantages under the various programs of the Department of Veterans Affairs. I wonder if something could be done to step up this communication or to make a survey to see why this is going on. I do not blame the people in the Department. I just feel that there are not enough veterans' representatives in Newfoundland to look after the details, and I find that a lot of the people just do not know anything about the programs. It appears like a breakdown in communication or a weakness in communication.

Mr. Dubé: Is there any program in particular that you feel is being neglected from the point of view of contact? Which one of the five programs that I have discussed this morning would have been neglected?

Mr. Marshall: I had in mind the Veterans' allowances, mainly. For example, in western Newfoundland, the representative comes up periodically—once every two or three months, I do not know the number of times he comes up—but it appears that it is very difficult for a person to go 300 miles to see the veterans' representative when he, first of all, cannot afford it and secondly, he does not know, through a lack of communication, that the representative is there. I get screaming letters about war veterans who are in dire need, but nobody has every told them about the advantages under the Veterans' Land Act and they are not aware of them.

Mr. Dubé: I would be very pleased to look into the matter. If you would be kind enough to send me copies of these letters I will make sure that an agent goes there to see those people as quickly as possible.

Mr. Marshall: I can deal with the various members of the Department, but I think there should be an over-all survey done by the people in Newfoundland because I am sure there is a lack of communication somewhere.

Mr. Dubé: Good enough. We will look into that.

Mr. Marshall: That is the only question I have, Mr. Chairman.

Mr. Thomas (Moncton): Mr. Chairman and Mr. Dubé, I think it was at the last meeting of this Committee when we were discussing Bill C-152, or whatever the number was, on the increase in interest rates that the President of the Royal Canadian Legion presented a brief. One of his recommendations was a reduction in the size of the lot—reducing the acreage—that is necessary to qualify under VLA and at that time we were told it was outside the scope of the Act, which it was, so it could not be discussed. However, you referred to this briefly and if I understood the interpreter correctly, your position is that you cannot modify this section of the Act because you would be modifying the law before its application. I cannot quite follow

• 0955

you there because we have modified the Act in respect to the interest rates and we have

modified the Act several times by reducing acreage, so what is the great objection now to reducing this acreage to a point where veterans could qualify?

Mr. Dubé: The main objection is that the purpose of the Act was to assist veterans in becoming farmers. The purpose of the Act never was to enter into competition with Central Mortgage and Housing Corporation. It was to help veterans become farmers, to establish themselves, to become settlers on parcels of land. There have been several reductions in the size of the lot, but it was never contemplated that its purpose was to assist veterans in settling within city limits just as ordinary residents. The purpose was to make farmers out of the veterans.

You see, at that time the veterans had a choice of several possibilities and that was one of them. Other veterans chose to further their education; others chose a cash grant and others decided to establish themselves on farms. It is felt that if we were to change the rules near the end of the game—and it is near the end of that program because, as you know, October 31 was the deadline for qualification—it would be unfair to those who had to make a choice immediately after the war.

Mr. Thomas (Moncton): I submit, sir, that we have already changed the rules of the game several times. At the time I left the service in 1945, the Act—we called it the small holdings act—was so designed that in order to qualify you had to have three acres. They were trying to make farmers of all the veterans and I think it was soon realized that only a very small percentage of those coming out of the services had the training necessary to make a success of a small holding. I always felt that the government and the Department modified their thinking and altered the Act to assist veterans to get established in homes, not necessarily farms. Also, in view of the fact that the cost of land was going up so rapidly it was realized that the size of holdings had to be reduced from three acres. I think the first change brought it down to an acre and a half. It is now down to three-quarters of an acre. I think it has been changed four or five times, so I submit that that reasoning is still valid. You have changed the rules of the game several times and I think it is time to change them again.

In other words, I think this stipulation, considering the cost of land today, means that a good many veterans just cannot qualify. I would like the government to give some consideration to reducing this qualification to a point where most veterans could qualify.

The Chairman: Mr. Laniel?

Mr. Laniel: Mr. Chairman, I am sorry to come back again. My question relates to VLA and I know that I can bring it up when Mr. Pawley is in front of us, but still there is a question of principle involved in my inquiry. Mr. Dubé, I got the impression that the Veterans' Land Act was personal to each veteran —each individual veteran—but when it comes to cases where a husband and wife are both veterans that rule does not apply because there is an intepretation in your Department based on the intent that the Veterans' Land Act was designed to encourage the rehabilitation of veterans in the agricultural industry and only one of the two, the man or the wife, has the right to benefit from the advantage of the Veterans' Land Act. Maybe I could agree with that in principle in order to prevent veterans from taking financial advantage of it, but where veterans are forced by their employment to move from one end of the country to the other after they have abided by the rules and occupied a farm for the 10 years, taken all the advantages of a loan to the husband or to the wife and a few years later the second veteran, the wife or the husband, applies for a loan under the Veterans' Land Act to re-establish in another part of the country, the application is disqualified. In the particular case I have in mind, all this was done after some advice had been given by some regional people of your Department.

However, my question relates to the principle involved. Is this directly related to the individual veterans, to the advantage of the veteran under the Veterans' Land Act? In the case I just mentioned, both the man and the woman were under fire in Europe during the war.

Mr. Dubé: Of course, I was not around then, but I presume that the principle behind it was to establish the veterans on one farm, not on two farms. It was not intended to split the family in two, but I can see your point, too. There are two veterans, not one, and you

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would think that they would be entitled to two loans. Perhaps it would be possible to combine both loans on the same lot, but in

principle I can see why this policy is followed. They do not want to encourage the wife to live on one farm and the husband to live on the other farm.

Mr. Laniel: To prevent abuses, I agree with that. Is there a possibility that such special cases could be looked at because from the correspondence that I have seen, this seems to be only an interpretation of your staff?

The Chairman: It must be an infrequent occurrence.

Mr. Dubé: This is the first time this has come to my attention, too.

Mr. Laniel: I will bring the case to Mr. Pawley's attention.

Mr. Dubé: You can discuss this with him when he appears before the Committee. No doubt there will be other cases to discuss, but off-hand I think we should encourage the veteran and his wife to remain on the same farm.

The Chairman: Are there any other questions that any member of the Committee wants to ask the Minister? If not, Mr. Dube, on behalf of the Committee I would like to thank you very much for coming this morning and for your presentation.

Mr. Dubé: Thank you very kindly.

The Chairman: I believe Mr. Hodgson might like to say a word or two and introduce some of the officials. There have been some changes possibly in the Department. Would you like to introduce those who are present Mr. Hodgson.

Dr. J. S. Hodgson (Deputy Minister, Department of Veterans Affairs): Mr. Chairman, and gentlemen, some of the officials who are in attendance will be known to you, but if you will permit me I will just run down the line and identify those that my Minister has not already referred to. Of course, at the end of the line you know the Chairman of the Canadian Pension Commission, Mr. Anderson; beside him Mr. Walsh, the Director of Financial Management in the Department; next to him Mr. Black, the Department Secretary; next to Mr. Black is Mr. Rider, Director General of Veteran Welfare Services; the next gentleman was referred to by the Minister, Dr. Ritchie, one of the new Assistant Deputy Ministers of the Department and formerly Director General of Treatment Services; next to Dr. Ritchie is Mr. Pawley, whom you know, of course, Director General of Veterans Land Act—I will skip over the next few gentlemen—the Chairman of the War Veterans Allowance Board, Mr. Cromb, who is well known to you; beside him Mr. Way the Chief of Public Relations. I will skip over some other gentlemen, who I wish were in the Department but who are not, to Mr. Don Ward, the Acting Chief Pensions Advocate who completes the line.

The Chairman: I wonder if I could also at this point extend an invitation to some other gentlemen, Mr. Donald Thompson, who is Secretary General of the Royal Canadian Legion, and who has been with us before. From the War Amputations of Canada, Mr. Chadderton who is Executive Secretary. From the Army, Navy and Air Force Association, Mr. Jack Nevins, who is the Dominion Secretary Treasurer.

Members of the Committee, the steering committee met earlier this week and we decided to recommend to you a few dates for meetings. We had Wednesday of next week in mind at 3.30 p.m., I believe, as well as Friday at 9.30 a.m. These are not the usual hours for committees but we run into the problem of getting rooms, so many committees are meeting at the same time. The Wednesday meeting is in Room 208, and the Friday meeting is in Room 308. Could you make a note of that please. Notices will go to you in the usual way.

Mr. Badanai: Mr. Chairman, what Friday do you mean, tomorrow?

The Chairman: No, a week from tomorrow, Wednesday of next week and Friday of next week. We will not meet any further this week. Thank you, Mr. Badanai.

We recommended also that we review the estimates in the new format. The estimates are also reprinted in the Blue Book as before but I believe every member has received this format of estimates and the steering committee recommended that we proceed on this format. If it is your wish I would like to stand Item 1 which is our usual procedure

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and possibly call an item which deals with Veterans Welfare Program. Item 1 is Administration, and Item 5 is the War Veterans Allowance Board. If that is your wish, I invite Mr. Rider and Mr. Cromb to come forward and possibly they might have something to say at this point.

DEPARTMENT OF VETERANS AFFAIRS

Welfare Services, Allowances and Other Benefits

5 Administration, including the expenses of the War Veterans Allowance Board—$7,099,000

Do either of you gentlemen care to make a statement for the record at this point?

Mr. E. J. Rider (Director General, Veterans Welfare Services, Department of Veterans Affairs): I have a statement, Mr. Chairman. I would like to say a few words about the Veterans Welfare Services Branch as distinct from the War Veterans Allowance Board, for as you know, the two form one program.

The Veterans Welfare Services Branch has a very varied program and is involved not only with the administration of statutes and regulations but also in the provision of services to individuals, to other branches of the Department and to the Canadian Pension Commission and relating to the War Veterans Allowance Act.

During the fiscal year 1968-69 three phases of this program, which were primarily post-discharge benefits, were terminated in accordance with the close-off dates placed in the appropriate legislation by Parliament in 1962. These were the payments of war-service gratuities and re-establishment credits both under the War Service Grants Act, and the issue of Veterans Insurance policies under the Veterans Insurance Act. As these items played a major role in assisting veterans to become re-established in civil life I would like, with your permission, Mr. Chairman, to say a few words about each.

War Service Gratuities

As you will remember each member of the forces during World War II was entitled to be paid a gratuity at the rate of $7.50 for each completed period of thirty days paid service, and an additional amount of 25 cents per day for such service which was spent overseas. This formed what was known as the basic gratuity.

In addition, a supplementary gratuity of seven days pay and allowances, at the rate payable at the time of discharge, for each one hundred and eighty-three days of overseas service was paid.

In recent years, the number of applications for gratuities have been very small, five to ten cases a year, and during the close-off period between April 1 and the end of October there were about forty applications received. In total, in this program some $469.8 million were paid out and the most busy years were, of course, 1945-46 and 1946-47 when over $200 millions a year were paid out in each year.

The next item discontinued, generally, was Re-establishment Credits. The credits were established as an amount equal to the basic gratuity, which I mentioned earlier, and were available to a veteran to help in his re-establishment as an alternative to settlement under the Veterans' Land Act, or to training under the Veterans Rehabilitation Act. The credit was not a cash payment but was applied against the cost of purchases made in most cases with a down payment by the veteran. The purposes for which the credit could be used were broad and covered the purchase, repair, modernization or discharge of indebtedness on his home. It covered the purchase of furniture and equipment for the home; the purchase of or provision of working capital for tools for a business; the payment of premiums on insurance schemes established by the Government of Canada, and the purchase of educational books and equipment. The largest single purpose used was the

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purchase of furniture for veterans homes as they re-established themselves after they came back to Canada. More than one and one half million applications were approved at a cost of some $184 million. In total, some $315 million were expended as re-establishment credits.

The third item is Veterans Insurance. It concerns the issue of new policies, which has been discontinued. This insurance was intended to provide life insurance coverage to veteran policyholders to the same extent that such coverage could be obtained through good commercial life companies but without the same stringency of medical requirements. More than 56,000 policies have been issued. Prior to the close-off year, the number of policies being issued was dropping off very quickly to about forty per month. However, during the period from April to October 1968—mainly in the month of October 1968—some 1,700 policies were issued. At the present time there are about 26,000 policies with a face value of $83 million insurance in force. Since 1945 there have been some 2,300 lapses, 20,000 cash surrenders and 6,160 death claims. Of course, the business of the administration of policies in force will continue.

In its current operations the Welfare Services Branch uses about 300 Welfare Officers to counsel on departmental benefits, war veterans allowances, the assistance fund, some aspects of the Pension Act, forces benevolent funds, social welfare and employment problems, other governmental programs, both federal and provincial, and in addition, these officers make reports and often provide recommendations in their reports.

Most of these officers work in the district or subdistrict offices, or in the metropolitan or urban areas surrounding them, because this is where the majority of veterans live. However, there are about 100 welfare officers who work in field areas and are responsible for the activities carried on in the geographic area allotted to them. Between the urban and field areas the officers travel, by a number of means, about one and one-half million miles a year.

Welfare Officers conduct more than a quarter of a million interviews a year, and the time per interview varies according to the content. For example, Mr. Chairman, the average time to take an application for war veterans allowances along with the coincidental counselling to ensure that the veteran, or widow, is aware of his or her rights and also, his or her responsibilities under the legislation, is about 50 minutes; while the average time for an interview conducted relating to veterans insurance takes about 20 minutes. So they vary quite a lot.

You may be interested to know, Mr. Chairman, that some 59 per cent of the interview work relates to war veterans allowances, pensions, and functions administered by other branches of the Department; while social welfare and rehabilitation counselling, including the Assistance Fund, accounts for some 26 per cent of the interviewing work. Of all the interviews conducted about 10 per cent result in a referral being made to some agency other than the welfare services. These referrals may be to other DVA branches or agencies, like the Canadian Pension Commission, to employers, to veterans organizations, to provincial government agencies or to private and public agencies. In all cases where referral is used it is because the other body either administers the benefits which are going to be involved or is specialized in such a way which would ensure for the veteran better service than we, ourselves, would be able to provide for him.

In addition to the Welfare Officers there are some 150 staff, mainly clerical, who perform the clerical processing functions relating to war veterans allowances and the Assistance Fund. A further 250 provide general clerical, stenographic and typing services for the branches across the country. The balance of the staff consist of supervisors, advisers,

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and a staff of some 230 who work in the District Central Registries and provide a file and mail function to all the departmental services in the field. Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Rider. Are there questions that members of the Committee would like to ask? Mr. Marshall?

Mr. Marshall: You mentioned, sir, that you have 300 Welfare Officers. Can you give me a breakdown—it does not have to be narrow—by regions and by provinces? I would accept it later in the mail if—

Mr. Rider: I take it you are primarily interested in Newfoundland?

Mr. Marshall: Right.

Mr. Rider: The welfare officers have two grades, what we call the WP1 and the WP2. In Newfoundland, there are eight such welfare officers; the same number that there is in the Regina district, southern Alberta, or in the Victoria office which looks after Vancouver Island, or the Quebec district, which is Quebec City and most of eastern Quebec including the Gaspé Peninsula. Those districts all have the same number.

The Chairman: Possibly, Mr. Rider, you could prepare a table for the next meeting of the Committee?

Mr. Rider: I would be pleased to do that, Mr. Chairman.

Mr. Marshall: How do you determine the number, by area, or by number of people, by population?

Mr. Rider: By a combination of the number of veterans, workload and mileage that it is necessary to travel. We do have to take mileage into consideration as it takes time to travel. This uses up man-years for us.

Mr. Marshall: What I am concerned about is the fact that the area of Newfoundland is so isolated. Veterans, who are up in the northern districts where nobody ever sees them, and who cannot get to the urban centres to see their welfare officer, are denied

the rights. It appears that they just do not know enough about it to know that there are advantages under the veterans acts to take advantage of. This is what I am getting at.

Mr. Rider: I know that through the kindness of the provincial government we use their people in northern Newfoundland on occasion.

Mr. Marshall: Have you found this satisfactory though?

Mr. Rider: Every summer we have a boat that goes around the coast. Now whether this is the north shore or the south shore I could not say at the moment, I would have to check. There used to be two boats but now we are down to one because of the increase in the number of roads in Newfoundland.

Mr. Marshall: Yes.

Mr. Rider: Actually our job of getting to people there is much simpler than it was 10 years ago.

Mr. Marshall: I hate to belabour the point, Mr. Chairman, I will ask one question. The reason I have been concerned about this is the fact that I get a lot of letters from community leaders who are concerned. A veteran comes to them and says," I need help." They write to me and say, "Will you send me all the information possible on how these people can get help." I know there are veterans representatives in Newfoundland but evidently somebody is not seeing them. This is why I mentioned before to the Minister that there is a lack of communication or education somewhere. I just want to bring it to your attention.

Mr. Rider: Sir, I know your main concern is in the area of war veterans allowances and civilian allowances.

Mr. Marshall: And pensions.

Mr. Rider: There are pamphlets, and if these people would just write to the district office in Newfoundland they would send the pamphlets out and answer any questions by correspondence.

Mr. Marshall: I have already told them this but it seems at this late date that something must have been missing along the line. I will deal with you directly on it.

Mr. Rider: All right, sir.

Mr. Marshall: Thank you, Mr. Chairman.

Mr. Laniel: Mr. Chairman just on this point, last year the Committee was provided with a list of the principal staff of the Department, the hospitals and the regions and I think that that would be very useful again. I wonder if Dr. Hodgson could make this available to the Committee again so that members who were not on the Committee last year could have it. Probably you could get it from the Department, or I could show a copy to you. It is a three or four page document giving the name and responsibility of everybody in the Department.

Dr. Hodgson: This would be a breakdown showing the people by programs and by localities.

Mr. Laniel: Yes, by localities. I do not know how complete it is but it does cover Ste. Anne de Bellevue and Queen Mary, and so on.

Dr. Hodgson: I will be very happy to do that, sir.

Mr. Laniel: That was not my question, Mr. Chairman. I wanted to ask Mr. Rider—this is a leading question—who is looking after the veterans welfare service in London right now, since your man there retired at the end of last month?

Mr. Rider: In London, England, sir?

Mr. Laniel: Yes.

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Mr. Rider: I understand that Col. Chambers has very recently left, but there always has been a welfare officer there by the name of Clark who deals directly with the veterans. He has been in London, England for quite a long time; he was junior to and then took over from a Mr. Whelan who was there before that. At the present time Mr. Clark deals with the veterans who come in with welfare problems.

Mr. Laniel: Is there anything new about the Canadian veterans in the United Kingdom and the restrictions that apply to them when qualifying for veteran's allowance under which they have to come back to Canada for one year if they want to qualify? Is that just forgotten or is this under study?

Mr. Rider: This is something that Col. Cromb will have to tell you about because it is a matter of War Veterans Allowance. I can tell you that payments from the fund for

needy veterans overseas are now being made to some 230 veterans is the United Kingdom.

Mr. Laniel: Are these under the Assistance Fund?

Mr. Rider: It is a type of assistance, it is not under the Assistance Fund as such. It is a payment which pays to them the difference between the National Assistance rates and the ceilings established for National Assistance, now known as Supplementary benefits, under the British Ministry of Social Welfare. This was established a few years ago and some 230 Canadians now receive payments from Canada to make up this difference between the National Assistance they can get and the ceilings under that legislation.

Mr. W. T. Cromb (Chairman, War Veterans Allowance Board): Mr. Chairman, in answer to Mr. Laniel, the purpose of the payment of the allowance overseas was originally to permit recipients who lived in Canada—those who were in receipt of the allowance in Canada—to proceed either on extended holidays or to live outside the country for any length of time, without any time limit at all. It was not contemplated at that time that applications could be made by veterans outside Canada; the War Veterans Allowance Act is based on a means test and it is extremely difficult to contemplate the administration of the means test for people who have not been in Canada and have not made their application here. There are no district authorities outside Canada.

The number of Canadians living outside of Canada is not limited just to the United Kingdom; there are a great many in the United States and in other parts of the world, that is one of the reasons—the main reason—why it was placed in the Act that a recipient must live at least 12 months in Canada and leave as a recipient in order to take the allowance with him. A number have done that. There are about 500 or so recipients of war veterans allowances who live outside Canada. Just to give you an idea of the problem, there are 282 in the United Kingdom now receiving war veterans allowances, 275 in the United States, there are 45 in Italy, and then there are 2's and 3's all over the world, so it is a problem that would effect more than just the United Kingdom.

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Mr. Laniel: If I take what you said, I get the impression that the policy has not been changed, there is not much chance of a change coming; it is not being re-examined in any way? Really, some of these veterans were back in Canada and because they went abroad afterwards they cannot take advantage of veterans allowances unless they come back, qualify in Canada, and then move back to England. That sounds silly to me. How anyone on welfare in Canada can move to England on welfare, I do not know.

Mr. Cromb: The matter of policy of course, is the Government's.

Mr. Laniel: I know.

Mr. Cromb: However, there are quite a number who have come from the United Kingdom, have lived in Canada a year and have gone back; others have come from the United States and so on. That has been done. It has been considered but no changes have been made.

Mr. Laniel: I have a specific question. Are the benefit equivalents under war veterans allowance different than under part II of the Civilian War Allowance which applied to the Corps of Canadian Fire Fighters and other people?

Mr. Cromb: The benefits are similar.

Mr. Laniel: Do they get the same benefits?

Mr. Cromb: The benefits are exactly the same, they have the same rates and ceilings; the same things exactly.

Mr. Laniel: Thank you.

The Chairman: Are there any other questions? If there are no other questions I wonder if we could just look at the items and review them at this point. This is Vote 5 which is to be found on pages 12 to 20 in our new format. On page 12, we see a General Summary of the Budgetary Expenditures and the statutory items for War Service Gratuities and so on. Pages 14, 15, 16 and 17 give details. Are there any questions that any member wants to raise at this point to ask of the witnesses before us.

If there are no further questions shall we carry Item 5?

Item 5 agreed to.

The Chairman: Thank you, Mr. Cromb and Mr. Rider.

The next item, if we follow the sequence of the booklet is the Canadian Pension Commission. This item is to be found at page 20 of

the General Summary with the details on pages 22 to 25.

Mr. T. D. Anderson (Chairman, The Canadian Pension Commission): Mr. Chairman, on the occasion of my last appearance before the Committee I read into the record, as you will recall, a brief outline of the organization of the Commission and the manner in which it operates and so on. I had not planned on repeating that performance today unless you think it is necessary, sir.

The Chairman: Whatever the wish is of the Committee.

Mr. Anderson: The history is contained in the Minutes of the last meeting, but if anybody feels he would like me to go through this again in order to give new members this information I am quite prepared to do so.

The Chairman: Mr. Marceau would like to see it put on the record again.

Mr. Anderson: Fine, now I will try to control the speed here because I know it is difficult for the interpreters. First of all, I think it

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would be well to run through the manner in which the Commission operates and the manner in which it was established.

The Canadian Pension Commission is an independent quasi-judicial body operating under the Pension Act of 1919, as amended, and reporting to Parliament through the Minister of Veterans Affairs. It consists at present of twelve members who have been appointed for terms of up to ten years, one of whom is the Chairman who holds rank as a Deputy Head of a Department, and one the Deputy Chairman. In addition, there are four ad hoc members appointed for one year with provision for re-appointment annually as required. Six members are normally absent from Ottawa sitting in various parts of Canada as Appeal Boards. Each Board is made up of three Commissioners.

The Commission is concerned primarily with pension claims arising out of service in the armed forces in time of war, as well as in peacetime. It has in the words of the Pension Act "full and unrestricted power and authority and exclusive jurisdiction to deal with and adjudicate upon all matters and questions relating to the award, increase, decrease, suspension or cancellation of any pension."

That is a direct quote from Section 5(1) of the Pension Act, by the way.

The Commission also has final jurisdiction to determine any question of interpretation of the Act. There is no provision for appeal from its decisions other than to its own Appeal Boards, which consist of three members who had not previously adjudicated upon the case under appeal, and such appeals are limited to the basic question of entitlement in respect of disability or death. It is also responsible for the administration of the Civilian War Pensions and Allowances Act together with like duties in respect of pensions under various other measures relating to civilians, including the Royal Canadian Mounted Police Pension Continuation Act.

No provision is made for services in the Commission's organization. The reason for this is that staff, accommodation, custody of files, accounting, issue of cheques and virtually all other services are provided by the Department of Veterans Affairs and the Department of Finance. Most of the work done within the organization of the Commission—

The Chairman: Excuse me a moment, there is a question here.

Mr. Thomas (Moncton): Mr. Chairman, I am sorry to interrupt, but on a point of order, I think Mr. Anderson is reading almost verbatim his original presentation.

Mr. Anderson: That is right—that is what I said in the beginning.

Mr. Thomas (Moncton): I think you were misunderstood. I think in the interest of saving time—all this was reported in the Proceedings and Evidence of Issue 5—would it not be better to have the members read this report as it is quite a lengthy report?

The Chairman: This was the purpose of the original question.

Mr. Thomas (Moncton): Yes, I think it was misunderstood.

The Chairman: There must be unanimous consent before we could dispense with a reading of it.

Mr. Anderson: I will withdraw then, Mr. Chairman.

The Chairman: In that case, if there is no further comment, I wonder if the members have any questions on this particular item of the estimates?

Mr. Laniel: I do. I just want to put to Mr. Anderson the question I put to the Minister about the possibility of his enumerating the recommendations that are found in the Woods' Committee Report that already have been implemented, are about to be implemented or the ones that do not cost money.

The Chairman: Mr. Laniel's question was .

Mr. Laniel: No, the Minister did not say, those that cost no money, he said those that need legislation. There are many, you know, and we hope that they will compensate for the long study that you are undertaking.

Mr. Anderson: Yes, Mr. Chairman, I can do that quite readily. I have all the information here. I think I should say before I proceed to enumerate these that there are quite a number of the recommendations which, while they do not in themselves require legislative amendment to the Act, their implementation will depend to a great extent on certain amendments to the legislation. So the only ones which we are now free to act upon are those which do not require a legislative amendment or those which do not depend on legislative amendment. I can run through those quickly for your information, Mr. Chairman.

The first recommendation I have listed here is:

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1. "That the Canadian Pension Commission decide initial interpretation of sections of the Pension Act in its own discretion"

We have been doing this for years so we will just continue it. That is simple.

2. "That the Canadian Pension Commission institute a procedure whereby any Commissioner may request an interpretation of any clause of the Pension Act".

This also has been in effect for many years. At the moment, as you know, the Commission has the final word with regard to the interpretation of any section. There is an item in the legislation itself which provides that the Commission has the final right of interpretation of any section of the Act. So if an individual Commissioner seeks an interpretation, all he has to do is ask that this be put on the agenda of a general meeting and the question will be resolved for him at that time.

Again I also think, in part at least, this depends to some extent upon some of the other amendments which are proposed in the Woods' Committee Report such as the one to set up the Appeal Board. I think it was intended in this recommendation to provide for a member to go to the new Appeal Board they have suggested if and when it is convenient and to obtain an interpretation of any section of the legislation.

The third one is rather lengthy. It deals with various administrative matters such as pension law providing interpretation of various sections of the Pension Act and Section 7(3) hearings. I had better read it in whole.

3. That the Canadian Pension Commission issue directives and/or administrative instructions on the following subjects:

a) Pension law providing interpretation of various sections of the Pension Act;

b) Section 7(3) Hearings;

c) The procedure for application for compassionate pension;

d) The purpose of compassionate pension;

e) Medical Advisory Branch matters;

f) Supplementary benefits;

g) Broad and flexible guidelines regarding assets, income and expenditures for determination of "dependent condition";

h) Administrative instructions.

There are, of course, already a very large number of such directives available. They have been drawn up in the process of our operations over the years. Normally they have been filed in subject files dealing with that particular feature of the Act and they have never at any time been gathered into any concise loose-leaf folder which can be distributed, although the items themselves have, for many years, been distributed to people who are interested such as the Veterans' Bureau, the Service Bureau of the Legion and other veterans' organizations as well as other people who have a direct interest—in pensions, that is.

We now are proceeding. The work is almost completed, I am happy to say—to have these gathered together and put in a loose-leaf folder which can be added to or taken away from as is necessary. These books, when they are completed, will be distributed to those people who are interested. As changes are made, and there will be, of course, as we go along, they will be incorporated and sent out to persons concerned.

Mr. Laniel: Could I interrupt to ask a supplementary question? In these suggestions or recommendations to your personnel, is the Woods' Committee report itself to be considered as an official document of reference? There is so much background that I do not think you can include all the implications in a memo or a recommendation to your staff. Is that considered a document of reference on the interpretation of your changes?

Mr. Anderson: What you are suggesting, Mr. Laniel, I suppose is, have these particular recommendations the approval of the Minister, for example. They have, of course, been discussed with him and he has agreed that this sort of thing is something that can be done without legislative amendment and is quite proper. In other words, it can be done under the existing legislation. This is the basis on which...

Mr. Laniel: The reason I asked the question was that some people might get the impression that the Canada Pension Commission might absolve itself sometimes by saying, "We have been doing this allthe time". If the Woods' Committee went to the trouble of including it as a specific recommendation, it might mean that they are not completely satisfied with the way it has been done. This

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was why I asked if the report was to be considered as an official document of reference, at least, so that we could at a later date—committees or other people involved in veterans' problems—refer to the report and could give a broader interpretation to your decision.

Mr. Anderson: To answer the first part of your question, I think it is true that the Woods' Committee, while they realized that this was being done in part or in certain instances, were not completely satisfied that it was being done to the extent that it should be done. This was the basis on which their recommendations were made, of course, we are now attempting so far as is humanly possible to do what they recommend.

The Chairman: Excuse me, Mr. Laniel, I know what your are getting at, but I think all that can be said at this point is what the Department is doing. Later we will have a more specific document referring to the Woods' Committee.

> That the Chairman of the Canadian Pension Commission institute a quality control procedure consisting of a review of statements of case, transcripts of examiners, selected decisions.

This has also been done over many years perhaps not to the entire satisfaction of the Woods' Committee as you will realize if you have read their study, but a very adequate quality control procedure over Commission decisions reached prior to Appeal Board decisions has always been in effect. These are all carefully checked by either the Claims Branch or the Medical Advisory Branch and if they deviate from established Commission policy, they are referred to the Chairman or Deputy Chairman who then takes them to the board room for discussion and final decision. At that stage, all of the items mentioned, that is, the statements of case, transcript of examiners, selected decisions and so on, are considered by the full meeting of the Commission.

There is not now and never has been any provision in the Pension Act

> whereby the decision of an Appeal Board may be questioned by the Chairman or any one else. It would be contrary to the Pension Act to do so since the Act states that the decision of an Appeal Board is final and binding on all concerned.
>
> Appeal Boards sit in judgment on previous decisions of the Commission. Members of the Appeal Boards are, of course, well aware of all matters of Commission policy regarding the application of the various sections of the Pension Act.

So that we have no real authority to control decisions of an Appeal Board. They are sitting in judgment on our previous decisions.

> 5. That the Chairman of the Canadian Pension Commission ensure the maximum standardization of adjudication and that the following procedures be instituted:
>
> a) A digest to record relevant decisions and comments;
>
> b) Memoranda be issued to Commission or staff where quality control procedure has indicated a variance with Commission standards;
>
> c) Policy directives be issued. The provisions of this recommendation have also been in effect for many year. Any outstanding claim involving a question of new or revised Commission policy is documented and recorded in the Secretariat.

Now, it is perhaps the manner in which this has been done that the Woods' Committee criticized more than anything else. Here again, it is desirable to have these gathered in a more concise and readily available way and this is being considered at the moment.

It would, of course, be unnecessary even under this recommendation to document other than unusual decisions. It is no great problem to obtain any file at any time should it be needed for reference purposes. Memoranda reference procedures are regularly issued to the appropriate personnel and as indicated above, policy directives are adopted at every general meeting and distributed to those to whom they are of interest.

6. That standard application form for entitlement claims and standard form for Commission decisions be utilized where practical. This recommendation has been in effect for many years.

We have been using a standard application form for many years for entitlement claims.

• 1045

Here again, it was suggested previously that a form be adopted for use in applying for claims under Section 25 and so on and in some of the other discretionary sections which is being done now. I have no doubt that these forms can be improved upon and they have, in fact, been changed a number of times over the years. The question of their improvement is constantly under study.

7. That the Canadian Pension Commission may in its discretion accept informal applications for pension.

Well, of course, this is something we have always been doing and we will continue to do that.

8. That a recruiting and staff development policy be undertaken to ensure that the Claims and Review Branch of the Canadian Pension Commission has sufficient personnel to adjudicate on routine decisions of the Commission as proposed in other recommendations.

A recruiting and staff development policy is the subject of constant consideration by our personnel people and deals with all branches of the Commission, including the Claims Branch.

This, I think, was designed largely to ensure that if and when the recommendations regarding the extended responsibilities of the Claims Branch were put into effect, we would be in a position to recruit additional staff to take care of that situation.

9. That a Standing Advisory Committee be established consisting of members of the Canadian Pension Commission, the Department of National Defence and the Veterans' Bureau.

We already have the membership listed for this Committee. It has not held any meetings yet because there are a number of items in the report of the Woods' Committee itself that have to be cleared, I think, before we can proceed, but it is my hope that we will have meetings of this Committee in the not too distant future.

10. That Section 25 of the Pension Act remain in its present form, and that

(1) the Canadian Pension Commission make fuller use of it to approve pension awards, or any addition to pension in circumstances where the Commission considers that such should be paid, but where no other enabling section of the Act would permit payment.

Well, this is precisely what the section is designed to do, of course, and it is what we intend to do with it. We are constantly considering ways of expanding the use of this section and have done so. For instance, a few years ago we did extend the benefits of this section to a considerable group of Canadian veterans living in the U..K and on the continent who, because of the fact that they were outside of the country, were ineligible for War Veterans Allowance and we are paying them small pensions under Section 25 to compensate.

The Commission is constantly studying means by which the use of Section 25 can be expanded and so on, and I think I have explained the remainder of that to you.

11. That, where a compassionate pension under Section 25 is awarded to a widow, her pensionable children be made eligible for educational benefits under the Education Assistance Act.

This, of course, is something that is not our responsibility. This is the responsibility of the Department, but I believe they have gone ahead with the necessary amendments to the children of War Dead Assistance Act to take care of this situation.

12. That the Table of Disabilities regarding the payment of attendance allowance be amended to make it clear

that all levels contained therein, other than maximum or minimum amounts and general subdivisions, are to be used as guidelines, and that actual awards are to be made in keeping with the extent to which the individual is dependent based upon carefully considered and unbiased judgment.

An item providing for this was introduced on February 20, 1969, into the Table of Disabilities and, of course, the Table of Disabilities is something which we can amend on our own at any time.

However, it should be pointed out that the entire Table of Disabilities is designated as a guide only and has always been treated as such by the Canadian Pension Commission.

13. That the operation of the Medical Advisory Branch be expedited as follows:
a) Medical Advisers not to perform clerical duties;
b) A clerical section be established to
i) screen files,
ii) prepare precis of non-medical material,
iii) when, appropriate, prepare precis of medical history.

The Medical Advisory Branch has now been relieved of most of the clerical duties by a special clerical section which was set up on November 1968, although the procedure has been partially in effect since December of 1965. The section is being steadily expanded as the work requires. There is, in fact, a competition in process at the moment to provide additional personnel for this section. The clerical section is doing precisely what is recommended in this proposal.

14. That the role of the Medical Adviser be restricted to that of providing medical opinion to the Canadian Pension Commission.

1. The Medical Advisers of the Canadian Pension Commission have been directed to avoid, where practical, the inclusion of recommanded decisions in the medical precis. This is particularly true of recommendations which involve an interpretation of a section of the Pension Act rather than interpretation of medical evidence.

I think it is natural to assume that when it comes to interpreting medical evidence which is put before the Medical Advisers, it is their job to interpret that for us and guide us along the proper medical lines in that respect. The complaint I think which the Woods' Committee found most common in this regard was that the Medical Advisers were not only interpreting the medical evidence, but they were interpreting the Pension Act, as well. This is something we are trying to get away from.

2. In certain cases of degenerative or congenital conditions which are obviously pre-enlistment in origin, part of the medical advice must be to the effect that this is so.

• 1050

That is, a layman is not particularly well equipped to decide whether a condition is pre-enlistment or whether it was incurred during service. In the event that it was aggravated during service, the extent to which is has been aggravated and so on. This is largely a medical problem so that we have to be guided to a very considerable extent by the advice given us by our Medical Advisers.

3. Since the newly-appointed Commissioners always require to be given a certain amount of training while our daily work is being carried on, the most effective and efficient means by which this training can be given is by having our experienced Medical Advisers include recommended decisions in the medical precis.

In some cases this also would include even recommended interpretations, at least, of certain sections of the Act during the training period for these people.

Commissioners are free to, and frequently do, question such recommended decisions and discuss them with other Commissioners, the Chairman, Deputy Chairman or the Chief Medical Adviser before writing a final decision.

The Commission is frequently severely criticized for delays in adjudicating claims. Therefore, every effort must be made to ensure that the staff is used effectively and efficiently.

15. That the Medical Adviser's White Slip be replaced by a "Medical Adviser's Precis" based upon the following principles:

a) Medical Adviser's Precis not confidential and to be placed on the file;

b) It shall contain Medical Adviser's opinion with respect to medical aspects of the claim;

This goes back to the previous recommendation to some extent at least.

c) The medical opinion shall contain a summary of all previous medical advice given;

d) The precis shall not contain an opinion as to whether or not the applicant qualifies under the Pension Act.

This was the chief objection, I think, of some of the Medical Adviser's reports.

I might say, before I comment on the action taken, that this has been a rather difficult one for a variety of reasons which I think will become clear to you when I outline just what we have done about this.

Again, while we are doing our best to implement this recommendation, there are certain problems which are not easy to deal with. For example, when the medical precis containing the service medical history is placed on the veteran's file, this service medical history becomes available to any one who wishes to draw and study the file. There are a good number of veterans, as indeed there are people generally, who do not wish to have their medical history revealed in this way. The Commission has always been of the opinion that their wishes should be respected. These files are available to a very large number of public servants.

Arrangements are already in existence whereby any one designated by the veteran may draw the medical precis for properly authorized purposes. That is to say, the veteran himself can let anyone look at the file that he wants to.

Surely if a veteran wants someone to study his file and authorizes him to do so, he should, on the other hand, have a perfect right to refuse to allow his medical history to be reviewed by others. A veteran's medical history is a matter between himself and the doctor or doctors who compiled it. If he wants someone else to see it for any reason, he is always free to give his authority to do so. When he applies for pension consideration, he is, of course, authorizing the Commissioners and the Veterans' Bureau to review his medical history and he is always free to grant the same authority to any one else if he wishes to. Our medical advisers have, as most doctors would, registered strong objection to any extension of the present procedure.

The medical advisers would also appear to have a valid complaint when they register some dissatisfaction with the suggestion that they should be required to summarize other doctors' precis. I think this recommendation can be best dealt with by simply ensuring that all medical precis are available to the person or persons duly authorized to review them. Of course, this is already in effect. Again, the question of whether or not an opinion regarding the decision should be expressed by the medical adviser depends largely on whether the opinion is or is not a medical opinion as against an interpretation of the Pension Act.

16. That the Commission undertake a study to determine whether or not a section should be established within the Commission to determine which cases should be submitted to the Medical Advisory Board for opinion.

This was simply a suggestion that we look into this situation and decide whether or not action was necessary. We have done so and we feel that the present system is working adequately.

17. That the staff of the Commission and the Department be authorized to counsel persons respecting benefits under section 34(5).

A letter was sent out to all the people concerned in this regard advising them that they were free to do this at any time.

18. That provision be made for the method of assessment of a disability where the award of entitlement is retroactive.

This poses a difficult problem, of course, because you are sometimes faced with the necessity of assessing a disability when the man is dead. You can only do it on the basis of the evidence available and on the basis of autopsy reports and so on and so forth. We try to get the very best possible evidence to base our assessments on in such cases.

• 1055

19. That the Canadian Pension Commission staff where practical arrange for the review of a pensioner's assessment at the time of his discharge from Treatment strength and in long term treatment cases arrange, if practical, for the assessment

to be reviewed during the period of treatment.

The proposed procedure has been in effect for several years, but there are certain problems which may arise. First, it is impossible to examine seriously ill patients for assessment purposes. The doctor in charge just will not let us. He says, "This man is too sick to be examined and you will have to leave him alone." We cannot do anything in that case.

Second it is impossible to properly assess a disability immediately following surgery or some other form of treatment until such time as the result of the medication have taken effect. This, of course, means that in a number of cases, at least, we would have to wait for some time before a disability could be adequately assessed.

We have to wait until his condition settles down and whatever medical treatment has been given has taken effect and so on in order to adequately assess the long term or permanent disability.

20. That Newfoundland pension applicants to the Ministry of Social Security of the British Government be assisted by the Canadian Pension Commission, the Department of Veterans Affairs, including the Veterans' Bureau, in the preparation of their applications to the extent authorized by the British Ministry.

Officials in our District Office in St. John's Newfoundland, have very excellent relations with the British Department of Health and Social Security, that is the Department which deals with disability pensions for the British, as indeed have the officials at Head Office in Ottawa. Everything possible is done to assist these veterans.

21. That the present practice of appointing professionally trained personnel including medical doctors, lawyers and recently retired ex-members of the peacetime forces be continued; and that in making such appointments a practical ration of the appropriate professions be considered in the light of the requirements of the Commission.

This recommendation is being carried out. We have always done so and we are just continuing to do so.

22. That the provisions of Departmental instructions which permit access to files and disclosure of information to prospective employers or insurance companies be amended to provide that the information will only be disclosed when, in the opinion of departmental officials, the disclosure is in the best interests of the veteran and when the consent of the veteran has been obtained.

I am advised by the Departmental Secretary that the regulations have now been amended in accordance with this proposal.

Those are the 22 recommendations which we have put into effect or are in the process of putting into effect. As I say, there are a number of others which cannot be dealt with until such as time as certain amendments to the legislation have been effected.

The Chairman: Thank you. Members of the Committee, I wonder if this would be a good time to interrupt. If we could have a transcript of this proceeding available before the next meeting it would give members of the Committee an opportunity to study the points raised. I know this is going to create a bit of a problem with the Committees Branch because they are very much overworked at this point. However, we will see what can be done.

With the approval of those present I would like to thank you very much, Mr. Anderson. I believe we should adjourn now.

Mr. Laniel: I move we adjourn, Mr. Chairman.

The Chairman: Thank you.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

LIBRARY
JUN - 9 1969
UNIVERSITY OF TORONTO

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10

WEDNESDAY, APRIL 23, 1969
FRIDAY, APRIL 25, 1969

Respecting
Main Estimates 1969-70 of the Department of Veterans Affairs

WITNESSES:

(See Minutes of Proceedings)

INCLUDING THIRD REPORT TO THE HOUSE

29672—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs,

Badanai,	LeBlanc (*Rimouski*),	Peters,
Bigg,	Laniel,	Saltsman,
Cullen,	Latulippe,	Stafford,
Guay (*St. Boniface*),	MacRae,	Thomas (*Moncton*),
Groos,	Marshall,	Weatherhead—(20).
Knowles (*Norfolk-Haldimand*),	McIntosh,	
	Murphy,	

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Guay (*St. Boniface*) replaced Mr. Marceau on April 17, 1969.
Mr. Whicher replaced Mr. Gibson on April 17, 1969.
Mr. Boulanger replaced Mr. Turner (*London East*) on April 23, 1969.
Mr. Groos replaced Mr. Emard on April 25, 1969.
Mr. Murphy replaced Mr. Whicher on April 25, 1969.
Mr. Cullen replaced Mr. Boulanger on April 25, 1969.

REPORT TO THE HOUSE

TUESDAY, April 29, 1969.

The Standing Committee on Veterans Affairs has the honour to present its

THIRD REPORT

Pursuant to its Order of Reference of Thursday, February 20, 1969, your Committee has considered the following items listed in the Main Estimates 1969-70:

Votes 1, 5, 10, 20, 25, 30, 35, 38, 40 and 45, relating to the Department of Veterans Affairs.

Your Committee commends them to the House.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 9 and 10*) is tabled.

Respectfully submitted,

LLOYD FRANCIS,
Chairman.

29672—1½

[*Text*]

MINUTES OF PROCEEDINGS

WEDNESDAY, April 23, 1969.
(10)

The Standing Committee on Veterans Affairs met this day at 3:30 p.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Bigg, Boulanger, Émard, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), LeBlanc (*Rimouski*), Legault, Marshall, Saltsman, Thomas (*Moncton*), Weatherhead, Whicher—(14).

Witnesses: From the Canadian Pension Commission: Mr. T. D. Anderson, Chairman. *From the Department of Veterans Affairs:* Dr. J. S. Hodgson, Deputy Minister; Mr. D. K. Ward, Deputy Chief Pensions Advocate; Mr. R. W. Pawley, Director General, Soldiers Settlement and V.L.A. Branch; Mr. A. D. McCracken, Director, Administration and Finance, V.L.A. Branch.

The Committee resumed the study of the Estimates 1969-70.

On Item 10, Pensions Program, Mr. Anderson, assisted by Dr. Hodgson and Mr. Ward, answered questions posed by the Committee.

Item 10 was carried.

On Item 20, Soldiers Settlement and Veterans' Land Act Program, Messrs. Pawley and McCracken answered questions.

Item 20 was carried.

At 5:00 p.m., the Committee adjourned to Friday, April 25, 1969.

[*Text*]

FRIDAY, April 25, 1969.
(11)

The Standing Committee on Veterans Affairs met this day at 9:30 a.m. The Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Cullen, Francis, Groos, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Latulippe, Legault, Marshall, Murphy, Saltsman, Thomas (*Moncton*), Weatherhead—(13).

Witnesses: From the Department of Veterans Affairs: Dr. K. S. Ritchie, Assistant Deputy Minister and Mr. W. S. Cavanaugh, Assistant Director of Administration, Treatment Services.

The Committee resumed consideration of the Estimates 1969-70.

The Chairman called Item 15, Treatment Services Program and introduced the witnesses.

Dr. Ritchie, with the assistance of Mr. Cavanaugh answered questions posed by the members.

After discussion Item 15 and Item (1) were carried.

This completed the Estimates 1969-70 relating to the Department of Veterans Affairs.

It was *agreed* that the answer to Mr. Marshall's question at the meeting of April 23, 1969, re: Number of Welfare Officers by District be included in this day's evidence.

At 10:15 a.m., the Committee adjourned to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Wednesday, April 23, 1969.

• 1546

The Chairman: Gentlemen, we now have a quorum.

At the last meeting of the Committee we had Mr. Anderson of the Canadian Pension Commission who put a statement on the record. I indicated at that time that if we were fortunate we could have the transcript before the next meeting and have an opportunity to study it before resuming the questioning of the witness. The transcript, however, just came today. The Committees Branch is very badly overworked and have inadequate facilities. There is no question about that. What is your wish? Do you want to go ahead and question Mr. Anderson at this point, or do you want to wait until you have had a chance to study the transcript? What is the wish of members of the Committee?

Mr. Badanai: I would like to ask a question. With reference to part of a statement that was made at our last meeting, I find that one of the most common complaints arising out of patient claims is the rejection by medical boards.

The Chairman: Excuse me, Mr. Badanai. I am thinking of the procedure. Is it the wish of the Committee to proceed with further questioning of Mr. Anderson at this point?

Mr. Saltsman: If there are questions to be directed to Mr. Anderson, I would move that we proceed that way.

The Chairman: Fine, that is the wish. Mr. Badanai, you may proceed.

Mr. Badanai: What I want to establish is the policy of the department with regard to medical examination of applicants for reconsideration of claims which have been rejected. I have had several cases of a similar nature where they were either rejected by the Board of Examiners and they refused to accept an independent doctor's report on the case. Now one of the things I would like to know is the policy of the Department with regard to that. Why is it that they reject, and they do not wish to accept, a report by an independent doctor—by an applicant's own doctor, for example?

Mr. T. D. Anderson (Chairman, Canadian Pension Commission): Mr. Chairman, I am not exactly clear on the point here, but I think the question being asked is: When an individual—I want to get this clear if you do not mind—goes to his own private doctor and gets a diagnosis or gets a statement of something to the effect that this condition did arise out of service, or some such thing as that, the question as I understand it is: Why do we not accept that? Is this your point?

Mr. Badanai: No, the question is: Why do they not accept that report? Once it is rejected by the medical examiners, appointed by the Department and the applicant is not satisfied, he goes to his own doctor, and the applicant claims that the diagnosis by the established board was not correct according to his own views. Then his own doctor makes a report, but that is not considered by the Department as being valid for the claimant.

• 1550

Mr. Anderson: Well, I would first of all like to assure you, Mr. Chairman, and members of the Committee, that all medical reports that come to the Commission are always considered.

Mr. Badanai: And always rejected.

Mr. Anderson: No, not necessarily. They are frequently supported; they are not invariably rejected. Some of them are, I will agree. There is no question about that. Some of our own medical advisers' reports are not accepted entirely if they are not considered to be in line with what the other evidence appears to indicate, but it is not true that we reject every piece of medical evidence which comes to us from other than our own medical advi-

sers or, as I have mentioned, pension medical examiners; we do, quite frequently, accept such medical evidence and grant the entitlement on that basis.

Mr. Badanai: Well, it is rather strange, but my experience with several applicants is that they were turned down and no dependent medical report was considered by the Department. I have the evidence of that and I shall furnish you with it.

Mr. Anderson: That is fine. I would certainly like to have any cases of that type in order that we might look at them.

The Chairman: Are there other questions that members of the Committee want to place? Mr. Boulanger, Mr. Legault and Mr. Marshall.

Mr. Legault: I have a supplementary. Do I gather from this that a report from an independent doctor has some value in your evaluation of a case?

Mr. Anderson: Oh, yes.

Mr. Legault: Could I bring you down to this from your statement at the last meeting, Mr. Anderson, that what you did not consider was their interpretation of the Act, and that created some problems and not the medical reports that they presented.

Mr. Anderson: This is so. By statute the only persons who can interpret the Act at the moment are the Pension Commissioners so that we do not accept, without question, an interpretation of the legislation by someone outside, naturally.

Mr. Legault I just wanted to repeat your statement of the last meeting that it was the interpretation of the Act that you did not accept.

Mr. Anderson: That is right, but certainly all medical evidence which is submitted is considered by the Commission when the claim is being adjudicated.

Mr. Guay (St. Boniface): On a point of order. You just made the statement, and I am sure you did not mean it that way—I am not being smart—that only the Board could make the interpretation of the Act.

Mr. Anderson: The Act, that is right.

Mr. Guay (St. Boniface): I was going to say that I do not believe you meant it that way. I think that possibly you could give an interpretation of the Act but yours would not be as valid as theirs, because they are the final authority. But surely there are many men in your Department who could give us an interpretation of the Act. Do you understand what I mean?

Mr. Anderson: Yes. I should clear that. The Act states that the Commission shall have the last word on the question of interpretation of any section the Act.

Mr. Guay (St. Boniface): Right.

The Chairman: Now, the next person I have is Mr. Boulanger who had his hand up, followed by Mr. Marshall.

Mr. Boulanger: Thank you, Mr. Chairman. First, I am glad to be back with you again after having been in hospital for a month or so. I was away for quite some time but I am in very good health now and also I had the occasion to celebrate my 25th wedding anniversary last Saturday, so I might ask for a pension myself. That is what I was coming to. But as a veteran, I might ask for a raise in pension.

Mr. Whicher: They ought to give your wife a pension.

Mr. Boulanger: In any case, whatever happens to me I am in perfect shape right now and I am right in the mood to start fighting again.

• 1555

I do not know what was said earlier while I was away for so long as I said, but there is one thing that I never did get an answer for, Mr. Anderson, and I am still looking for one. You and your people have said you will try to improve this main complaint of veterans who are always saying that it takes time, or it is delayed for one reason or another. They are all complaining, and I still did not get an answer. I would like to know today why private enterprise could settle, let us say, in two weeks, what the committee or the Department of Veterans Affairs takes 3, 4, 5 and sometimes 6 months? You said that you were going to study that. Or was it you?

The Chairman: We are talking about applications under the Pension Commission.

Mr. Boulanger: Yes. Did you succeed in improving that? Will our veterans stop complaining to M.P.s that they do not have the

service they are looking for as far as time is concerned, or waiting for answers? Has anything been done to improve that, with staff, or whatever it is?

Mr. Anderson: Yes, Mr. Chairman. We are trying all the time to improve and speed up the process, but as you know there are a number of steps which must be gone through. There is a first application, second application, and then to appeal, and sometimes there are a number of renewal applications in between, and so on. On each occasion new evidence has to be compiled and the process does take time. Frequently we have to search for witnesses. For instance, an individual will say, "My pal who was with me at Dieppe...", or somewhere like that, "...back in 1945..." or 1944 or somewhere around that time. "...saw this." So we, or the Pensions Advocate, proceed to see if we can find his pal and get a statement from him. This may take months sometimes, but it is a question of obtaining evidence in most cases. There are tremendous delays in obtaining evidence. Of course, the farther away from the war we get, the more difficult it is to obtain this evidence. It gets more and more complicated all the time.

There are other causes, of course. Sometimes there are unavoidable delays in the actual preparation. For instance, dealing with Appeal Board claims, when the summary of evidence goes out to the individual, he is supposed to check it over and send it back with his comments as to how satisfactory it is and for any additions he wants to make. Not infrequently the applicants themselves will sit on these summaries for months and not send them back. So I could enumerate dozens of reasons for the delays.

I must also admit, of course, that there are occasional delays in our own operations. We just do not dispatch them as quickly as we should under some circumstances; but these are delays that we do certainly get after and try to correct. There are some delays that you will just never be able to get away from. The mere fact that you have several hearings to begin with is bound to result in some delay.

Mr. Boulanger: You have less hearings now than 15 years ago. There is no doubt about that.

Mr. Anderson: No, as a matter of fact we do not; there are as many claims coming in today as there were 15 years ago.

Mr. Boulanger: Now?

Mr. Anderson: Yes, right now.

Mr. Boulanger: There are as many claims?

Mr. Anderson: That is right.

Mr. Boulanger: What are the figures?

Mr. Anderson: It varies. Some years it is down and some years it is up, but on the whole it maintains a fairly steady flow at about the same rate.

Mr. Boulanger: That gives me an answer and as I said, this is the main complaint we receive...

Mr. Anderson: Yes, I realize that.

Mr. Boulanger: ...most of the time from veterans. There is not very much we can do except to ask you.

Mr. Anderson: That is correct.

Mr. Boulanger: I know now from the way you have answered that you are doing your best, but whatever you can do to improve the matter will save us answering letters and things like that.

Mr. Anderson: I can assure you, sir, we will; we will keep trying.

The Chairman: Mr. Guay.

Mr. Guay (St. Boniface): Mr. Chairman, I was not at the last meeting and I possibly do not understand really what the discussion is about. I would not want to remain quiet and possibly let it be thought that I agree with the comment that has been made pertaining to the Department. I would like to say, if I understand the comments properly, that I have been quite impressed by the service I have been getting from the Department of Veterans Affairs in all the phases of my requests to the Department while I have been here since last fall. In fact, I was going to compliment them for the excellent reports, the effective and relatively quick reports they give us, and I want to emphasize this.

Now, if I am not talking possibly of the same matter which has been mentioned, then I would like the matter identified so I will know what the problem is that we have on the floor.

The Chairman: I believe Mr. Marshall indicated he had a question.

• 1600

Mr. Marshall: Mr. Chairman, I apologize again for being too provincial but the Lord knows Newfoundland has many problems, and I just want to clarify a couple. It has to do with Pensions Advocates, Mr. Anderson. I understand there is only a part-time Pensions Advocate in Newfoundland and it appears from reports I get that he is an excellent individual, but as a part-time Advocate he cannot handle the number of cases that come up. Am I right in stating this, or what reports do you have as to cases coming from Newfoundland?

Mr. Anderson: First of all I think I had better say this. We, of course, have no control over the Pensions Advocate. There is a Chief Pensions Advocate who looks after that so it is not our responsibility to decide whether there shall be a full-time or a part-time, or one or two or three Advocates in any particular area.

What really happens when we are dealing with Appeal Board claims, which is of course the level at which the Advocates do most of the work, is that we wait until the Advocate indicates to us that there are a certain number of claims ready for hearing. For instance, we do not send somebody down to Newfoundland every day because there may be a case there. We have to wait until there are a reasonable number of cases so that we can justify the expense, but as soon as the advocate advises us that there are a certain number of claims ready for hearing, then we despatch an appeal board down there to hear the claims. I cannot say that I have any evidence to indicate that there have been any holdups in that regard as far as I am concerned. I think, perhaps, this is a question to which the Chief pension Advocate might give you a much better answer than I can.

Mr. Marshall: Am I out of order in directing the question in this regard to you?

Mr. Anderson: As I say, I cannot give you the detailed answers to the question. All I can do is express my own opinion from the point of view of the Pension Commission. As I say, it appears to have been quite satisfactory as far as we are concerned.

The Chairman: Perhaps I could just ask the Deputy Minister which point this question should be directed to in the course of the estimates concerning the Pensions Advocate.

Dr. J. S. Hodgson (Deputy Minister): Entirely as the Committee may wish, Mr. Chairman. Mr. Ward, the acting Chief Pensions Advocate is in attendance and could, I am sure, comment at this point if you wish.

The Chairman: Would the Committee like him to comment at this point? What is your wish?

Some hon. Members: Agreed.

The Chairman: All right. Mr. Ward, would you care to comment on this?

Mr. D. K. Ward (Acting Chief, Pensions Advocate): Yes. I may say at the outset that this problem is constantly under review. That is to say, we keep our eye on the volume of cases in the part-time Pensions Advocate districts that we have, but our figures show, and this is for last year, that there were only 18 appeal board claims in the whole province of Newfoundland that were handled by the veterans bureau. You will appreciate, of course, that a full-time advocate who is not kept busy is not likely to render the very best and effective service that we require from our advocates. At the present time, and as far as I can make out for the forseeable future, the volume of work in Newfoundland for the veterans bureau is such that it would not warrant the services of a full-time advocate. I may say that Mr. Morgan who is the incumbent advocate in Newfoundland at the present time is a remarkably good advocate, fully conscientious, and I have every confidence in his abilities.

Mr. Marshall: I have every confidence too, but it appears to me that the reason there are not as many applications is because there is, as I expressed the other day in Committee, a lack of communication, through nobody's fault. I think part of this is due to the fact that the Newfoundlander served under the imperial forces. What relationship is there in your Department with regard to cases which you have to go to the British pensions people for? Where do you connect up there? It would appear that after the terms of Confederation it became your responsibility. Is that right?

Mr. Ward: Our responsibility is statutory and is limited to representing those claimants who can present a claim under the Pension Act. There are some Newfoundlanders who can present claims to the British authorities.

We offer what you might call unofficial assistance in such cases until they are turned down by the British authorities or their pension is granted by the British authorities and is supplemented to Canadian rates. Then we can step into the picture officially and offer

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our full assistance. At that stage their claim would be under the Pension Act. However, while their claims are under British jurisdiction, we do not officially act as representation or advocates, but we do offer every possible unofficial assistance we can to the individual applicant.

Mr. Marshall: I wonder if I may ask if some opportune time could be taken for someone from the Pension Commission to visit legion branches in Newfoundland. I know that the Canadian Legion are doing an excellent job in making representations in their behalf, but I feel that a lof of people do not know how to apply, where to apply, and where they are justified. Is there anything that could be done to educate them in the channels and the things they have to go through to obtain a pension?

Mr. Anderson: Yes. Mr. Chairman. There are several sources of information available to them. The welfare officers, for example, are well aware of all these circumstances. As you mentioned, the Canadian Legion branches who, of course, are well versed in this sort of information are more than anxious to help where they can. The only time that members of The Canadian Pension Commission visit any of the provinces, of course, except for me and perhaps the Deputy Chairman, is when the appeal Boards go there to hear appeals.

We have never had sufficient in the way of staff to go around and to visit to any very great extent, other than just the district offices, and so on. This would, I am sure you will appreciate, require a pretty extensive staff to do what you are suggesting—visit all Legion branches, and so on, and discuss these matters with them. We are quite prepared, however, to send out any thing in the way of written information and that sort of thing through the welfare offices, through the Legion branches, through anybody. We are more than anxious to be of any assistance we can.

Mr. Marshall: I would just like to finish up and say that the welfare officers on the provincial side are overtaxed too, because there are so many welfare problems. I still feel that a lot of people are being left out through nobody's fault. I feel that you would find a lot more cases if some sort of channel could be set up on an educational basis or if these people would be found. In a lot of cases they just do not know, and they...

Mr. Anderson: Right.

Mr. Boulanger: When you say that you go with the appeal Board to, say, Newfoundland, is there a public notice to say that you are going there on appeal? Does it appear publicly that the Board will be sitting on appeal on such a date? Is it...

Mr. Anderson: Those people who are interested are, of course, notified. Yes.

Mr. Boulanger: Notified, but you have no public advertisements about it.

Mr. Anderson: No. We sit, you see, so far as Newfoundland is concerned, only in St. John's.

Mr. Boulanger: On particular cases?

Mr. Anderson: That is right, sir; yes.

Mr. Marshall: I presume that the applicants are allotted on the basis of workload? Would that be correct? I compare for example, Nova Scotia which has two-full time advocates, New Brunswick which has one full-time, and a little place like North Bay which has a full time advocate. Would this be because of the workload?

Mr. Anderson: That is right, sir. That is right. That is the basis on which they are allocated.

Mr. Marshall: So if we could find the work it would warrant putting on a full-time man. Thank you, Mr. Chairman.

The Chairman: Mr. Knowles, I believe, has indicated that he has a question.

Mr. Knowles (Norfolk-Haldimand): Thank you, Mr. Chairman. This might be considered supplementary to one of the earlier questions in the matter of the veteran trying to obtain satisfaction where there is a dispute. How far has the Department gone towards implementing one of the recommendations of the Woods Report in setting up an independent tribunal, separated from the present pension board, to act as a referee in these cases?

The Chairman: The Woods Committee Report will be the subject of a separate

investigation by this Committee. Our Item at the moment is the Estimates and I hope that the Committee would not go over too far in that direction. By the same token, Mr. Anderson did make some remarks in the record of the last meeting. I do not know how far he wants to comment on that question at this point.

Mr. Anderson: I would just say, sir, that it is a legislative matter which will have to be dealt with by the legislature.

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Mr. Knowles (Norfolk-Haldimand): Has it been recommended to the Deputy Minister and to the Deputy Minister's Minister?

The Chairman: No, Mr. Knowles. We will have the White Paper. We will have a thorough investigation on this aspect of the Woods Committee recommendation.

Mr. Knowles (Norfolk-Haldimand): Thank you, Mr. Chairman.

The Chairman: Mr. Guay had his hand up.

Mr. Guay (St. Boniface): It was in reference to a previous speaker, the one before the previous speaker, who spoke with regard to certain applications and the manner in which you dealt with them, and with regard to your meetings. Could you tell us, Mr. Anderson, how many meetings you held last year with the Board and how many actual days they were sitting in total?

Mr. Anderson: Appeal board sessions?

Mr. Guay (St. Boniface): Across Canada. While you are looking it up, you might as well tell us the total number of applications that you dealt with.

Mr. Anderson: No, it is not here. Oh, yes, here we are. What page is that?

Applications for disability and dependants pensions considered by the Canadian Pension Commission in 1967-68: World War I, 5,532; World War II, 23,254; Special Force—that is the Korean people and so on, 642; Regular force, 2,982; and a total of 32,410. These are just at the first and second hearing levels or the initial and renewal hearing levels. Appeal boards: 1967-68, 1,060—a total of 1,060 across Canada. That, incidentally, is . . .

Mr. Guay (St. Boniface): Perhaps I have a wrong impression here which possibly should be clarified. Do you mean to tell me that the Pension Board reviewed all those totals that you have just mentioned in one year?

Mr. Anderson: That is right, sir.

Mr. Guay (St. Boniface): You mentioned two years there, I presume . . .

Mr. Anderson: Well, it is the year 1967-68.

Mr. Guay (St. Boniface): The fiscal year, you mean?

Mr. Anderson: The fiscal year, yes.

Mr. Guay (St. Boniface): It is one year spread over parts of two calendar years.

Mr. Anderson: Yes. This is at Commission level. As I say, first and second hearings and at appeals—32,000 claims were dealt with at Commission level.

Mr. Guay (St. Boniface): How about the Appeal Board then?

Mr. Anderson: 1,060 were dealt with at Appeal Board level.

Mr. Guay (St. Boniface): How many meetings would be involved in your 1,060 applications?

Mr. Anderson: This would be hard to say. We generally deal with four or five at a hearing—at each sitting.

Mr. Guay (St. Boniface): Thank you, Mr. Chairman.

The Chairman: Are there any further questions members wanted to ask Mr. Anderson at this point?

May I remind the members of the Committee of the new format of the Estimates. We are dealing with the pensions program at pages 20, 21, 22, 23, 24 and 25 of this booklet form of the Estimates. Please note that the Votes are not in the same number as in the old format of the Estimates. We are calling them on the new format.

Vote 10, of the new format on page 20 of this booklet.

Pensions Program

Vote 10—Expenses of the Program including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; Newfoundland Special Awards;

Burial Grants; and Gallantry Awards World War II and Special Force)—$223,785,000

Shall this Vote carry?

Some hon. Members: Carried.

Item agreed to.

The Chairman: Pages 22, 23, 24 and 25 are further amplifications. Shall these items carry?

Some hon. Members: Carried.

The Chairman: Thank you, Mr. Anderson. I think this is all that we have at this point.

With the permission of the Committee, I believe Mr. Pawley of the Soldier Settlement and Veterans Land Act program is here and I think there might be some reasons why it would be more convenient for everyone concerned if we were to deal with that item ahead of the treatment services. Is there any objection if we do that?

Some hon. Members: No, Mr. Chairman.

The Chairman: This is page 32 of the format dealing with Soldier Settlement and VLA Program Vote 20, pages 32, 33, 34, 35 and 36.

Soldier Settlement and Veterans' Land Act Program

Vote 20—Expenses of the Program; upkeep of property, eVterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property, taxes, insurance and maintenance of public utilities; and to authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible, and for such other work on other properties as may be required to protect the interest of the Director therein and Grants.—$5,655,000

Mr. Pawley, could you come forward, please?

Mr. Guay (St. Boniface): Are you going to take those now?

The Chairman: Yes, we are dealing with pages 32 and those following under the new format.

Mr. Guay (St. Boniface): I have it.

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The Chairman: At the end of the proceedings, I intend to go through on the old format to make sure that there is no misunderstanding and that nothing has been omitted, but we are starting on page 32 of the new format. Mr. Pawley, did you want to make any opening remarks?

Mr. R. W. Pawley (Director General, Soldier Settlement and VLA Branch): Well. Mr. Chairman, not too extensive. I would, however, like to make a few corrections or clarify some of the statements made last week. I will take only a very few minutes on this.

As far as minimum acreage is concerned under the part-time farming provisions or small holdings as they are normally called, right after World War II there was not a stipulated size but at that time, and in accordance with the intent of the Act, half-acre lots seemed to be the pattern, and as a consequence of this, there were some 2,500 or 2,800 half-acre lots developed in subdivisions across Canada.

As a result of this rather popular piece of legislation for veterans, it was visualized in 1946 or thereabouts that cities were virtually being ringed with half-acre parcels of land and at that time planning boards and an orderly land use program were not in existence. As a consequence, and in order to force these small holders farther out into rural areas, in 1946 the minimum acreage was changed to two acres. At the time, under two acres, the Director was given 20 per cent discretion. In other words, he could purchase a lot 20 per cent less than two acres, 1.6 acres, if there was no other land available.

In 1961 the half-acre minimum, which was the pattern initially, was established. In 1967, the Director was given a 20 per cent discretion to a half acre and he can go down to 17,434 square feet if no other land is available. At the same time in 1967 it was decided that those people who had a health problem equating with a 50 per cent pension could be established on something less than a half-acre of land.

It was the policy and the practice right from inception to establish war disability pensioners who were in receipt of a pension in excess of 50 per cent on something less

than a half-acre. I would prefer to skate around this subject. There are a few more features that I would like to discuss very briefly as they relate to the Act.

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Initially the Veterans Land Act, the successor to the Soldiers Settlement Act, was drafted to assist veterans who wanted to go into farming. The part-time farming or the small holding was an afterthought and actually grew out of the depression of the thirties. People, at that time, found they could survive better by growing their own food for the table. So part-time farming or small holding, in effect, was really an afterthought. Right from the start and through the years the administration has tried to cling to the intent of the Act, that is, agricultural purposes.

One of the problems here is that this phase of our operation—small holdings—has been particularly popular with veterans but not too popular with municipalities because of the same problems that existed in 1946. Compared to that time, planning and land use around urban towns, villages, and even in rural areas is currently controlled to a much greater extent. I think that the Minister made a statement that the Veterans' Land Act was never intended to be housing legislation. Possibly over the years this point has been completely lost; and currently, because of housing problems, many veterans are looking ot VLA to provide solutions. In support of this statement, let me remind you that out of the one million veterans of World War II and those in the Korean forces, slightly more than 10 per cent have been assisted under the provisions of the Act. In a survey in Ontario covering all the properties that were purchased by us in 1968, 52 per cent were over .6 acres, while 18 per cent were ten acres or more.

A feature in the Act itself permits pensioners, disability pensioners, and those who are ill to the extent of a 50 per cent disability pension, and the number in this category established in 1968 was 9 per cent. So it can, I think, be stated, with a fair degree of confidence, that we are really clinging to the original agriculture intent of the Act. Last year, 1968-69, we made a total of 7,122 loans compared with 9,900 loans the previous fiscal year. The value of the loans approved, that is the 7,122, amounted to $81,144,000. Now, the actual expenditure in this connection was $70,500,000.

Mr. Bigg: Was that fresh money there?

Mr. Pawley: No, this is actual money that was expended for loans.

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The Chairman: These would be commitments for new loans?

Mr. Pawley: No, the commitment for the new loans amounted to $81,144,000.

Mr. Badanai: Do you have the breakdown by province?

The Chairman: Excuse me, just before we leave this, Mr. Pawley has indicated the commitment for new loans and an actual expenditure under that commitment amounting to something less than the total commitment. Is that right?

Mr. Pawley: That is right.

The Chairman: So there is no misunderstanding of that. Fine. Now, the question is about the provincial breakdown. Is that available Mr. Pawley?

Mr. Pawley: Mr. McCracken, I think, will be able to give that to us.

Mr. A. D. McCracken (Director, Administration and Finance, VLA Branch, Department of Veterans Affairs): This is with regard to the value of loans approved in 1968-69. In British Columbia $15,190,000, in Alberta $7,859,000, in Saskatchewan $8,882,000, in Manitoba $5,541,000, in Ontario $30,517,000, in Quebec $3,562,000, Atlantic $9,589,000 for a total of $81,144,000.

The Chairman: That answers your question Mr. Badanai?

Mr. Whicher: Could I ask a question?

The Chairman: Mr. Whicher.

Mr. Whicher: I am sorry. I know I have just missed this point, but you said that it was $81,144,000 and the actual expenditure was...

The Chairman: That was a commitment for new loans, I understand. It was $81.1 million.

Mr. Whicher: You used that much money for new loans?

Mr. Pawley: No, we committed that much money for new loans. Funds, Mr. Chairman, are committed this year, but because there is

house-construction involved or we do not get title to the property before the end of the fiscal year we have to carry over that unspent money into the next fiscal year. Hence the difference between the two amounts. In one given year we actually spend about 80 per cent of the amount of loans that are approved in that year.

Mr. Whicher: Yes, but you used all that you had.

Mr. Pawley: That is right. We used all we had in this particular circumstance.

Mr. Marshall: Mr. McCracken, could I get a breakdown of the Atlantic provinces? When you have the time, would you send it to me?

Mr. McCracken: I can send it to you. I am afraid that I do not have it here.

Mr. Marshall: Thank you.

The Chairman: Are there further questions? Mr. Knowles.

Mr. Knowles (Norfolk-Haldimand): Just one point. I wonder if the amount of money that you have available bears any relationship to the fact that the Department has not seen fit to go into the small lot, the housing lot type of thing for veterans? Would that be related to the amount of money that you have? Would there just not be money enough to handle all of them? Would that be part of the reason?

Mr. Pawley: It has been estimated that to reduce the acreage to the size of a city-size lot would require the government to put up at least $1 billion in loan funds—or possibly $1.5 billion. This is not too sophisticated an estimate, but it is pretty close.

Mr. Knowles (Norfolk-Haldimand): So in reality this was, perhaps, the prime reason why the VLA could not go into this house-and-lot type of housing?

Mr. Pawley: I think that it is a reason.

Mr. Knowles (Norfolk-Haldimand): Yes, but it was not designed for that, I understand.

Mr. Pawley: No, this is it basically; and probably hindsight is much better. Maybe there should have been a housing provision in 1942 for veterans. I do not know.

Mr. Knowles (Norfolk-Haldimand): Arising out of that, since the time for making new applications expired last October, you know now exactly how many applications will have to be processed. Would it be possible now, from here on in to grant loans for huosing lot settlements of veterans?

Mr. Pawley: Well, the $1.5 billion was based on the number of those who are qualified to participate in the benefits of the Act now.

Mr. Knowles (Norfolk-Haldimand): As of now?

Mr. Pawley: Yes.

Mr. Knowles (Norfolk-Haldimand): Yes. I see.

Mr. Pawley: 158,000—somewhere in that vicinity.

Mr. Knowles (Norfolk-Haldimand): So, from the point of view of costs, this is just not feasible—is that the idea? Unless we can convince the government we should pry loose this much money—is that it?

The Chairman: Mr. Weatherhead.

Mr. Weatherhead: Thank you Mr. Chairman. Mr. Pawley, I believe the date for closing off the applications was October 31 last. Is that correct?

Mr. Pawley: For qualifications, yes.

Mr. Weatherhead: About how many applications have come to you since that time, sir?

Mr. Pawley: Between 500 and 600.

Mr. Weatherhead: Is consideration being given to dealing with these applications in some way?

Mr. Pawley: Some of these have been approved because they had made application before and they had forgotten about it; but we had not. Others we can do nothing about.

Mr. McCracken: There are 500 in the category that the Act does not permit us to do anything about, because the Act is specific in saying that the veterans had to be qualified as of October 31, 1968. This is the 500 to which I am referring.

Mr. Weatherhead: Mr. Chairman, acts can always be changed if necessary, and that is for us to do, not for the officials to comment on. Are there still applications coming in, Mr. Pawley?

Mr. Pawley: I do not think we have received any for some time now, although I had a phone call two weeks ago from a lady in Ottawa, saying that she had not realized that the deadline had passed.

Mr. Guay (St. Boniface): If I may interject, Mr. Chairman, I phoned your Department and they did not even know that it had been advertised. I am sure we will still get some of those.

The Chairman: Mr. Bigg?

Mr. Bigg: Is the deadline the same for crippled veterans, say for 100 per cent pension, or are they bound by the same...

Mr. Pawley: No, it is the same for everyone.

Mr. Weatherhead: Mr. Chairman, if I might continue, as far as applications for actual loans for this year are concerned, do we have enough money at the present time still to fill applications for this year, or are we working on...

Mr. Pawley: We are operating at the present time with no guidelines. In other words, we are approving loans now without any limitations.

Mr. Weatherhead: Therefore, if a veteran applies at the present time in April, 1969, he could, if qualified, obtain a loan later on this year. Is that right?

Mr. Pawley: Providing, of course, he meets all the terms of the Act. I see no problem.

Mr. Weatherhead: Last year I believe you had quite a backlog of applications, did you not, for immediate loans?

Mr. Pawley: Yes. We had actually deferred 1,400 loans from last year to this fiscal year. We started to process these in January and I think that the majority of them are now processed.

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Mr. Weatherhead: And there is no backlog at the present time for present applications?

Mr. Pawley: Outside of the normal backlog of those that are in the mill. Now, there might be some of these others, because we always have difficulty in getting good title and if title problems develop. As a consequence, some may be delayed.

Mr. Weatherhead: Thank you, Mr. Chairman.

The Chairman: Mr. Whicher.

Mr. Whicher: Mr. Pawley, I want to ask you about Indians living on Indian reservations. Some years ago when the maximum loan was $6,000, because of the fact that you could not take a mortgage on Indian property, you gave them a grant of the total amount, namely $2,320, for their homes or whatever it might be. This was an outright grant. What do you do with an application by an Indian citizen now?

Mr. Pawley: We approve them. We still continue to give them a grant.

Mr. Whicher: What is the maximum now that he would get?

Mr. Pawley: It is $2,320. The same as it always has been.

Mr. Whicher: You see why I ask you this. Is the total benefit, that is, the total of what we might describe as free money, no matter how large the loan may be, is the total free money $2,320 now?

Mr. Pawley: Well, the $2,320 is an outright grant.

Mr. Whicher: Yes.

Mr. Pawley: If they get a grant under the Act for purposes of whatever they are going to do on the reserve, whether this be housing, or farming, or whatever the case may be, this is the total amount that they can obtain from the Veterans Land Administration.

Mr. Whicher: Just one more question. Suppose that I went under the VLA now for the highest amount a veteran could borrow under this Act, is $2,320 the maximum grant that I would receive?

Mr. Pawley: Yes, if you were an Indian.

Mr. Whicher: I want to know what it is.

Mr. Pawley: I am sorry. I must correct that. I just could not let that opportunity go by.

Mr. Whicher: I have been described as such and I do not mind it.

Mr. Pawley: I would like to correct that and I apologize.

Mr. Whicher: Do not apologize. I consider that a compliment.

Mr. Pawley: The $2,320 not only applies to Indians who are established on a reserve, but it also applies to others who want to homestead in the Yukon, in the Northwest Territories, or under the provincial land schemes of any province. The $2,320 is the maximum grant.

Mr. Bigg: Could an Indian qualify normally apart from this type of loan, or do you insist on giving him a grant? Could he take an ordinary VLA farm?

Mr. Pawley: Yes. If he takes a $2,320 grant and during the course of the 10 year period, or sooner, in certain circumstances, he earns that grant, then he has had all the assistance that is available. But he may repay that grant at the interest rate prescribed and come under the Act.

Mr. Bigg: He could then take a farm later.

Mr. Pawley: Yes, but there is very little advantage to this at the current time, because the interest rate now is nearly the same as he could get under the Farm Credit Corporation.

The Chairman: I have a number of other members who wish to ask questions. There is Mr. LeBlanc, Mr. Knowles, Mr. Boulanger and Mr. Emard. Mr. LeBlanc.

Mr. LeBlanc (Rimouski): In your breakdown by provinces you said, if I understood correctly, that Ontario receives about $30 million and Quebec about $3,562,000. Could you explain this great difference between the two provinces?

Mr. Pawley: I think we provided information last year to answer that. I think it simply boils down to the fact that the business is less and there are fewer veterans in Quebec. His-

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torically this has been the case. Percentage-wise, whether this is as great a percentage in the province of Quebec as in other provinces, I would not be prepared to say, I think perhaps it is a little lower.

You do have some problems in the province of Quebec in that your prime settlement area is south of the St. Lawrence River, except in the odd isolated case. I think probably this and many other things—probably the hon. gentleman can add to that, because I answered this question for him last year and if I remember correctly I think I did provide you with some statistics.

Mr. Bigg: Is it not the fact that northern Ontario is still a pioneer country? People are leaving the farms in Quebec and in northern Ontario they are still going to the land. At least they have been since the war.

Mr. Pawley: I think our settlement in northern Ontario is probably a little scanty in the most northerly parts, but I do not think the same situation applies to Northern Ontario as it does to the Province of Quebec.

The Chairman: Mr. LeBlanc.

Mr. LeBlanc (Rimouski): I will speak in French because it is easier for me.

[*Interpretation*]

If I understood well, veterans that have requested a loan before October 31st, 1968, and signed all their forms before that date, borrowed money at the former rate of interest. Am I right?

[*English*]

Mr. Pawley: This is not quite correct. The October 31 deadline applied to what we call being qualified to participate in the benefits of the Act. In other words, these people have established their eligibility. The applications they made were not applications for financial assistance. This comes later when they have located a property, and they have until March 31, 1974 to make that application for financial assistance provided they have been qualified.

The Chairman: Mr. LeBlanc.

[*Interpretation*]

Mr. LeBlanc (Rimouski): On what date was the new 7¾ per cent rate enforced?

[*English*]

The Chairman: On what date did the new interest rate take effect?

Mr. Pawley: February 26. It went up to 7 ¾ per cent and on April 1 it went up to 8 per cent.

[*Interpretation*]

Mr. LeBlanc (Rimouski): Finally, is it possible that the capital funds were exhausted during the month of August of last year?

[*English*]

The Chairman: Mr. Pawley, were the revolving funds exhausted at some time about the month of August of last year?

Mr. Pawley: Yes, about the month of August.

The Chairman: Mr. LeBlanc.

Mr. LeBlanc (Rimouski): Thank you.

Mr. Pawley: No, I am sorry, I think I had better correct that. We still have funds in the revolving fund. The amount of money that had been approved for loans last year was exhausted in August.

Mr. LeBlanc (Rimouski): Thank you.

The Chairman: To clarify the record, Mr. Pawley, there will always be cash coming back from the repayment of previous loans. It is a question of the flow, is it not?

Mr. Pawley: That is right, Mr. Chairman.

Mr. Guay (St. Boniface): It is a revolving fund.

Mr. Pawley: Yes, a revolving fund. We spend the revenue before we get it, but we make sure we do not overspend.

The Chairman: Mr. Knowles is the next one on my list of questioners.

Mr. Knowles (Norfolk-Haldimand): Perhaps I am labouring this point, Mr. Chairman, but you mentioned a figure of something over a billion dollars if we were able to settle the veterans who wanted the city lot holdings. When you mentioned the estimate of over $1 billion, would that take into consideration their value at an average of so much per farm? Was this the way you arrived at that?

Mr. Pawley: No. To give it a bit more exactly, out of the 158,000, if they were all established as small holders, the maximum amount of money that the government would advance for each case is $15,000. When you multiply this it comes to $1.37 billion.

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Mr. Knowles (Norfolk-Haldimand): Of that number of applicants perhaps not all of them would want small holdings. They might want farms, and in that case it would be even more per veteran I suppose, would it not?

Mr. Pawley: Yes, this is true, although we are not too concerned about the farms, Mr. Chairman. I think we have made adequate provision to deal with farm loans regardless of what comes, but this is controlled by the average age of farmers, which is now well over 50, and as a consequence their days of borrowing large sums of money are almost past.

Mr. Knowles (Norfolk-Haldimand): One other question. I imagine I am not peculiar to any other member here. I imagine they are all getting requests from veterans to find out whether something could be done to admit the use of VLA funds for city lots. What is the feeling of the Department? Is there any use pursuing this at all? Could we as legislators...

The Chairman: I really think, Mr. Knowles, it is not fair to ask a civil servant this question.

Mr. Knowles (Norfolk-Haldimand): Yes, I know, I have put him on the spot. That is our job.

The Chairman: Mr. Thomas.

Mr. Thomas (Moncton): A supplementary question, Mr. Chairman. The thought just struck me that when this came up last fall, you had how many applications, 1,500 or 1,-488? How many have qualified and been certified eligible for a loan?

Mr. Pawley: One hundred and fifty-eight thousand.

Mr. Thomas (Moncton): One hundred and fifty-eight thousand. At that time you estimated that only a certain percentage of those would ever actually carry through with an application for a loan. Would this then not reduce your figure? It might be half of that.

Mr. Pawley: This is in relation to half an acre. I am assuming that of this 158,000, if the rules of the game were changed and you could become established on a small city lot, everybody who has a mortgage would want to come under these provisions. On that basis, with a favourable rate of interest that does exist, I do not think there would be any doubt about it that 100,000 would want to be established, or more.

Mr. Thomas (Moncton): One hundred thousand, so then your figure, instead of being a billion dollars would be maybe. .

Mr. Pawley: It might be a little less.

Mr. Thomas (Moncton): There is quite a difference between 100,000 and 158,000. It is only two-thirds.

The Chairman: I think there is an indication of the order of magnitude of the sums involved.

Mr. Thomas (Moncton): It is all hypothetical.

Mr. Pawley: I would like to make a correction of that. Mr. McCracken, says his arithmetic is not too good. It is $2.37 billion.

Mr. Thomas (Moncton): A billion may be right then. Thank you.

The Chairman: I have two more members who have indicated they have questions, Mr. Boulanger and Mr. Émard. Mr. Boulanger.

Mr. Boulanger: Mr. Chairman, I am talking about the future and you know you will have to be prepared, I suppose. There is a survey going on in the United States about this new way of living, buying apartments. You must have heard by now that there will probably be serious talk about...

Mr. Pawley: You mean condominiums?

Mr. Boulanger: ... buying an apartment of two and a half rooms and things such as this.

Mr. Pawley: You are talking of a condominium.

The Chairman: I believe the word, Mr. Boulanger, is condominium—to purchase a unit in an apartment block.

Mr. Boulanger: Yes. I am interested in our future and you may have to gather information about it. I was at a public meeting at the Canadian Legion in Montreal East a few weeks ago, and it seems that there are many people who would go for the idea of buying apartments of two or three rooms on a $6,000, $8,000 or $10,000 basis, and people seem to think that it will be the new way of living for older men. Have you started any research on that? Have you had any requests about it? Have people asked you about that?

Mr. Pawley: Of course, we are familiar with it and some representations have been made, but it is even further beyond the intent of the Act than a small city lot. I would hazard a pretty good guess that our Act would never be used for that purpose.

• 1650

Mr. Boulanger: As it is now?

Mr. Pawley: As it is now.

The Chairman: Mr. Émard.

Mr. Boulanger: I would like to say more about that and maybe I am not in order, or maybe it is too late. This is definitely coming and we will have to start taking about making a study of it. At that meeting we were talking about, a veteran would now be able to buy an apartment of two and a half rooms for him and his wife for $6,000. This will be coming soon, and I suppose the government will have to do something about it.

Mr. Pawley: I do not want it to be construed that I am critical of this particular scheme. I think it is a very good approach. But this is housing, and the provisions of the housing act are administered under the National Housing Act. Veterans becoming established today can make the same kind of decisions as those 900,000 veterans who did not come under the VLA, but went out and paid the going rate of interest for their housing accommodation under the National Housing Act or from some other source of mortgages.

The Chairman: Mr. Boulanger.

Mr. Boulanger: Perhaps your Department would consider it if you had a two-acre parking lot?

The Chairman: Have you any other questions?

[*Interpretation*]

Mr. Émard: Mr. Chairman, Mr. Pawley said earlier that approximately 1,400 applications had been deferred last year for reasons I am not aware of.

What will become of these 1,400 applications if one considers that, as you told Mr. LeBlanc, the maximum rate of interest of 5 per cent has been raised to 7 or 8 per cent. I would like to know, with regard to those 1,400 applications that have been deferred, whether a veteran who wanted to build last year, but builds this year, will benefit from the former 5 per cent interest rate of will have to pay the new rate of interest?

[*English*]

The Chairman: Mr. Pawley.

Mr. Pawley: Yes; if these veterans had a deferred loan and this deferred loan applied to a specific property and had received the approval of the director through his regional officials, then the former rate of interest would apply.

[*Interpretation*]

Mr. Émard: But what happens in the case where the Department of Veterans Affairs has told veterans that their application would be taken into consideration, but that nothing would be done this year, and that they would have to wait till next year?

[*English*]

Mr. Pawley: I am sorry. This does not ring true, sir. We have some cases in the deferred category which, in effect, were not approved before the deadline or before the interest increased, which was February 26. For example, if we got an application from a veteran, let us say February 20, and had to process that application, appraise the property, and so on, it would be physically impossible for us to have this approved by February 26. There have been some veterans caught in this kind of squeeze and, naturally, they are not

• 1655

very happy about it. We are trying to deal with this problem and, I have to admit, we do have a bit of a problem in this area. But the 1,400, to the best of my knowledge, are all clear.

[*Interpretation*]

Mr. Émard: There is another question which puzzles me. I am under the impression that legislation in order to abolish this maximum of 5 per cent was passed around January or February.

The Chairman: Yes, approximately.

Mr. Émard: ...and apparently it seems to be retroactive to the preceding month of September.

[*English*]

Mr. Pawley: No, this is not right sir. It is not retroactive unless the application was for some reason or other not approved. If it was approved before the February 26, then this man goes on the old interest rates. But if it was not approved until after the February 26, then he must go on the new interest rate.

The Chairman: Mr. Pawley, to clarify, would there not be a number of people who were qualified as of the cut off date last year but did not have specific applications approved?

Mr. Pawley: Oh, yes, this is right.

The Chairman: And is this not the problem that Mr. Émard is talking about. You are saying that everyone that had a specific application approved went under the old interest rate up to and including February 26. But even though a person might be qualified without a specific approval after that date, he would have to go on the new rate. Is that right?

Mr. Pawley: There was some misunderstanding in a letter that went out. I think this letter had gone to quite a number of veterans. We found out about it and were able to correct it. I think that in every one of these cases, sir, we did correct. To the best of my knowledge we have the problem solved in the Province of Quebec. If there are single isolated cases. I would be pleased to hear about them, but we cannot promise anything because we cannot break the law. However, we are prepared to do whatever we can about it.

The Chairman: Mr. Émard?

[*Interpretation*]

Mr. Émard: A veteran who borrows $15,-200, i.e. the maximum loan allowed, refunds, over a 25-year period at the old 5 per cent rate of interest, approximately $77 a month.

Over a 25-year period, what would be the amount refundable each month at the present rate of interest, on a loan of the same size?

[*English*]

Mr. Pawley: The repayable amount is $14,-000. This is the maximum that a veteran established under the Act pays back. Over a 30-year period it is $90.32 a month, not including taxes. Previously, this was $70.85 a month.

[*Interpretation*]

Mr. Émard: And over a period of 25 years, now?

I would like to know what would be the amount refundable for a loan of that size, over a 25-year period rather than a 30-year period.

[*English*]

Mr. Pawley: We have not got the exact figures, sir. It would be about a fifth more.

The Chairman: Could you undertake for the next meeting of the Committee to have an answer to Mr. Émard's question?

Mr. Pawley: Yes.

[*Interpretation*]

Mr. Émard: I have been told that the repayment of an amortized loan over a 25-

year period was, according to the former interest rate, approximately $77 a month, and according to the new rate, approximately $109 a month.

[*English*]

The Chairman: Mr. Émard suggests that on a straight 25-year amortization period on a maximum loan under the old arrangement it is about $77 a month. Now it is about $109, he thinks. He would like to know if this is so.

• 1700

Mr. Pawley: I think we will have to give you those exact figures. I might say that we do not really write too many over 25 years unless it is requested.

The Chairman: But this is on a 25 year amortization.

Mr. McCracken: This is on a 25 year basis, but it is not above $100 a month.

Mr. Pawley: We will get it.

The Chairman: The witness will have a specific answer to your question, Mr. Émard, at the next meeting. Now are there any other questions?

Mr. Bigg: What is the rate now?

Mr. Pawley: 8 per cent.

The Chairman: Are there other questions? If not, I wonder if we could carry the item dealing with VLA? This is under the format Vote 20 on pages 32, 33, 34, 35 and 36 in the new format of the estimates.

Item agreed to.

The Chairman: It is now 5 o'clock. The next meeting of the Committee is called for Friday morning at 9.30 in Room 308. The notices will go out in the usual fashion.

I would like to thank Mr. Pawley, Mr. Anderson, Mr. Hodgson, Mr. McCracken and others who have appeared today. Thank you.

Friday, April 25, 1969

• 0936

The Chairman: Is there any objection to seeing a quorum at this point so that we may hear one of the witnesses? There are other members that will be here but a number of us are going to have to leave at 1025 this morning, so with your permission I would like to see a quorum.

The first item today is the Treatment Services program of the Department and we have Doctor Ritchie with us. I think we should first congratulate Dr. Ritchie. He is now an Assistant Deputy Minister in the Department and has been promoted since last adjournment. Dr. Ritchie, is there any comment you would like to make or do you want to invite questions from the members?

Dr. K. S. Ritchie (Aassistant Deputy Minister, Department of Veterans Affairs): Mr. Chairman, in view of the fact that there has not been any change in the organization or the administration of the treatment services since the Committee met last October, I feel that we should proceed direct to questioning if this is satisfactory to you. I have a prepared statement, but I do not think it would contribute anything at this time.

The Chairman: We are dealing with the Estimates for the Treatment Services program. We are using the new format of the Estimates for the benefit of the members who have just joined the Committee. We are dealing with pages 26, 27, 28, 29, 30, and 31 on the format and Vote 15 on the new format. On the old format of the Estimates the votes are numbered differently. Are there any questions that any member of the Committee would like to ask Dr. Ritchie at this point on the Treatment Services program of the Department? Yes, Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, a few months ago when we were discussing the provisious years' Estimates I was asking Dr. Ritchie some questions on Sunnybrook Hospital in Toronto and just how the situation was after the transfer of its administration to, I believe, the University of Toronto. Dr. Ritchie, I was wondering now whether you have anything further to report of how conditions are there, whether you received any complaints recently from the Legion or others with respect to this or just the situation in general?

Dr. Ritchie: As you say, we have been trying to keep a pretty close observation on Sunnybrook because this was the first hospital to be transferred to another authority. During the last year, we have followed both the admission of patients and the quality of care

that is being given under the administration of the University of Toronto as a teaching hospital. We have been quite satisfied with the way in which the veterans are being treated. It is true, there have been some criticisms of the treatment that is being afforded to veterans in the area, but these are not any greater than they are in any hospital that is under the direct supervision of the Department, so that we do not feel there is any condition to be concerned about at the present time. In the agreement, there was provision made for the construction of a new wing.

• 0940

This has not been planned or started up to the present time. I was in Toronto discussing the plans for the future during the early part of this month. Everything seems to be proceeding quite satisfactorily from our point of view.

Mr. Weatherhead: Mr. Chairman, Dr. Ritchie mentioned that there were no greater criticisms at Sunnybrook than in some other hospitals still directly under the Veterans' administration. What would some of these main criticisms be, Dr. Ritchie?

Dr. Ritchie: Mr. Chairman, one of the criticisms, of course, was the non-admission of entitled veterans. This is a question of whether or not the veteran is really entitled to admission. This question arises in most of our institutions when a veteran reports to the institution desiring admission, is not qualified, and is turned away and referred back to his own private practitioner. We have had criticisms about the standard of meal service and this we have in all our institutions but, when you consider that the staff for the most part is the same staff that was there when we were operating the institution, with the normal attrition and replacement going on I think the standard has been maintained pretty well. If anything, I would say that it has been improved. We probably have a better witness on the Committee than myself because the Legion and a member of the Committee have visited Sunnybrook Hospital to see just how things were.

Mr. Weatherhead: Mr. Chairman, Mr. Ritchie mentioned an agreement with respect to a proposed new wing at Sunnybrook Hospital. I wonder if he could give us more particulars about this new wing, what it will be for, who will be paying for it, and this sort of thing?

Dr. Ritchie: The agreement calls for the construction of a 400-bed wing for chronic and domiciliary care patients. The federal government will assume the full cost of constructing and equipping this wing under the terms of the agreement.

Mr. Weatherhead: Mr. Chairman, this wing will be just for veterans, will it?

Dr. Ritchie: It is a wing for chronic and domiciliary care patients and the Department holds a priority for use of beds for this purpose within the institution. There is a total of 570 beds for this purpose.

Mr. Weatherhead: I thought, Mr. Chairman, that there were a number of beds vacant at Sunnybrook at the present time. Is that the case and, if so, why would a new wing be considered?

Dr. Ritchie: There are beds vacant at Sunnybrook as you have stated. There are beds vacant in all institutions. The question of whether or not one should construct this new wing is one which we have in hand at the present time because our experience in the past two years has indicated that there is a somewhat fewer number of patients being admitted than we had forecast.

Mr. Weatherhead: So, there has been no final decision about the wing . . .

Dr. Ritchie: No; no decision has been reached because we have not yet determined what the continuing load of the Department will be. Also, they have not been able to determine locally, through the university and the Ontario Hospital Services Commission, the size of a hospital that they will be authorized to construct. These are matters which are being dealt with at the provincial and the university levels at the present time.

Mr. Weatherhead: Thank you, Mr. Chairman.

The Chairman: Are these items for construction in the present estimates, Dr. Ritchie?

Dr. Ritchie: Yes.

The Chairman: Mr. Groos indicated that he wanted to ask some questions.

Mr. Groos: Well, I wanted to say, Mr. Chairman, that because of my interest in veterans' hospitals I made a visit to Sunnybrook

Hospital with officials of the Dominion Command and Ontario Command of the Royal

• 0945

Canadian Legion. I was anxious to see how the transfer was going and whether there were any lessons to be learned in the event of future transfers at other hospitals. The remarks that Dr. Ritchie made just now I can substantiate. One of the main problems seemed to be that the domiciliary wing had not yet been built. I think our feeling and when I say ours, I am speaking for myself and I believe I also speak for the Royal Canadian Legion representatives who were there—was that in the event of any future transfer perhaps it might be advisable not to make the final transfer effective until such time as those domiciliary beds had actually been made available or constructed.

The other point, the one that Dr. Ritchie mentioned, Mr. Chairman, was the admission or admissibility for admission of patients who arrive at the hospital on a recommendation of their own doctor. There was some question in our minds of whether or not the method of operating the entry was as good as it could be, in that maybe papers were not available for the patients at the time to prove the admissibility. Depending upon the time of day the person arrived, there might not be sufficient staff to make a proper decision of whether he was admissible or not. I think our feeling was that if there were any doubt about it the person should be admitted until such time as he could be given a proper test of admissibility.

I would like to go on and say that I was very struck by the upgrading that had been done in parts of the hospital and the general atmosphere that prevailed in those parts compared with the atmosphere that has prevailed in those parts of the hospital which had yet to be done. I was very much impressed with the change in spirit and atmosphere of the staff and the patients. The mixing of the veterans with civilian patients seemed to me to be a good thing. I am not qualified to comment on the standard of care, but it would seem to be above reproach.

Concerning those two points, in the event of any future transfers any promises should be fulfilled before the final signature is made. Second, the point of admissibility of patients might bear further looking into.

The Chairman: Any comments, Dr. Ritchie?

Dr. Ritchie: Mr. Chairman, I would like to comment particularly on the question of the admissibility of patients. This has been of concern to us and was one of the subjects that we discussed with the Medical Advisory Committee and members of the Trustees of the hospital at our meeting earlier this month. It was pointed out that in negotiating the agreement for the transfer of a hospital the negotiators, on behalf of the university, had indicated their willingness to grant this priority of admission to veterans. It was with this intent that we had entered into the final standing of an agreement.

It was obvious, I think, that in a number of cases this priority of admission was not being observed by new members of the staff. They agreed to discuss this at their Medical Advisory Committee to ensure that there was a priority given to veterans. There was considerable discussion on what we meant by priority and I think we were able to clarify it for them. That was, that we did not want any veteran, regardless of his physical condition, admitted to the hospital above anybody else but that one must take into consideration the treatment requirements of any individual. Then, for the same type of disability, the veteran should have the priority of admission.

• 0950

An acute care patient would always have priority over a chronic care patient. An emergency would always have priority over an acute case, regardless of whether it was a veteran or not.

The Chairman: I believe Mr. Thomas indicated he had some questions.

Mr. Thomas (Moncton): Mr. Chairman, I would like to ask Dr. Ritchie a short question in connection with Lancaster Hospital. I was late getting in and possibly it has been asked.

The Chairman: No.

Mr. Thomas (Moncton): The proposed close-out date now is 1970, is it not—is it July?

Dr. Ritchie: Mr. Chairman, the date for transfer is proposed as July 1, 1970.

Mr. Thomas (Moncton): Right. Now this would be predicated on proper facilities being available at Saint John General to handle these cases, would it not? In other words, you would have to make sure that Saint John

General has the facilities to give these patients the type of care they require before they would be able to make any transfer, before you close up Lancaster.

Dr. Ritchie: Mr. Chairman, I think this question brings us back to the question that Mr. Groos also brought forward in his discussion of the areas that should be considered in negotiating future agreements, and that is that the facility must be available before the actual transfer is made. I think if we insisted on this, we would see a great delay in providing the actual requirements for the proper care of our own patients. For instance, if we had insisted on this, our veteran patients in Toronto would not be benefitting from the improved facilities within the hospital at the present time because the new wing has not been built.

But there are a great many improvements that have been implemented; we think this is a good progressive step. Now if we have to delay until such time as a new wing is completed, in your particular instance in Lancaster Hospital in association with the Saint John General, we do not know when we would be able to transfer the responsibility for the administration of the hospital. Our feeling is that we can transfer the responsibility for the administration to another corporate body and this corporate body can carry on exactly the same way that we are in this present facility, and probably develop these facilities for the greatest use of the community as well.

One of big problems in delaying transfer, and where we are even considering the possibility of transfer somewhere to another corporate body, is the fact that we tend to hold back on modernization which should be carried out if we are going to maintain our standards of treatment. I think if we held back until the new wing to the Saint John General Hospital was completed, we might prejudice the care of veterans. This my view.

Mr. Thomas (Moncton): Mr. Chairman, I am glad to hear Dr. Ritchie say that because I think there has been a misconception in the Saint John area. They do not realize that the Lancaster facilities will probably be carried on as such under a different administration, you are probably aware of the major cutback in hospital spending in New Brunswick and the indications are now that we will not have enough facilities for our civilian patients for some time because it has been cut back. So I can assure these people that certainly these patients will not be removed from Lancaster until such time as proper facilities are available at the Saint John General. In other words, you carry on the same facilities under different administration, possibly.

Dr. Ritchie: Mr. Chairman, I hesitate to say that you should give this assurance, because if the transfer is made effective July 1 it might be far better for our veterans to be transferred for specialized services to the Saint John General. In other words, they should be treated in the area that has the best facilities for their care, and if the whole complex is under the administration of Saint John General Hospital, then they have authority to move the patient wherever it would be best for him.

Mr. Thomas (Moncton): That is a fine answer, Dr. Ritchie, thank you.

The Chairman: I have three more names on my list; Mr. Knowles, Mr. Cullen, Mr. Laniel. Mr. Knowles?

Mr. Knowles (Norfolk-Haldimand): Thank you, Mr. Chairman. This concerns admission of veterans into veterans hospitals. I would like to ask Dr. Ritchie if it is necessary that the veteran should have some record in his file or in his history of an ailment, an injury, that requires treatment before he can be admitted to a veterans hospital, or can any veteran be admitted at any time?

Dr. Ritchie: Mr. Chairman, I think this is a concept that probably needs clarification to a great many people and that is that a veterans hospital is not open to every veteran. It is only open to entitled veterans, and a veteran may qualify for admission under a number of ways. The first one is for treatment of a condition for which he holds pension entitlement, and this is what the veterans hospitals were originated for. This, incidentally, at the present time is one of the minor groups that is being treated within our institutions.

A very major group is the War Veterans Allowance recipients. Now, any War Veterans Allowance recipient is entitled to come into a departmental hospital if he so desires, because the War Veterans Allowance recipient is entitled to complete medical care.

A veteran may also qualify on certain economic grounds for admission to hospital if he has meritorious service, but a veteran who

has served in Canada only does not have this qualification at all except that if he desires to come to a departmental hospital and he is willing to pay the cost of his hospitalization and medical care, then he may be admitted if a bed is available, but he has no priority of admission. He is really a civilian from our point of view.

Mr. Laniel: A supplementary question on this. When you say the cost of the medical care it is that portion over and above the hospitalization benefits, I imagine?

Dr. Ritchie: Mr. Chairman, the question of willingness to bear the cost of hospitalization and medical care of course is something that every veteran, every civilian will probably be able to say he has under both the hospital insurance plan and the medical care plan, so that he would only have to bear the cost of any adidtional medical services involved.

Mr. Knowles (Norfolk-Haldimand): I am going to pursue this just a little bit farther. You used the term as one of the grounds for admission "meritorious service". Would you mind elaborating a little on what that includes? Is this service overseas?

Dr. Ritchie: I think I will ask Mr. Cavanagh to clarify that situation for us so that I will not make any mistakes. I have an understanding of it, but I am not sure.

Mr. W. S. Cavanagh (Assistant Director Administration, Treatment Services, Department of Veterans Affairs): Mr. Chairman, actually the term "meritorious service" means essentially overseas service in either World War I or World War II, or in Korea. For the World War I veteran it included in the same term at least 365 days' service in England prior to November 11, 1918. That essentially is what is meant by "meritorious service".

Coupled with that, I should add, is the fact that Dr. Ritchie mentioned, that is the man who served in Canada only, and therefore could only come in as a paying patient. But this man might have a 5 per cent disability pension because of a disability incurred in Canada, and he gets that same sort of protection in the other way. It is either to have this overseas service, or be in receipt of disability pension.

The Chairman: Mr. Legault, I think, had a supplementary.

Mr. Legault: When you talk about overseas service, something that confuses me is that an enlisted man—in this particular case I am referring to, one in the Navy whose services were required here in Canada on the East coast—was never posted overseas. Yet he had been trying to get overseas throughout the war but cannot be considered because of this specification that he has not been overseas and has not served 365 days. Is there any consideration, or do you know of any cases that could be considered under such a condition?

• 1000

Mr. Cavanagh: Mr. Chairman, no, there are not. Of course, there are many, many cases perhaps where this is genuinely true. A man definitely wanted to get overseas, and that was his wish, but for a variety of reasons he did not. But if unfortunately he did not, the fact was that he wanted to and had the desire. As a matter of fact, the War Veterans Allowance Act on which our qualifications for treatment under the Veterans Treatment Regulations are based are essentially the same and there, too, overseas service is the requirement. In the case you mentioned which I believe I am aware of—I looked into it pretty thoroughly—he never served outside of Canada, of course.

Mr. Legault: Is this being discussed at the moment to include these cases?

Mr. Cavanagh: Mr. Chairman, I do not know whether I can answer that or not, because I think before we would consider changing it, for treatment purposes it would be a matter of the lead being given by a change to the statute.

The Chairman: It is a legislative...

Mr. Cavanagh: It is a legislative change.

The Chairman: ...restriction on policy, I would think, at this point.

Mr. Laniel: As a point of clarification on this, Mr. Chairman, if we take the example of someone who has been at sea, his service is considered as overseas service even if he did not cross to England.

Mr. Legault: When you talk about being at sea, the person I am referring to necessarily was out at sea to test boats after doing some repairs, but it is not considered as being service at sea.

Mr. Cavanagh: This again, Mr. Chairman, is a matter that can be determined in the individual case. Of course, some of those people who served in the navy did have sea time for the purpose of the War Service Grants Act for their war service gratuity and if they did, in fact, proceed beyond the three mile limit this would be a matter of record on their file and they would have received an overseas supplement for it. There are quite a number of cases such as Mr. Laniel has mentioned of men who basically were stationed in Canada but did have a small amount of sea time service which is recorded as such, and which would qualify them as having had service outside the Western hemisphere.

Mr. Legault: Thank you.

The Chairman: Mr. Knowles?

Mr. Knowles (Norfolk-Haldimand): Just to pursue this idea of admission to veterans hospitals, if I could be just a little more specific without being out of order, Mr. Chairman, I would like to refer to a lady who served in the Medical Corps during the war in England, and I think her duties included the closing of some of the veterans hospitals there after the war was over.

She now has had a mental breakdown and is in an Ontario hospital, and is out on weekends. Her husband is also a veteran and they feel that if she were admitted to Westminster hospital in London she would receive more compassionate and understanding treatment, more personal treatment, which is so essential to such a condition. Now, I am wondering whether it is possible to transfer such a patient from an Ontario hospital to the Westminster veterans hospital in London.

Mr. Cavanagh: Mr. Chairman, I am aware of the case about which Mr. Knowles is speaking because I believe he has written to the Minister about it.

Mr. Knowles (Norfolk-Haldimand): That is right.

Mr. Cavanagh: Unfortunately, no. Certainly she has the service; she served overseas for several years, I believe, and she also receives a small pension for something quite unrelated to her mental condition.

But essentially the mental and psychiatric wings of our two hospitals at Westminster and St. Annes are primarily for treatment of veterans who are pensioned for a nervous or mental condition. Of course, she is not.

Second, the only other possible way that she might even qualify for treatment for a mental condition by the Department is on a means test basis to qualify for War Veterans Allowance, and I gathered that she would not.

Mr. Knowles (Norfolk-Haldimand): No, this is not the problem.

Mr. Cavanagh: So, unfortunately...

Mr. Knowles (Norfolk-Haldimand): It is more on compassion grounds, you see. I think he feels, and she does too, that perhaps it would be one method of treating her case, a side effect if you like, and I would appreciate your reviewing the file to see whether you can find any way of doing something about this. It may be out of order, but I would like you to have another look at it.

Mr. Cavanagh: Well, Mr. Chairman, I will certainly look at it again.

Mr. Knowles (Norfolk-Haldimand): Thank you, very much.

The Chairman: I believe Mr. Cullen has been waiting patiently.

• 1005

Mr. Cullen: Thank you, Mr. Chairman. I think first of all that it is fortuitous that in substituting for our colleague today we should be discussing this particular subject, and perhaps the matter has been raised before.

Before I get into my questioning I would like to say that I feel that through the process of osmosis my father was district administrator for DVA in North Bay for some number of years and I had occasion to hear his beefs and also the things that he was very high on, and one of the things he was very high on was treatment services. He always felt that this was the area that gave him the least trouble, not so much concerning who qualified, but once the service was undertaken. Second, he had occasion to be in Sunnybrook for a period of time for an operation and he came out of there just high in his praise of the kind of treatment he received, so he was always very high on your particular area, sir.

As you know, I attended a meeting with the Dieppe POW's Association with the Minister and I have asked a couple of ques-

tions in the House. Just recently I asked the Minister if the Department had completed its study of the records to determine if there were a common grain of complaint running through the Dieppe POW's—I think they listed a series of complaints. Is it your department that is loking into this specific area.

Dr. Ritchie: Mr. Chairman, I am aware of it, of course. I was present at the meeting when the commitment was made to review the entitlement to treatment at Dieppe prisoners of war, particularly with reference to their eligibility for pension, and we have set up a study. This has been delayed somewhat because we have been waiting for the list of names of Dieppe prisoners of war which the Association was going to provide to us.

We felt that we would like to review the files of people that could be contacted for further study in the event that it was decided this was the proper thing to do. the study is ready to go but we have not started reviewing the files as of this moment, but I am getting our Research and Statistics Division to start the study immediately.

Mr. Cullen: Concerning the list that the veterans undertook to provide, I did have a communication with them and they were shooting for a date of April 15 but they were not too optimistic. I understand that the list still has not been received.

Dr. Ritchie: No.

Mr. Cullen: Have you received portions of the list? This organization is broken down into groups across the country. Have you received any...

Dr. Ritchie: Mr. Chairman, to my knowledge no section of this has been received. I presume, therefore, that it is being coordinated through the one office of the Association.

Mr. Cullen: I also understood from a communication I had from the Minister, however, that you are not waiting solely for the list. Some work is being done at the present time.

Dr. Ritchie: This is true.

Mr. Cullen: Thank you, Dr. Ritchie.

The Chairman: Mr. Laniel?

Mr. Laniel: Mr. Chairman, I too have one question concerning Ste. Anne de Bellevue, but first, concerning admissibility to a veterans hospital, something just come to my mind. I do not know whether this has ever been asked and maybe it is too late to ask it because women veterans are getting older, but if a woman veteran with entitlement went to your hospital in a state pregnancy, do you have a maternity ward there and would she be entitled to treatment?

Dr. Ritchie: Mr. Chairman, it has been some time since we have had to deal with a case of pregnancy in a veterans hospital. We can cope with it in an emergency. I think it would be much more desirable for the veteran to seek care in a maternity hospital within the community, but if she should land on our doorstep we would have to treat her.

Mr. Laniel: Thank you. About Ste. Anne de Bellevue, I noticed that you have in this year's Estimates an amount of $9 million which leaves a balance for future years of $1.5 million approximately. Does this mean that this hospital will be completed and in operation before the end of this year, or will it be longer than that? What about that fire that occurred? Is that delaying you in any way?

• 1010

Dr. Ritchie: Mr. Chairman, in response to the first question about the amount of funds included in the Estimates for Ste. Anne's hospital, when the estimate was put in it was hoped that the hospital would be completed early in the spring of next year so that it would be pretty well finalized in the current fiscal year. It does not look as though this will be possible at the present time. This, of course, is due to the fire which we unfortunately had and this affected most seriously the upper two floors and a portion of the central block of the hospital. Because of the fire the cement which had not completely set was destroyed and is going to have to be replaced on the top two stories in one wing and in the central block.

This will necessitate a delay of approximately two months. This will have to be cut off and repoured.

Mr. Laniel: Was that loss covered by insurance in any way? What kind of contract is that? I hope it is not a cost plus contract?

Dr. Ritchie: No, it is not a cost plus contract. This is a responsibility of the contractor and we presume he is covered by insurance, but this is his problem.

Mr. Laniel: Yes, as long as he is covered by insurance or that he can support it himself. What are the plans for Queen Mary Veterans Hospital?

Dr. Ritchie: Mr. Chairman, this is a difficult question to answer at this stage because, as the Minister has stated on a number of occasions and before the opening meeting of this Committee, it is the intention of the Department to transfer all of the Department's hospitals to other jurisdictions. We have been talking to the provincial authorities with reference to both Queen Mary Veterans Hospital and Ste. Anne's Hospital. We had hoped that we would be able to enter into early negotiations for the transfer of Queen Mary Veterans Hospital before this date, but so far we have not been able to come to the negotiating table to draw up an agreement.

Mr. Laniel: What has been the deal? Would the province be asking for capital expenditure or improvements before you do transfer the building, or something like that?

Dr. Ritchie: Mr. Chairman, frankly any details of proposals for an agreement have not really been discussed in this way.

Mr. Laniel: Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Laniel. Are there any other members of the Committee who want to ask questions of the witness? Mr. Groos?

Mr. Groos: May I ask a very short one? It is not a question. I wanted to say that although I was not able to observe anything of this nature in Sunnybrook Hospital, I do feel that the facilities for women patients at the Veterans Hospital in Victoria are very inadequate. I would like to place before you the suggestion that this be looked into to see whether some upgrading of those facilities could be done and done quickly. There has been a slight improvement in the last year, but it does not satisfy me that it is as much as it should be.

Dr. Ritchie: Mr. Chairman, I would like to comment on this matter to the effect that it does not satisfy us either. The modern trend is toward small ward accommodation. We would hope that in any hospital that we have to maintain we will subdivide the large wards into small ward accommodation with private or shared ablution facilities, so that it would make it possible to use ward accommodation—small wards—for either male or female patients and that the facilities would be interchangeable. This would raise very considerably the standards of the care now being afforded to some female patients in our institutions.

Mr. Groos: I should hope, Mr. Chairman, that the Department is not holding back on the upgrading of these facilities for women patients in the view of a possible transfer.

• 1015

Vote 15 agreed to.

The Chairman: Thank you, Dr. Ritchie, and gentlemen.

We stood Vote 1 dealing with Departmental Administration. In the new format these are pages six to eleven inclusive. I wonder if Mr. Hodgson, the Deputy Minister, would like to come forward at this point.

Are there questions that members of the Committee would like to ask dealing with this item?

Vote 1 agreed to.

The Chairman: This the item dealing with Departmental Administration and it is Vote 1 in the format, pages six to eleven inclusive.

At this stage I would like to insert, with the permission of the Committee, a letter from Mr. E. J. Rider, Director General, Welfare Services. Mr. Rider encloses a table giving the breakdown of the 300 welfare officers employed by the Department by districts. I believe this information was requested and I think Mr. Marshall in particular asked for it last time. Is there agreement to insert this into the written record of the Committee' Proceedings?

Some hon. Members: Agreed.

The Chairman: Just to make sure that there is no confusion or misunderstanding about what we have done, we have examined the estimates on the new format. The actual terms of reference of the Committee were on the old format. The Order of the House was that Votes 1, 5, 10, 20, 25, 30, 35, 38, 40 and 45 relating to the Department of Veterans Affairs be referred to the Standing Committee on Veterans Affairs.

These votes are in the format in which they appear in the Blue Book of Estimates. The

procedure we have adopted has treated these items with different votes and headings and a different distribution of the detail under the votes. To clarify the terms of reference, with the agreement of the Committee, I would like to call these items in the terms in which they were referred to us by Order of the House.

Votes 1, 5, 10, 20, 25, 30, 35, 38, 40, and 45 agreed to.

The Chairman: Are there any other items that any member of the Committee wishes to raise at this point? If not, the Committee will adjourn to the call of the Chair. Thank you very much, gentlemen.

THE QUEEN'S PRINTER, OTTAWA, 1969

Government
Publications

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

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No. 11

WEDNESDAY, JULY 2, 1969

Respecting

Organization and Procedure relating to the Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

29674—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Badanai,
Bigg,
Cullen,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Murphy,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Weatherhead—20.

D. E. Levesque,
Clerk of the Committee.

ORDER OF REFERENCE

HOUSE OF COMMONS,
THURSDAY, June 26, 1969.

Ordered,—That the report of the committee appointed September 8, 1965, to survey the organization and work of the Canadian Pension Commission, tabled on March 26, 1968, be referred to the Standing Committee on Veterans Affairs.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

29674—1½

[*Text*]

MINUTES OF PROCEEDINGS

WEDNESDAY, July 2, 1969.
(12)

The Standing Committee on Veterans Affairs met this day at 4:00 o'clock p.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Cullen, Francis, Groos, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Legault, Marshall, Peters, Saltsman, Stafford, Thomas (*Moncton*), Weatherhead—(14).

Also present: Messrs. Turner (*London East*) and Whicher.

The Chairman read the Order of Reference and the Committee discussed the procedures to follow in the study of the Woods Committee Report.

Moved by Mr. Badanai,
Resolved,—that the Committee meet on September 15, 1969 to begin its review of the Woods Report.

It was agreed that all major Veterans' organizations be invited to send briefs prior to September 15, 1969.

Mr. Laniel moved, and *it was agreed*,
That the Chairman be authorized to hold meetings, to receive and authorize the printing of evidence when a quorum is not present.

At 4:35 p.m., the Committee adjourned to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Wednesday, July 2, 1969.

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The Chairman: On Thursday, June 26, the House passed an order that the report of the Committee appointed September 8, 1965, to survey the organization and work of the Canadian Pension Commission tabled on March 26, 1968, be referred to the Standing Committee on Veterans Affairs. In accordance with the terms of reference, I think we should plan a series of meetings. The steering committee met last week and recommended that we hold hearings starting on Monday, September 15, and that we meet on a daily basis and invite the veterans organizations to appear and present evidence on the report of the Woods Commission. Is there any comment or discussion on this?

Mr. Peters: It would be my hope that we could start hearings right away, not necessarily on the veterans organizations but that we could have everything ready so that the first meeting in September would be for actually calling in witnesses.

Mr. Legault: Well I believe, Mr. Chairman, that that is the intention, to have everything ready for September 15, so that whenever we come in it would be to hear these witnesses immediately.

Mr. Badanai: It would mean we would be meeting on the fifteenth, not any earlier.

The Chairman: We would meet on Monday, September 15, and at that time there would be the first of the veterans organizations present and invited to give evidence at that time.

Mr. Legault: We could get organized to hear quite a few briefs then.

Mr. Guay (St. Boniface): If I may, Mr. Chairman, I do not mind going on record about this. I think we have delayed so long that 15 days will not make too much difference. I agree with Mr. Peters. I would not mind sitting right now even, to start the ball rolling, and properly, and if we do that, I do not see why the beginning of October would not be sufficient, because we have another committee that will be sitting. Several members of this Committee are serving on it. We will already be busy in September, and it will

• 1600

mean for us that we will probably be sitting most of September, if this was the case, and I do not see any justification for us to sit the complete month of September in this particular regard. So possibly consideration may be given to accelerating the matter as Mr. Peters has said. At the present time we could get everything lined up, and 15 days then will not make that much difference at that late time of the year. October 1 would not make too much difference.

Mr. Marshall: We cannot plan to sit now. We do not know how long we will be here and when we will leave. We would be taking a chance by calling all these veterans organizations and suddenly finding that we are not going to be here.

Mr. Badanai: I do not agree that we should be sitting now because people have made arrangements. Some of our members . . .

Mr. Guay (St. Boniface): On a point of order, Mr. Chairman. I think I may have been misunderstood. I did not mean to start the hearing now, but rather to get organized now for the fall meetings.

The Chairman: This is what Mr. Badanai is saying. I do not think there has been any misunderstanding.

Mr. Badanai: Well, what I am driving at is this, that I do not agree to be meeting now, at the present time, when we are just about to finish up our work in the House. I think September 15 is an ideal time to be meeting. Other committees will be meeting earlier than September 15 and I am a member of two or three committees, too, but how can we arrange our work if we have to wait for some other committee to be meeting on a certain date and we will meet this week or the following week? The first thing we know it will be October.

Mr. Groos: I wonder, Mr. Chairman, if it would be a good idea that we find out what committees will be meeting and that we cross-check the membership to make sure, and perhaps re-arrange . . .

The Chairman: Mr. Groos, I have had discussions with the House leader and there have been discussions in the steering committee and I think that a number of these things have been informally sounded out. There are problems, but there are problems whichever way it is done.

Mr. Groos: All I am worried about is that we should not have three committees up here and members are called to each of the committees and therefore we have trouble getting quorums.

The Chairman: This is a problem for the Whip's Office.

Mr. Legault: You should bring to the attention of Mr. Groos the second point that you were going to bring out. That is the question of being able to hear these witnesses without the necessity of having a quorum.

The Chairman: Right. That is the second recommendation of the steering committee.

Mr. Legault: This would eliminate the objection.

The Chairman: Now, is there a motion on the date the Committee should set to invite representatives of the veterans associations to appear?

Mr. Badanai: I so move. I move that the Committee meet on September 15.

Mr. Legault: I second that motion.

The Chairman: Is there any discussion on that motion? Mr. Thomas.

Mr. Thomas (Moncton): I have already sat on one or two committees, and this sounds like a re-run of what we have discussed in other committees. The general feeling seems to be that you can call meetings for September 15, but it is very, very doubtful if you will have quorums, and if you bring in witnesses you are going to find yourself in the position of having witnesses here and no quorum. The feeling seems to be that if all these committees decide to meet in September, the bodies just cannot be spread around. I am on three committees. I cannot serve on three committees.

The Chairman: The intention also is to take advantage of the rules which permit us to pass a motion dispensing with the need of a quorum to hear witnesses and take evidence. We could not, of course, make any decisions. And with that motion, which I hope would be presented following this one, we could then set up a regular program in September. There are problems whatever date we pick or whatever time we choose.

Mr. Thomas (Moncton): Just to elaborate. I am not convinced of the necessity or the desirability of this because, after all, here is a report that has been held up for almost a year and a half. Aside from the fact that it could have been presented sooner, I do not see why we should be rushed now, suddenly in the last week of the session, to bring this report in. It could have been brought in several months ago and we could have gone a long way on it. I, for one, do not feel any compulsion to get back here early to handle this report.

The Chairman: Mr. Knowles.

Mr. Knowles (Norfolk-Haldimand): I was wondering if we know about the time the House would reconvene again in the fall. I suppose there is no indication yet of that.

The Chairman: It will not be before the first week in October.

Mr. Knowles (Norfolk-Haldimand): This would be prior then to the reconvening of the House—the meetings of this committee?

The Chairman: Yes.

Mr. Weatherhead: Mr. Chairman, in the correspondence that you have had with the veterans organizations I wonder if you know about how many days we might be sitting on these hearings.

The Chairman: It is very difficult to say at this time.

Mr. Weatherhead: It might be more than one week?

The Chairman: I would think so.

Mr. Peters: There are 11 organizations.

The Chairman: There are 13 organizations, I believe.

Mr. Guay.

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Mr. Guay (St. Boniface): I would like to speak again, Mr. Chairman. I think that even though you would not have a quorum, it would be an insult, a definite insult, to those witnesses we would be hearing if we were not here en masse, in full committee, to hear them out so that we can make the appropriate decisions. I think that for only a few to hear them would be an insult.

The next thing I would like to mention is that everyone seems to be, in a sense of the word, trying to do everything now and to make a great big show and to say we are going to hear them in September. What has been going on since Easter, really? I feel that we could certainly have done something to hear them, and now some of them will be taking their holidays, whether it is July, August or September. Let us not kid ourselves, even members of those organizations will be taking their holidays in September, as some of us will have to. I think that it is very important that for two weeks difference, now that we are late, we make sure that not only the delegations are going to be here to be heard but also that a full quorum of the Committee be here. So in that case I would suggest that everything be organized to hear them, certainly, but what is all the excitement about September 15?

I am one of those who has felt right along that these various delegations should have been heard before the end of this session. Just because we are going to make a big announcement now to say that we are going to meet September 15, to me this does not show that I am more sincere about it now than I was before. I think that it would possibly be even better if we were to tell these organizations we were not able to give them consideration before this, but starting September 29, which is two weeks after September 15, we will have a quorum and we are in business from then on. Then at least we will be sure.

Right now you may go on record and say all right, we will sit on September 15. But nobody can really say for sure that the members are going to be here. We could only be a few, and I do not think that this would do them justice. I would be one who would oppose the motion that is on the floor at the moment and say let us get this thing organized, but organized well, and September 29 would be early enough. Even if we had to work nights, I would not mind it. Accelerate it and show them that we mean business. But just to go through the process of saying September 15 for the sake of making an announcement, I do not go for it.

Mr. Laniel: Mr. Chairman, as far as I am concerned I agree with quite a bit of what has been said, and as Mr. Guay has mentioned, it might be an insult to veterans organizations and it will put some of us in a heck of a position if by any chance we cannot be here. We are interested and this will be the summer recess, and I think the problem is not necessarily the problem of the Committee on Veterans Affairs, it is the problem of all the committees. I think there should be a meeting, and probably there has been, but this thing will have to be settled very quickly and very soon with the House leader.

There should be a meeting of all the chairmen of all the committees because this question of reconvening the Standing Committees of the House of Commons in advance is a good move but it has to be planned and not improvised, and it has to be planned in general. We should not use the chairman within his own committee to solve the problem that should be solved by the government and by the House leader.

The Chairman: There have been discussions with the House leader and with the others and there has been some consultation.

Mr. Laniel: Mr. Chairman, we do not want to let you down, and I am ready to co-operate. I am ready to vote for sitting on September 15, but it is against my best judgment and my better feelings too.

The Chairman: Are there any other speakers? Mr. Peters.

Mr. Peters: Mr. Chairman, I agree with what has been said and I think this is probably the crux of it, that we are not really in a position to know the number of people who are going to be here. I agree with Mr. Guay that this is one committee at least where we should be able to put on a good face of attendance, and we are not going to. I am sure we are not. I am on the Agriculture Committee and I understand it is going to travel; I understand the Transport Committee is going to travel; I understand there are a couple of other ones that are going out. Northern Affairs is going to be travelling; Regional Development is going to travel. You are going to have three people here. True,

you can hold the meetings but, Mr. Chairman, I would rather move an amendment that we meet Tuesday, this Tuesday, and start the hearings with all the members here rather than start them with only three or four members in the Committee. I think the subject is important enough that everybody on the Committee should have an opportunity and because the other committees are going to travel you are not going to have that opportunity. I would rather go ahead now and get in two or three meetings with a full committee then I would meet those extra three or four days before and find that we are only three or four people here.

The Chairman: Mr. Peters I do not think that would be an amendment I really think you ought to defeat that motion and offer that as a new one. It seems to me the principle of whether we meet next week or September is really fundamentally not an amendment it is a different motion. I think now Mr. Badanai and Mr. Cullen.

Mr. Badanai: I would only ask Mr. Chairman, you had a conversation or an agreement with the Chairman of Committees and they assigned you the date of September 15. On that premise I think we should pass a resolution to that effect.

Mr. Cullen: I heard Mr. Peters talk and others about getting ready, and as I understand it—I am only a part-time member of this Committee filling in—there are something like a 148 recommendations. Talking about getting ready, I think there is going to be a necessity for doing a great deal of homework. I would not want a veteran to come here, for example, on Tuesday and say, "We are speaking to you on the Canada Pension Act and such and such and so and so". If the fellow has not done his homework, he is next to useless as a member of this Committee.

Speaking personally I would like to spend the summer getting ready and reading. The Legionary of February 29 has a good article; Mr. Knowles mentioned it in the House and I made mentioned it myself, which summarizes a lot of these things in bringing them down to form. You are talking about 148 recommendations and some of these organizations are only keen on about four or five of them. Is there going to be some help for this Committee to get ready; that is, a breakdown of the recommendations, what areas they specifically cover or is that going to be our own homework to do and then meet with the Veterans. I think it premature frankly to meet them on Tuesday because I do not know how many have done their homework. I have done a bit of reading on it but I do not think I am prepared to ask intelligent questions of the Legion group, for example, who have been working on this for two years.

Mr. Guay (St. Boniface): That is important. Mr. Chairman, if I may, I think what has been mentioned by the last speaker is very important because I think that we should do our reading before we hear them and then be in a position to ask intelligent questions. I think it is very important.

The Chairman: Are there others? Mr. Marshall.

Mr. Marshall: Most of the 13 briefs have to deal with certain recommendations and they are all pretty common are they not?

An hon. Member: That is right.

Mr. Marshall: So I think the homework you have to do on each particular brief is much more restricted than appears at first.

The Chairman: Yes.

Mr. Marshall: Yes.

Mr. Cullen: I am accepting that but we are talking about three volumes of over 1,300 pages. I am talking about doing the homework on the Woods Report itself, not on the briefs presented by the individuals, but I think if you do your homework on the Woods Report you might take an area that you are particularly keen on—the Pension Commission as one area—and make that your baby and you are going to ask no questions on anything except those on that particular matter, or amputees as an area. I did not mean the briefs we would have to do our homework on, I meant on the report itself.

The Chairman: Mr. Laniel and then Mr. Whicher.

Mr. Laniel: That is all fine but we are not supermen, nor better experts than experts themselves, nor better experts than the Department. I think we will be losing a hell of a lot of time if we start questioning too quickly before we get the White Paper, because some of these things might have been accepted, at least partly by the Government, which we do not know. All these things link together so this is why I am not all that fussy to sit early unless the government presents its White Paper before the end of this session. I

have my doubts on this, but at least if you do not have that on hand you cannot make a really comprehensive study with what the government is going to do, otherwise you are
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just beginning from a big book.

The Chairman: You repeat the Woods Committee work.

Mr. Laniel: Yes, and you are missing one of the very important documents that you need.

Mr. Whicher: I missed the original motion, Mr. Chairman, did you commit this Committee in your wisdom to meet on September 15?

The Chairman: The steering committee met last week and this was the recommendation that came out of their meeting. It was discussed informally with those whose responsibility it is to co-ordinate the work of other committees. The indication was that this would be a satisfactory program for us. On this basis a motion has been made by Mr. Badanai, seconded by Mr. Legault, that we meet on Monday, September 15, and at that time invite some of the veterans associations to appear and give evidence. That is the motion we are discussing.

Mr. Whicher: I certainly would not want to let the chairman down or the steering committee, if they expressed this feeling to other people in higher places in good faith, but on the other hand I have every sympathy with what Mr. Guay and others have said. I do not think you are going to get too many back here on September 15. I think that these are some of the most important people in Canada these Veterans association, and I think they deserve a really good hearing with full attendance. For that reason if there is any way that the Chairman and the steering committee could suggest that it be held off first; certainly until we get the White Paper, and second, until the earliest date towards the end of September in my opinion in order to get a good crowd here. That is my feeling, but if we did not get the White Paper until October 15, I do not think we should have the briefs until the fifteenth.

The Chairman: We will have it before then.

Mr. Whicher: We will have it?

The Chairman: I have been told this.

Mr. Whicher: That is my feeling. I do not want to vote against the Chairman but I do not think there will be too many here.

The Chairman: Is there further discussion? Mr. Saltsman?

Mr. Saltsman: Mr. Chairman, I would like to support the motion that we meet on the fifteenth, and it seems to me inconceivable that the White Paper would not be available before that date. Surely there is an obligation on the government to have the White Paper ready on time. Second, I find it very difficult to comprehend the argument that if a meeting is called on September 15 that some members of Parliament will not be here. I go on the assumption that their primary business is here in Ottawa...

Mr. Whicher: The Agriculture Committee is travelling on that date.

Mr. Saltsman: You have the same kind of problem during the regular Parliamentary session, where you have people on two different committees, one of which may be travelling and the other...

An hon. Member: You cannot stagger the hours.

Mr. Saltsman: Pardon.

An hon. Member: No, you cannot stagger them.

Mr. Saltsman: So the bodies are not here and I think the problem is serious enough and the veterans are impatient enough that we should commence our work as quickly as possible.

The Chairman: In answer to Mr. Peters' point a minute ago, I think some staggering of hours during this period is possible. You do not have to meet every hour of the day. The steering committee could meet part of the time to possibly release sometimes during the day to avoid the worst conflicts.

Mr. Peters: Mr. Chairman, could you take a poll of those...

The Chairman: We have a motion.

Mr. Peters: I was just going to ask if we could take a straw vote of those who were on committees that were going to be travelling out of town because this would be a fairly good indication how many could be here physically.

Mr. Guay (St. Boniface): Did you ask about travelling out of town on other committees?

Mr. Peters: I mean on a committee. I mean other committees.

Mr. Guay (St. Boniface): Not on personal business.

Mr. Peters: There is Northern Affairs, there is Regional Development; there is Agriculture. These bodies are not even going to be here.

The Chairman: The only comment I can make is that any particular time there is going to be an active committee program this fall. There will be committees travelling. I am not prepared to accept the principle that this is the bottom committee on the totem pole, that every other committee is going to be given precedence over this one. It seems to me that any time you pick you have the same problem this fall. I fail to see why we should not vote on a resolution that has been presented to us.

Mr. Thomas (Moncton): Mr. Chairman, I have expressed my opposition to meet in Sep-

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tember and I would pose this question. It is fine to say the White Paper will be ready, what if the White Paper is not ready, Mr. Chairman? We have been told the last three months that it would be useless for us to sit to discuss the Woods Report unless the White Paper was available to us. What if we decide to meet on the fifteenth and the White Paper is not ready?

The Chairman: The only comment I have is if the Committee decides to meet on the fifteenth there will be an organized agenda for the Committee at that time and there will be witnesses called. The Committee will have decided on its orders and the way in which it does its business. There are terms of reference before us which we did not have before. This was passed on June 26. We have our terms of reference and that is the difference. I think we are now instructed to do a job and the Committee will do its job, I am sure.

Mr. Thomas (Moncton): What has changed in the last three months?

The Chairman: Well, there is an order from the House, that is the difference.

Mr. Thomas (Moncton): No, but we have been told for three months that there would be no point in our sitting until the White Paper is available. We were told that.

The Chairman: As far as I am concerned, we have an order of instruction, an order of reference from the House and we are acting in accordance with it; we did not have one prior to that date.

Mr. Laniel: Mr. Chairman, what does the motion really say? That we will organize our sitting from the 15th to what time?

The Chairman: It does not set any terminal date, it says that we have meetings commencing on Monday, September 15, and that we invite representatives of the veterans associations to come and present evidence.

Mr. Laniel: May I add a comment, Mr. Chairman? With all the reservations I have, I am ready to support the motion as long as the work is organized in such a way that is concentrated in a maximum of four days in that week and that is all. If we can make progress in four full days of sitting, which is the equivalent of one full month's sittings, at least, during the session, I would agree with that.

The Chairman: May I comment that there are one or two problems, not the least of which is staff in getting transcripts of reports. I believe in the principle of concentrated sittings and making the very best use of the time of the members who are here and I think it is up to the Committee to do that, but there are certain physical limitations on how many hours we can sit a day and still get transcripts from the Committee Reporting Service. Short of that, I agree with everything you have said, Mr. Laniel.

Is there further discussion? Mr. Saltsman?

Mr. Saltsman: If an amendment to that motion could be entertained, I would like to tack on something to the effect that if this motion is passed the Committee urge the government to have its White Paper ready in September.

The Chairman: With all due respect, I do not think that is in order. I think there is a motion concerning the time which the Committee will hold its hearings. You have heard the motion. Is there further discussion on that? Shall the motion carry?

Motion agreed to.

The Chairman: I believe the form of the second motion that was recommended from the Steering Committee was to the effect that, in accordance with Standing Order 65(7) which says:

> The presence of a quorum shall be required whenever a vote, resolution or

other decision is taken by a standing or a special committee, provided that any such committee, by resolution thereof, may authorize the chairman to hold meetings to receive and authorize the printing of evidence when a quorum is not present.

In accordance with this section of the Standing Orders, I hope the Committee will agree to presenting a motion to the effect that the Chairman be authorized "to hold meetings to receive and authorize the printing of evidence when a quorum is not present".

Mr. Laniel: I so move.

Mr. Groos: I second the motion.

The Chairman: Is there further discussion on the motion?

Mr. Peters: My remarks would be the same as Mr. Guay's, and I agree with Max to the extent that we should be here attending to our parliamentary business, but this may make it prohibitive for some of us to be here for a specific period. I certainly hope that we do not conduct the business with major veterans organizations with two or three people. I

• 1625

do not think this would serve any purpose. We are not going to know what the discussion is and we are not going to be able to make a decision on that except by the reports. The reports will be very slow coming in and this will make it very difficult to make an educated judgment on this matter. While I am aware of all the difficulties, I still think it is important enough that most of the members who are going to make the judgment have the opportunity of hearing them.

I hope the Chairman so orders that we do not have at least the major briefs presented when there appear to be only two or three people in attendance or where there are only two or three.

The Chairman: I think your comments are very well taken, Mr. Peters.

Mr. Peters: I do not object to your reducing it, but I just suggest that the Chairman be very—

The Chairman: It is obvious that some discretion has to be exercised here. Mr. Groos?

Mr. Groos: Would it be useful if the members who are not going to be able to be here for certain dates were to make the Clerk aware of the situation, because there are other concerns, language courses and a few other things coming on as well.

The Chairman: Yes. I think we will have to canvass individual members of the Committee to indicate who will find it difficult to attend so we can find replacements for them on the Committee.

Mr. Peters: I am only going to be on one, but frankly, I do not know when it is going to meet. I do not really know if it is in conflict or not; it is just a caveat I have had. I really do no not know. I do not know when it is travelling, but if it does travel I have an obligation to be there I think.

The Chairman: I think we understand, I am sure other members are in the same position.

Mr. Peters: Other people are in exactly the same position with different committees.

The Chairman: Is there further discussion on this?

Mr. Knowles (Norfolk-Haldimand): I have one question, Mr. Chairman.

The Chairman: Yes, Mr. Knowles.

Mr. Knowles (Norfolk-Haldimand): Will we continue meeting, when we start on the 16th? Will we go on to Tuesday, Wednesday, Thursday and so on?

The Chairman: Mr. Knowles, I hope the Committee would see its way clear to giving a solid block of time in that week. I hope we would get quite a bit done and have a good week. Then I think we would have an opportunity to sort of digest the situation.

Mr. Knowles (Norfolk-Haldimand): Members would be travelling some distance in here, no doubt, and it should be made worthwhile, I think, for them.

The Chairman: The intention is to make it worthwhile their coming in, and to give them a solid program of work when they are here.

Mr. Knowles (Norfolk-Haldimand): Right.

The Chairman: We recognize that you cannot bring members in and waste their time; we have to make good use of our time. Is there any further discussion? Mr. Laniel.

Mr. Laniel: Could we express a wish through you, to the Minister and to the gov-

ernment that they do their utmost to have the White Paper made public even during the recess break?

The Chairman: I have been told by the Minister that it is the intention of the government to do so and he hopes to be able to issue it as a document. If the House is sitting, it will be tabled of course, if the House is not sitting it will simply be distributed as a public document; but it will be done at the earliest possible date and certainly it is the hope of the government, prior to the meeting.

Mr. Laniel: If it is, you will distribute it as early as possible to the Committee members who are home?

The Chairman: Oh, yes. I can assure you that members of the Committee that I will see to it that you get any such documents at the earliest possible date. Mr. Whicher, did you have a question?

Mr. Whicher: No, thank you.

The Chairman: Does the Committee agree to the motion?

Motion agreed to.

The Chairman: Is there any other item to be raised?

Mr. Groos: Is there a list of the committees who have signified their intention to attend?

The Chairman: There is some discussion with Mr. Deachman who is working on this.

Mr. Groos: No, I mean the veterans associations; a list of the associations who will be presenting briefs.

The Chairman: Yes, there is. We will have copies made and sent to all members of the Committee.

Mr. Peters: On a point of information, what are we going to use for the Woods Commission submission, the summary? We are certainly not going to use all those documents, except as back-up information. If we do, members will be worn out carrying them around.

The Chairman: My suggestion is that we start with the summary, basically, in hearing evidence, but we are going to have to refer to the originals in different places, but the summary...

• 1630

An hon. Member: Do you intend to start in the morning or in the afternoon on September 15, and do you intend to sit morning, afternoon and evening?

The Chairman: In answer, I think you will get a notice in good time, but I hope the first meeting will be Monday afternoon, leaving you with the morning.

Mr. Guay (St. Boniface): After that we could sit morning, noon and evening, could we not?

The Chairman: That will be at the decision of the Committee, but the intention is to give... There is a problem of staff and getting transcripts, and how far we can work the Committee Branch staff. Subject to that provision, we will hold as many hours of hearings as possible.

Mr. Guay (St. Boniface): I suggest you take into consideration the possibility of having three sittings a day, so that we could get right into it and work at it, because I would not want to come here at that time and be idle every evening. On the contrary, I feel that my time would be more useful if we sat in the evening, Mr. Chairman.

The Chairman: I will take note of your views, Mr. Guay.

Mr. Peters: May I also suggest that enough documents be provided for the members at the Committee meeting, because it would be a problem carrying them around. I think they could be left with you each time.

The Chairman: We will do the best we can to assist with documentation, Mr. Peters. I think that is a good suggestion. Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, could we expect that each organization would first of all circularize their brief to us?

The Chairman: I think that is a fair assumption. In a great majority of the cases they have already.

Mr. Weatherhead: We received some, but I do not think we have received 13 or 15, or what have you.

The Chairman: They may not all have the same degree of formal preparation.

Mr. Weatherhead: So you would let them know that members of the Committee...

The Chairman: I will do everything I can to see to it that prior to any one organization

appearing there will be a circulation of their material ahead of time.

Mr. Laniel: Mr. Chairman, this is where there is a danger of us sitting to hear briefs from veterans organizations as comments on the Woods Report.

The Chairman: Yes.

Mr. Laniel: Which might force us—if the White Paper is not published—to call them back later to comment again on the report in relation to the White Paper.

The Chairman: Mr. Laniel, if we do not have a White Paper we have problems in more than one respect.

Mr. Laniel: Yes.

The Chairman: It is my sincere hope that the government does have the Paper for us at that time.

Mr. Peters: So does the Minister likely.

Mr. Groos: I just have a point for clarification, Mr. Chairman. You say there are about 13 organizations.

The Chairman: Yes.

Mr. Groos: I do not know how that list was arrived at. Do we have some provision for hearing those who have not yet submitted their names or who might submit their names?

The Chairman: Any other veterans organization that communicates with either the Chairman or the Committees Branch will have their name referred to the Steering Committee with a recommendation. Certainly I expect the Committee will take a broad view of any organization that wants to be heard. I do not think we should hear individual briefs, but I think organizational briefs should certainly be heard.

Mr. Peters: Mr. Chairman, you might be wise to have the Clerk write to those 13 organizations in view of the motions that have been made today and advise them of same.

The Chairman: It is our intention to do this immediately.

Mr. Marshall: Mr. Chairman, I have just one question. Will there be enough staff to produce the proceedings we hear in a little less time than in the past?

The Chairman: If we sit morning, noon and evening there is a problem with staff and transcripts. This will have to be reviewed. On the other hand, if our hearings are reduced in the number of hours per day, the more quickly we get our transcripts. That is the problem we must face.

Mr. Peters: Might I suggest, Mr. Chairman, in view of this, many of our secretaries will not be that busy and might be interested in making some extra money...

The Chairman: We will explore this possibility.

Mr. Peters: ...working at night the same as they did when this system started and there was a backlog.

An hon. Member: More money?

Mr. Peters: Well I do not mind them making a little extra money.

Mr. Laniel: I move that we adjourn.

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OFFICIAL BILINGUAL ISSUE

HOUSE OF COMMONS

First Session

Twenty-eighth Parliament, 1968-69

FASCICULE BILINGUE OFFICIEL

CHAMBRE DES COMMUNES

Première session de la

vingt-huitième législature, 1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

COMITÉ PERMANENT

DES

AFFAIRES DES ANCIENS COMBATTANTS

LIBR
OCT 2
UNIVERSITY

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS

AND EVIDENCE

PROCÈS-VERBAUX ET

TÉMOIGNAGES

No. 12

MONDAY, SEPTEMBER 15, 1969
TUESDAY, SEPTEMBER 16, 1969

LE LUNDI 15 SEPTEMBRE 1969
LE MARDI 16 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir Procès-verbaux)

20747—1

STANDING COMMITTEE ON
VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis
Vice-Chairman: Mr. Carl Legault
and Messrs.

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
[1] Turner (*London East*),
Weatherhead,
[2] Whicher—20

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

Pursuant to S.O. 65(4)(b)
[1] Replaced Mr. Cullen on July 22, 1969
[2] Replaced Mr. Murphy on September 2, 1969

COMITÉ PERMANENT
DES
AFFAIRES DES ANCIENS
COMBATTANTS

Président: M. Lloyd Francis
Vice-président: M. Carl Legault
et Messieurs

Conformément à l'article 65(4)(b) du Règlement
[1] Remplace M. Cullen le 22 juillet 1969
[2] Remplace M. Murphy le 2 septembre 1969

[*Text*]

MINUTES OF PROCEEDINGS

MONDAY, September 15, 1969.
(13)

The Standing Committee on Veterans Affairs met this day at 2:35 p.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Bigg, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London East*), Weatherhead, Whicher. —(13)

Also present: Messrs. Cullen, M.P., Knowles, M.P. (*Winnipeg North Centre*), Winch, M.P. and Chappell, M.P.

The Chairman introduced Mr. P. E. Reynolds, Chief Pensions Advocate, Department of Veterans Affairs, whose services have been retained as Special Adviser to the Committee.

The Committee discussed procedure. *It was agreed,* that the Committee meet as follows:

Tuesday, September 16, 1969—2:30 to 4:30 p.m.

Wednesday, September 17, 1969—9:30 to noon—2:00 to 4:30 p.m.

Thursday, September 18, 1969—9:30 to 12 noon—2:00 to 4:30 p.m.

Friday, September 19, 1969—9:30 a.m. to 12:30 p.m.

At 3:00 p.m., the Committee adjourned to Tuesday, September 16, 1969 at 2:30 p.m.

TUESDAY, September 16, 1969.
(14)

The Standing Committee on Veterans Affairs met this day at 2:35 p.m., the Chairman, Mr. Lloyd Francis, presiding.

[*Traduction*]

PROCÈS-VERBAUX

Le LUNDI 15 septembre 1969.
(13)

Le Comité permanent des affaires des anciens combattants se réunit aujourd'hui à 2 h. 35 de l'après-midi, sous la présidence de M. Lloyd Francis.

Présents: MM. Badanai, Bigg, Francis, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London-Est*), Weatherhead, Whicher.—(13)

Aussi présents: MM. Cullen, Knowles (*Winnipeg-Nord-Centre*), Winch et Chappell, députés.

Le président présente M. P. E. Reynolds, avocat en chef des pensions du ministère des Affaires des anciens combattants, dont les services ont été retenus à titre de conseiller spécial auprès du Comité.

Le Comité délibère au sujet de la procédure. *Il est décidé* que le Comité se réunira ainsi qu'il suit:

Le mardi 16 septembre 1969 de 2 h. 30 à 4 h. 30 de l'après-midi.

Le mercredi 17 septembre 1969 de 9 h. 30 du matin à midi et de 2 heures à 4 h. 30 de l'après-midi.

Le jeudi 18 septembre 1969 de 9 h. 30 du matin à midi et de 2 heures à 4 h. 30 de l'après-midi.

Le vendredi 19 septembre 1969 de 9 h. 30 du matin à midi trente.

Le Comité s'ajourne à trois heures trente de l'après-midi jusqu'au mardi 16 septembre 1969 à 2 h. 30 de l'après-midi.

Le MARDI 16 septembre 1969.
(14)

Le Comité permanent des affaires des anciens combattants se réunit aujourd'hui à 2 h. 35 de l'après-midi, sous la présidence de M. Lloyd Francis.

20747—1½

Members present: Messrs. Badanai, Bigg, Francis, Groos, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Latulippe, Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London East*), Weatherhead, Whicher.—(15)

Also present: Messrs. Winch, Foster and Knowles (*Winnipeg North Centre*).

Appearing: The Honourable J. E. Dubé, Minister of Veterans Affairs.

The Chairman introduced the Minister who read a statement after which the Committee proceeded to the questioning of the Minister.

At 4:55 p.m., the questioning of the Minister being concluded, the Committee adjourned to Wednesday, September 17, 1969 at 9:30 a.m.

Présents: MM. Badanai, Bigg, Francis, Groos, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), Latulippe, Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London-Est*), Weatherhead, Whicher.—(15)

Aussi présents: MM. Winch, Foster et Knowles (*Winnipeg-Nord-Centre*), députés.

A comparu: L'honorable J.-E. Dubé, ministre des Affaires des anciens combattants.

Le président présente le Ministre. Ce dernier fait une déclaration, et le Comité l'interroge.

L'interrogatoire du Ministre prend fin à 4 h. 55 et le Comité s'ajourne jusqu'au mercredi 17 septembre 1969, à 9 h. 30 du matin.

Le greffier du Comité,
D. E. Levesque
Clerk of the Committee.

[*Texte*]

EVIDENCE

(*Recorded by Electronic Apparatus*)

Monday, September 15, 1969

• 1437

The Chairman: I think I see a quorum and I will ask the members to be seated. I would like to welcome the members back and I would particularly like to extend a welcome on behalf of the Committee to Mr. MacRae who is back with us, and we are delighted to have him. Welcome back, Ches.

Members of the Committee, we have a number of procedural matters to review today in terms of the work we have ahead of us. As you know, the House of Commons by resolution referred the Woods Commission report and the recommendations to us. We have to decide the sequence in which we are going to hear witnesses, our agenda for the period ahead, the time of our meetings and to lay on our programme.

I would like at this point to introduce a gentleman who was a former Chief Veterans Advocate and we have taken the liberty—as approved by the Steering Committee today at a prior meeting—of asking him to act as a research director for the Committee for the period, Mr. Philip Reynolds. I think Mr. Reynolds is well known. He has been with the Department of Veterans Affairs. He is currently with the Department of Justice, and with the co-operation of that Department his time has been made available to the Committee so that we can proceed with our agenda and have his services in preparing memoranda and assisting with the report when we come to the stage of drafting it.

At my request I believe Mr. Reynolds prepared a memorandum outlining what he thought should be dealt with by the Committee in the beginning in considering our agenda. Do you wish to speak to it, Mr. Reynolds?

• 1440

Mr. Philip Reynolds (Research Director, Veterans Affairs Committee): Gentlemen, I felt it would be helpful to all the members of the Committee if, before they hear the briefs from the veterans organizations, the departmental official briefed the members of the Committee on the present legislation, that is, what exists at present, the recommenda-

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le lundi 15 septembre 1969

Le président: Messieurs, nous avons le quorum, et je vous prierais de bien vouloir prendre vos places. Je souhaite la bienvenue à tous les membres du Comité et, en particulier, à M. MacRae, qui est de retour parmi nous, ce qui nous fait bien plaisir.

Nous devons étudier aujourd'hui certaines questions de procédures qui concernent nos travaux. Comme vous le savez, une résolution de la Chambre des communes nous a saisis du rapport et des recommandations de la Commission Woods. Nous devons fixer l'ordre de comparution des témoins, notre ordre du jour, l'horaire de nos séances, et déterminer notre programme.

Permettez-moi maintenant de vous présenter l'ancien avocat en chef des anciens combattants, M. Philip Reynolds; nous avons pris l'initiative,—ce que le comité directeur a approuvé aujourd'hui, au cours de sa séance,—de lui demander de remplir les fonctions de directeur de la recherche, pour notre Comité, pendant la période voulue. Je crois que M. Reynolds est bien connu. Il a travaillé au ministère des Affaires des anciens combattants et il occupe actuellement un poste au ministère de la Justice; grâce à la collaboration de ce ministère, il pourra consacrer tout son temps à notre Comité, ce qui nous permettra de suivre notre ordre du jour et de retenir ses services pour la rédaction de nos mémorandums et de notre rapport.

A ma demande, M. Reynolds a rédigé, je crois, un mémorandum où il a déterminé ce que, selon lui, le Comité devrait d'abord étudier à son ordre du jour. Voulez-vous dire quelques mots à ce sujet, monsieur Reynolds?

M. Philip Reynolds (directeur de la recherche, comité des Affaires des anciens combattants): Messieurs, j'ai cru qu'il vous serait utile, avant que vous preniez connaissance des mémoires des organisations d'anciens combattants, que des fonctionnaires du ministère vous expliquent la législation actuelle, les recommandations de la Commission Woods, et

[*Text*]

tions made by the Woods Committee and how the Woods recommendations have been modified by the proposals which are made in the White Paper. I think if you have this information first it will be a lot easier to consider the briefs submitted by the veterans organizations.

The Chairman: I think you prepared a memorandum which Mr. Levesque has had reproduced. Could we distribute this? As I understand it, Mr. Reynolds, you have recommended that before the Committee hears witnesses representing the various veterans' organizations, it should have these three areas outlined in summary form also, preferably by some kind of a document that would summarize the present practice, the recommendations of the Woods Committee Report and the White Paper.

Mr. Reynolds: That is correct.

The Chairman: Those specific points?

Mr. Reynolds: Yes.

The Chairman: The Minister has indicated he would be available at 2.30 tomorrow afternoon to make a statement and presumably we would want to hear the Deputy Minister following the Minister's statement. We discussed in the steering committee which met at one o'clock today the suggestion that the Deputy Minister be asked to have someone from the Department prepare a brief document dealing with these three specific items which could be presented to the Committee following the presentation of which we then could hear a number of representatives of the veterans' organizations who are ready to appear before the Committee. Would this meet with your pleasure; would this be a satisfactory method of proceeding?

Some hon. Members: Agreed.

The Chairman: Are there any comments?

Mr. Peters: Mr. Chairman, would it be possible to ask the Minister when he is before us if he would be prepared to present the interdepartmental report—this interdeparmental study was set up at the same time several years ago as the Woods Committee—relating to the economic and financial aspects of war veterans' pensions and allowances which has never been made public? Would the Minister be prepared to table this report?

The Chairman: I am afraid I could not answer for the Minister. I think you will

[*Interpretation*]

comment les propositions du Livre blanc ont modifié ces recommandations. Je crois que ces renseignements vous faciliteraient ensuite l'étude des mémoires présentés par les organisations d'anciens combattants.

Le président: Je crois que vous avez rédigé un mémorandum que M. Lévesque a fait reproduire. Pouvons-nous le distribuer? Si je comprends bien, monsieur Reynolds, vous avez recommandé que le Comité, avant d'entendre les représentants des organisations d'anciens combattants étudie, de préférence, un document qui lui résumerait la loi actuelle, les recommandations de la Commission Woods et le Livre blanc.

M. Reynolds: En effet.

Le président: Ces points particuliers?

M. Reynolds: Oui.

Le président: Le ministre a déclaré qu'il pourra faire une déclaration demain après-midi, à 14h. 30; nous devrions peut-être écouter ensuite la déclaration du sous-ministre. Le comité directeur s'est réuni à 13h. aujourd'hui et nous y avons discuté la proposition voulant que le sous-ministre soit prié de confier à l'un de ses fonctionnaires la rédaction d'un court document traitant de ces trois points. Après en avoir pris connaissance, le Comité pourrait alors entendre les représentants des organisations d'anciens combattants, qui sont disposés à comparaître devant lui. Est-ce que cette façon de procéder vous va?

Des voix: Oui.

Le président: Avez-vous des commentaires à faire?

M. Peters: Monsieur le président, pourrait-on demander au ministre, lorsqu'il comparaîtra devant le Comité, s'il est disposé à présenter le rapport interministériel,—étude entreprise au moment de la création de la Commission Woods, il y a plusieurs années,—sur les aspects économiques et financier de la question des pensions et allocations des anciens combattants, rapport qui n'a jamais été rendu public? Le ministre serait-il disposé à présenter ce rapport?

Le président: Je ne peux vraiment pas répondre à la place du ministre. Vous devrez

[*Texte*]

have to direct that question to him when he appears before the Committee. However, if this procedure meets with your approval we propose to follow it and keep it in mind when calling the various witnesses.

Mr. Bigg: How long would it take, Mr. Chairman, to implement this suggestion?

The Chairman: Mr. Reynolds, would you care to comment on that?

Mr. Reynolds: I should think if it were covered fully, it would take a day of your sittings.

Mr. Bigg: No, I meant to get started. Does this mean that we cannot proceed now?

Mr. Reynolds: It would press the Department pretty badly, I should think, to have to prepare something in writing by Wednesday morning. When I made the suggestion, I did not have in mind a written document. I thought they would be allowed to ad lib.

• 1445

It would be a rather lengthy document if they were to go into each recommendation that was dealt with in the White Paper. It would be quite a bit of work to get that out by Wednesday.

Mr. Bigg: I wonder what purpose there would be in it. Would there be any new information that we could not get from the White Paper or from the multiple discussions we have had on this subject? We have had very full discussions over the years on this subject and unless there is something new, it seems to me the time of the Committee could be better used by hearing evidence from the people we want to appear rather than hashing over old stuff.

Mr. Reynolds: Take the appeal procedure as an example. There is the present appeal set-up and there is the one recommended by the Woods Committee which is really quite different from the recommendation contained in the White Paper. Therefore, I thought this should be explained in detail in order that the Committee can appreciate what the veterans' organizations may have to say about it.

The Chairman: I am sure members of the Committee have gone through a number of documents at this point. It was thought that possibly there could be prepared some type of summary presentation of the present prac-

[*Interprétation*]

lui poser la question lorsqu'il comparaîtra devant le Comité. Mais si cette procédure vous convient, vous devez la suivre lors de la comparution de chaque témoin.

M. Bigg: Combien de temps faudra-t-il pour exécuter cette proposition, monsieur le président?

Le président: Est-ce que vous voudriez répondre, monsieur Reynolds.

M. Reynolds: Je crois que si vous voulez l'étudier à fond, il vous faudrait siéger toute une journée.

M. Bigg: Non, je parlais du commencement des travaux. Est-ce que vous voulez dire qu'on ne pourrait pas commencer dès maintenant?

M. Reynolds: Je crois que le ministère serait bien mal en point de préparer un document d'ici mercredi matin. Je ne songerais pas à un document écrit lorsque j'ai fait cette proposition. Je pensais qu'on nous permettrait de donner un exposé oral. Il faudrait un document assez volumineux si l'on veut aborder chacune des recommandations du Livre blanc. Il faudrait donc beaucoup de travail pour le préparer d'ici mercredi matin.

M. Bigg: Je me demande s'il servirait à quelque chose. Est-ce que ce document révélerait des renseignements qu'on ne trouve pas dans le Livre blanc et qui ne sont pas ressortis au cours des nombreuses discussions que nous avons eues à ce sujet? Nous avons étudié cette question à fond par le passé, et à moins que de nouveaux éléments entrent en jeu, il me semble que le Comité ferait mieux d'employer son temps à entendre les témoignages des gens qu'il veut faire comparaître qu'à ressasser les aspects de cette question.

M. Reynolds: Prenez la procédure d'appel, par exemple. Il y a la procédure d'appel actuelle et celle qui est recommandée par la Commission Woods qui est elle-même très différente de celle que renferme le Livre blanc. J'ai pensé qu'on pourrait exposer cette question en détail afin que le Comité puisse prendre connaissance de ce que les organisations des anciens combattants en pensent.

Le président: Je suis certain que les membres du Comité ont déjà étudié bon nombre de documents. Nous avons pensé qu'on pourrait peut-être préparer un genre de résumé de la procédure actuelle, des recommandations de la

[*Text*]

tice, the Woods Committee recommendations and the areas with which the White Paper dealt. This would provide us with some kind of reference before we heard any further officials or representations. Does the Committee feel this would be helpful? Mr. Knowles, do you have a comment?

Mr. Knowles (Winnipeg North Centre): Even though I am not a member of the Committee may I—

The Chairman: Certainly, you are a Member of Parliament and that is the rule.

Mr. Knowles (Winnipeg North Centre): I just wanted to be sure there was no question about that right.

The Chairman: You are well qualified, I am sure.

Mr. Knowles (Winnipeg North Centre): I beg that the suggestion you have made, Mr. Chairman makes good sense. I think we should start from the basis of the picture as it now is and certainly all that we may know about the past has to be seen in the light of the present situation, namely, the Woods Committee Report and the White Paper. Since I have the floor, I would like to say that I liked the word Mr. Reynolds used in his letter better than a word he used when he was ad libbing. He talked about the way in which the White Paper has modified the Woods Committee Report. As a matter of fact, it concerns me that in some respects the White Paper has modified the Woods Committee Report—you know, nothing has been adopted yet. However, I think if the document presented to us does what the letter says—gives us the relationship between the proposals in the Woods Committee Report and the suggestions in the White Paper—that would be good. I just wanted to get in the thought right at the start that I do not think anybody has the right to modify the Woods Committee Report.

The Chairman: Mr. Peters?

Mr. Peters: I certainly am in favor of the proposal that we look at the situation as it has operated for a number of years and the changes that would be implemented by the Woods Committee Report recommendations in relation to appeals as well as a number of other factors such as the thinking the Department must have had in developing the alternative which appears in the White Paper. I think we probably would save a lot of time if we knew the Department's thinking and I certainly think we should hear them in that regard.

[*Interpretation*]

Commission Woods, et des domaines abordés dans le Livre blanc. Nous aurions ainsi un document de référence à notre disposition avant d'entendre d'autres fonctionnaires et d'autres témoignages. Est-ce que le Comité considère que ce serait utile? Monsieur Knowles?

M. Knowles (Winnipeg-Nord-Centre): Même si je ne suis pas membre du Comité...

Le président: Bien sûr, vous êtes député et le Règlement vous donne droit de parole.

M. Knowles (Winnipeg-Nord-Centre): Je voulais simplement m'assurer qu'on ne me contesterait pas ce droit.

Le président: Votre compétence n'est pas en doute.

M. Knowles (Winnipeg-Nord-Centre): Je crois que votre proposition est très sensée, monsieur le président. Selon moi, il faut partir de la situation actuelle et considérer tout ce que nous savons du passé à la lumière de la situation actuelle, soit le Rapport de la Commission Woods et le Livre blanc. Pendant que j'ai la parole, je voudrais ajouter que je préfère l'expansion dont M. Reynolds s'est servi dans sa lettre à celle qu'il a employée au cours de son discours. Il a parlé de la façon dont le Livre blanc a modifié le Rapport de la Commission Woods. En fait, je suis inquiet de ce que, à certains égards, le Livre blanc a effectivement modifié le Rapport de la Commission Woods. Toutefois, je crois que si, pour citer la lettre, le document qui nous a été présenté «établit les rapports entre les propositions contenues dans le Rapport de la Commission Woods et les propositions du Livre blanc», ce serait une bonne chose. Je tenais simplement à signaler dès le départ que, selon moi, personne n'a le droit de modifier le Rapport de la Commission Woods.

Le président: Monsieur Peters?

M. Peters: Je suis certainement en faveur de la proposition pour que nous étudiions la façon dont la situation a évolué depuis quelques années et les changements qu'apporteraient les recommandations du Rapport de la Commission Woods à la procédure d'appel, ainsi que certains autres facteurs comme ce à quoi le ministère songeait lorsqu'il a proposé une autre procédure dans le Livre blanc. Je crois que nous épargnerions beaucoup de temps si nous connaissions ce à quoi songeait le ministère, et qu'il faudrait entendre leurs témoignages à cet égard.

[*Texte*]

Mr. MacRae: Mr. Chairman, there is only one thought in my mind and I know we discussed this in our steering committee meeting. If the document outlined, as we discussed, is going to be at all extensive, I do not see, on second thought, how they are going to have it ready for Wednesday morning because it is so extensive. There are 148 recommendations within this Woods Committee Report and they certainly will be pressed to come up with anything for us by Wednesday morning, I would think. Perhaps you have been talking to them already, have you?

Mr. Reynolds: No, I do not think they have anything ready yet. As I said, I visualized when I made the recommendation that an official would appear and would give his version of the present practice, the present legislation and the present policies. I anticipated he would refer to the recommendations of the Woods Committee Report which all of you have and then he would tell you how the relationship between the recommendations of the Woods Committee Report and the proposal contained in the White Paper is affected.

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The Chairman: I think it is important that the Committee get some kind of briefing on this background before they start cross-examining or asking questions of the other witnesses who will be called and this was the thought behind the suggestion.

Mr. Marshall: Mr. Chairman, I just would like to say that the section on adjudication and appeals is the most important section of the whole legislation and if it takes another day or so and, if it puts new members and others more into the picture, then it will be worthwhile in the end. I would say that the only action we could take is to have a paper prepared to relate present legislation with what is going to come out of the Woods report.

The Chairman: Well, it may not be possible to have a paper. However, we will invite a witness, ask him to prepare it, and when he does I presume we will put it before the Committee.

Mr. Bigg: That satisfies me. We could go ahead with those who are ready to give evidence. I would much rather have a fairly comprehensive summary than just be told in a few short words where the government is

[*Interprétation*]

M. MacRae: Monsieur le président, je ne songe qu'à une chose, et je sais que nous en avons déjà discuté lors de la réunion du Comité de direction. Si le document dont nous avons discuté doit reprendre toute la question, je ne vois pas, à bien y penser, comment ils pourront le préparer d'ici mercredi matin. Le Rapport de la Commission Woods comprend 148 recommandations et ils auront vraiment beaucoup à faire s'ils veulent préparer le document d'ici mercredi matin. Est-ce que vous leur en avez déjà parlé?

M. Reynolds: Non, je ne crois pas qu'ils aient entrepris quoi que ce soit encore. Je répète que lorsque j'ai fait cette proposition, je pensais qu'un fonctionnaire viendrait comparaître devant le Comité et présenterait sa version de la procédure, de la loi et des politiques actuelles. Je croyais qu'il aborderait les recommandations du Rapport de la Commission Woods, dont vous avez tous un exemplaire, et qu'il vous expliquerait comment les rapports entre ces recommandations et la proposition du Livre blanc ont été modifiés.

Le président: Je crois qu'il importe que le Comité ait un exposé de la question avant de commencer à interroger les autres témoins qui doivent comparaître. C'est pourquoi l'on a fait cette proposition.

M. Marshall: Monsieur le président, permettez-moi de faire remarquer que la section relative aux jugements et aux appels est, de toute cette loi, la plus importante, et que, même si cet exposé nous retarde d'un jour ou deux, s'il permet aux nouveaux membres du Comité, et aux autres, de se faire une meilleure idée de la situation, cela en vaudra la peine en fin de compte. Je dirais que la seule chose à faire est de demander la préparation d'un document qui établisse le rapport entre la loi actuelle et les conclusions du rapport Wood.

Le président: Il n'est peut-être pas possible d'obtenir un tel document. Mais nous pouvons convoquer un témoin et lui demander de préparer ce document, que nous présenterons ensuite, je suppose, au Comité.

M. Bigg: Cela me convient. Nous pourrions interroger les personnes qui sont prêtes à témoigner. Je préférerais de beaucoup avoir un résumé assez complet que de m'entendre dire en quelques mots quelle sera la ligne

[*Text*]

going to go, regardless of what deliberations we have during the next few weeks.

The Chairman: Mr. Bigg, I do not think anyone is suggesting exactly what is going to be done regardless of the wishes of the Committee. I am sure that the Committee hearings and reports will have a bearing on what happens.

Mr. Bigg: Well, I would not have come if I did not feel that way.

The Chairman: Does anyone else want to comment?

If that is in order, I would suggest that we ask Mr. Reynolds to speak to those departmental witnesses who would be asked to appear. I wonder if he could also be asked to immediately telephone the representatives of the various veterans groups that have indicated an interest in appearing, sort out as best he can when they want to come, thereby avoiding any conflicts in dates and so on. Would it be in order to ask Mr. Reynolds to do that following this meeting?

Mr. Winch: Mr. Chairman, I also am here because I am a very interested member. Although I am 3,000 miles from home I would like to stay here as long as possible. However, our times of sitting may make a difference. Are we going to sit morning, afternoon and night?

The Chairman: That is the next item we will take up, Mr. Winch.

Mr. Winch: I ask that because, in asking the various organizations when they would like to come, how often we are going to sit will make a difference. Mr. Reynolds will have to take up the matter of time allocation with them.

Mr. Bigg: Will there be a limit to the time we are going to sit?

The Chairman: Suppose we take up the item of our hours of sitting now.

Mr. Bigg: And the number of days we are expected to be here.

The Chairman: I suggest that the next meeting be 2.30 tomorrow afternoon to hear the Minister of Veterans Affairs. Presumably the Deputy Minister will also be on hand and will follow the Minister. I believe it was suggested that Wednesday morning we have someone from the Department give the background information on the three points that Mr. Reynolds outlined.

[*Interpretation*]

d'action du gouvernement, indépendamment de nos délibérations des semaines à venir.

Le président: Monsieur Bigg, Je ne pense pas que quiconque laisse entendre exactement ce qui va se faire, indépendamment des désirs du Comité. Je suis certain que nos audiences et nos rapports auront une influence sur les événements.

M. Bigg: Je ne serais pas ici si je ne pensais de même.

Le président: Y a-t-il d'autres observations?

Si la question est réglée, je propose que nous demandions à M. Reynolds de se mettre en rapport avec les représentants du ministère que nous désirerions entendre. Peut-être pourrions-nous aussi lui demander de téléphoner aux représentants des divers groupements d'anciens combattants qui ont manifesté le désir de comparaître, et de décider avec eux de la date de leur comparution, afin d'éviter les chevauchements. Conviendrait-il de demander à M. Reynolds de s'en occuper à la sortie de la réunion?

M. Winch: Monsieur le président, moi aussi je suis ici parce que la question m'intéresse beaucoup. Bien que je me trouve à 3,000 milles de chez moi, j'aimerais rester ici aussi longtemps que possible. Toutefois, nos heures de réunion ont leur importance. Allons-nous siéger matin, après-midi et soir?

Le président: Ce sera notre prochain sujet de discussion, monsieur Winch.

M. Winch: Si je pose cette question, c'est que, lorsque l'on demandera aux diverses associations quand elles désirent comparaître, la fréquence de nos réunions aura son importance. Il faudra que M. Reynolds s'entende avec elles sur le temps qui leur sera alloué.

M. Bigg: Allons-nous fixer une limite à la durée de nos séances?

Le président: Si nous parlions dès maintenant de nos heures de séance?

M. Bigg: Et du nombre de jours où nous serons censés être ici?

Le président: Je propose que notre prochaine séance, au cours de laquelle nous entendrons le ministre des Affaires des anciens combattants, ait lieu demain après-midi à 14h. 30. Il est probable que le sous-ministre sera aussi disponible et accompagnera le ministre. On a proposé, je crois, que mercredi matin, nous convoquions un représentant du ministère, qui nous exposera l'historique des trois questions qu'a mentionnées M. Reynolds.

[*Texte*]

An hon. Member: What time will that be?

The Chairman: Wednesday at 9.30 a.m. I presume that we could sit from 9.30 to 12 and 2 until 4.30 on Wednesday. Is that agreeable?

Some hon. Members: Agreed.

The Chairman: And the same on Thursday and Friday. That would be 9.30 until 12 and 2 until 4.30 in the afternoon on Wednesday, Thursday and Friday. Now what are your wishes on evening sittings?

Mr. Guay (St. Boniface): I think that we should sit, Mr. Chairman. I feel that we might as well use that time; we are here anyway and if we can utilize the evenings I believe that we should do so.

Mr. Turner (London-East): I would agree with Mr. Guay, Mr. Chairman. We are here to do a job and I think we should get the job done as quickly as possible. I agree that we should have evening sittings.

Mr. MacRae: I do not wish to bore you by repeating what we discussed earlier, but I think we might consider another side to the question. We will be working with a great deal more material and a great many more people in the next two weeks to complete this job. There are some on the Committee who are quite knowledgeable of these matters while others will have to do quite a lot of homework, for want of a better word. My earlier suggestion was that the evening sittings be left open so that if a group did not complete their afternoon work we could, by call of the Chair, meet in the evening. I suggest that we leave our evenings free for actual study and such other work.

The Chairman: Something to be borne in mind is that the Committee will have a number of briefs to consider and a good deal of work to do. However, it is up to the Committee to approve its own hours of sittings.

Mr. Marshall: Mr. Chairman, may I suggest that we sit the same times as we do in the House of Commons, that we have Wednesday and Friday evenings off and sit the other nights.

The Chairman: In other words, that we sit Thursday night this week. If so, what hours do you have in mind?

Mr. Marshall: It does not matter to me.

[*Interprétation*]

Une voix: A quelle heure?

Le président: Mercredi matin à 9 h. 30. Nous pourrions siéger ce jour-là de 9 h. 30 à midi, puis de 14 h. à 16 h. 30. Cela vous convient-il?

Des voix: D'accord.

Le président: De même jeudi et vendredi. Nous siégerions donc de 9 h. 30 à midi et de 14 h. à 16 h. 30 de l'après-midi, mercredi, jeudi et vendredi. Que dire des séances du soir?

M. Guay (Saint-Boniface): Je pense que nous devrions aussi siéger le soir, monsieur le président. A mon avis, nous devrions en profiter; nous sommes ici de toute façon, et si c'est possible, nous ferions aussi bien de siéger le soir.

M. Turner (London-Est): Je suis d'accord avec M. Guay, monsieur le président. Nous avons une tâche à accomplir, et nous devrions la terminer aussitôt que possible. Je suis aussi d'avis que nous siégions le soir.

M. MacRae: Je ne voudrais pas vous ennuyer en vous répétant ce que nous avons discuté un peu plus tôt, mais il me semble que nous devrions examiner l'autre côté de la question. Nous aurons beaucoup plus de personnel et de renseignements au cours des deux prochaines semaines afin de mener à bien ce travail. Certains membres de ce Comité ont une bonne connaissance du sujet tandis que d'autres auront à étudier chez eux la question d'une façon approfondie. Ma première suggestion était de laisser la séance du soir libre de façon que, si un groupe n'a pas terminé son travail de l'après-midi, nous puissions, à la demande du président, nous réunir dans la soirée. Je pense que nous devrions avoir nos soirées libres afin de pouvoir étudier et accomplir d'autres travaux.

Le président: N'oublions pas que le Comité devra se pencher sur de nombreux mémoires et aura un gros travail à fournir. Cependant, c'est au Comité de déterminer lui-même les heures durant lesquelles il veut siéger.

M. Marshall: Monsieur le président, puis-je suggérer que nous siégions aux mêmes heures que la Chambre des communes, c'est à dire tous les soirs sauf les mercredis et vendredis.

Le président: En d'autres mots, vous voulez que nous siégions jeudi soir. Si c'est cela, quelles heures suggérez-vous?

M. Marshall: Cela m'est égal.

[*Text*]

The Chairman: Do you wish to sit on Thursday from 8 p.m. to 10 p.m.?

Mr. Marshall: I would agree with 8 to 10 p.m.

The Chairman: Is that your wish?

Mr. Legault: Mr. Chairman, if we are going to sit from 2 until 4.30 would it not be better to sit from 7 until 9 p.m. and be off a little earlier?

Mr. Marshall: I just meant that we have the two nights off.

Mr. Bigg: Not necessarily that we sit the same hours.

The Chairman: All right, so we will sit from 7 to 9 p.m. on Thursday evening this week. There will just be the one evening sitting then.

Mr. Whicher: What about next Monday, Mr. Chairman?

The Chairman: I suggest that we review this matter later in the week after we see what witnesses are lined up and what the preference of the veterans organization is. I suggest that we review this on Wednesday, after Mr. Reynolds has had an opportunity to speak to the various veterans organizations. Would that be in order?

Mr. Whicher: Would you let those of us who, due to certain circumstances, cannot be three on Friday know by telephone if we are to be back here on Monday?

The Chairman: Mr. Whicher, we will be pleased to keep you informed of developments. It seems to me that we should not try at this moment to go beyond this week in setting precise hours of sittings.

Does that conclude discussion on this subject for the moment?

Mr. Guay (St. Boniface): If I had my way, for personal reasons and none other, Mr. Chairman, I would like to have established whether or not we will work in the evenings for this particular week—

An hon. Member: We will be.

Mr. Guay (St. Boniface): It would fit in with my program if we sat every night except Thursday evening and not work at all on Friday. Being the first week, this might afford an opportunity to make other necessary arrangements so that we could start full

[*Interpretation*]

Le président: Êtes-vous d'accord de siéger jeudi soir de 20 h. à 22 h.?

M. Marshall: Cela me convient.

Le président: Est-ce là le désir du Comité?

M. Legault: Monsieur le président, si nous siégeons déjà de 14 h. à 16 h. 30, ne serait-il pas mieux de siéger de 19 h. à 21 h. et ainsi finir un peu plus tôt?

M. Marshall: Mon seul désir est d'avoir deux soirs libres.

M. Bigg: Il n'est pas nécessaire de siéger aux mêmes heures.

Le président: Bien, nous siégerons donc de 19 h. à 21 h. jeudi de cette semaine. Il n'y aura donc qu'une seule séance le soir.

M. Whicher: A propos de lundi prochain, monsieur le président?

Le président: Je pense que nous devrions étudier cette question vers la fin de la semaine lorsque nous saurons quels témoins nous entendrons et les préférences des organisations des anciens combattants. Je propose qu'on étudie cela mercredi, après que M. Reynolds, aura eu l'occasion de rencontrer les diverses organisations d'anciens combattants. Est-ce que cela vous convient?

M. Whicher: Pourriez-vous laisser savoir par téléphone à ceux d'entre nous qui, à cause de circonstances diverses, ne seront pas là vendredi, s'ils doivent se présenter lundi prochain?

Le président: M. Whicher, nous nous ferons un plaisir de vous tenir au courant des événements. Je pense que nous devrions établir nos heures de séances uniquement pour cette semaine.

Est-ce que cela clôt les discussions à ce sujet pour le moment?

M. Guay (St-Boniface): Si je peux exprimer mes vues, pour des raisons personnelles, monsieur le président, j'aimerais que l'on établisse si oui ou non nous allons siéger le soir au cours de cette semaine...

Une voix: Nous siégerons...

M. Guay (St-Boniface): Il me conviendrait de siéger tous les soirs à l'exception de jeudi soir et de ne pas siéger du tout vendredi. Comme c'est la première semaine, cela nous donne la possibilité de faire d'autres arrangements et de commencer notre travail lundi

[*Texte*]

swing again on Monday. I am only suggesting this because it would be advantageous to me. It would help me a great deal if we did not sit on Friday.

The Chairman: Can we agree to sit tomorrow afternoon at 2.30; Wednesday at 9.30 and Wednesday afternoon at 2; Thursday morning at 9.30, Thursday afternoon at 2, and Thursday evening at 7? Can we be firm on those? We will then see what transpires at that point and what our future hours will be. Is that agreeable?

Mr. Reynolds: Mr. Chairman, it may be difficult to get sufficient witnesses for all day Thursday and the evening as well on such short notice.

The Chairman: We will have to take note of the possibility of it not suiting the plans the witnesses have made.

Mr. Legault: Mr. Chairman, I think we had better leave this in abeyance until Mr. Reynolds has obtained more factual information on the witnesses. It could very well be that there will not be any witnesses available for Friday.

The Chairman: I am reluctant to go any further until he has had a chance to explore it with them.

Mr. Winch: Mr. Chairman, I was going to question on almost the same subject. I am certain that a number of the members of the House who are in Ottawa would like to stay as long as they can because of their interest. However, I heard a rumour before the House adjourned of some 16 applications to be heard and I was wondering if it would be possible, sir, in view of the fact that the national headquarters of the Legion, the Army and Navy are here in Ottawa, to give priority to hearing the witnesses of these major organizations. I am certain they are prepared to appear. I would appreciate being able to stay to hear them.

The Chairman: Mr. Reynolds is well acquainted with the different groups involved. I think we will have to rely on his working out with the groups, and using some discretion on, the sequence in which—

Mr. Winch: If you can; I would appreciate it, and I know many others would also.

[*Interprétation*]

pour de bon. Je propose ceci uniquement parce que ce serait un avantage pour moi. Cela m'arrangerait vraiment si nous n'avions pas à siéger vendredi.

Le président: Êtes-vous d'accord pour siéger demain après-midi à 14 h. 30, mercredi matin à 9 h. 30 et mercredi après-midi à 14 heures, jeudi à 9 h. 30 du matin et à 14 heures de l'après midi, ainsi que jeudi soir à 19 heures? Pouvons-nous nous en tenir à ces heures? Nous pourrons voir plus tard ce qu'il adviendra et quelles seront nos heures de séances à l'avenir. Êtes-vous d'accord?

M. Reynolds: Monsieur le président, dans un si bref délai, il sera peut-être difficile d'avoir suffisamment de témoins pour la journée et la soirée de jeudi.

Le président: Il nous faudra tenir compte du fait que cela ne cadrera peut-être pas avec les plans des témoins.

M. Legault: Monsieur le président, je crois qu'il vaudrait mieux laisser cette question en suspens jusqu'à ce que M. Reynolds ait obtenu plus de renseignements sur les témoins. Il se pourrait fort bien qu'aucun témoin ne soit libre vendredi.

Le président: J'hésite à poursuivre cette question avant qu'il ait eu l'occasion de consulter les témoins.

M. Winch: Monsieur le président, j'allais poser une question à peu près sur le même sujet. Je suis convaincu qu'un grand nombre de députés qui sont actuellement à Ottawa, s'intéressent à cette question et aimeraient prolonger leur séjour le plus longtemps possible. Toutefois, selon une rumeur qui circulait avant que la Chambre n'ajourne, on devait entendre 16 témoins. Étant donné que les quartiers généraux de la Légion canadienne, de l'Armée et de la Marine se trouvent à Ottawa, je me demandais s'il ne serait pas possible de faire venir d'abord les témoins de ces grands organismes qui, j'en suis sûr, sont déjà préparés. Je serais très heureux de pouvoir rester pour les entendre.

Le président: M. Reynolds connaît fort bien les divers groupes intéressés. Je crois que nous devons faire confiance à son travail et faire preuve de discrétion à l'égard de l'ordre dans lequel...

M. Winch: Si c'était possible; je vous en serais très reconnaissant, tout comme plusieurs de mes confrères d'ailleurs.

[*Text*]

Mr. Bigg: The only reason for my suggesting this criticism of the agenda is that it seems that this week is almost "shot" if we follow this particular procedure. If anybody is willing, ready and able to give a presentation right away, I do not see why we should not get on with it. It seems to me the departmental officials could fit in very easily on short notice. They could come in the evening when other witnesses could not come. I am not running down the necessity of hearing from them, but it seems that they could fit into our program much better. If there are veterans organizations who must appear we should give them top priority, and we and the departmental officials should fill in the gaps. These are the groups that I want to hear.

The Chairman: I think you are going to have to give Mr. Reynolds some discretion in arranging these. We will just have to assume that he is going to use his best judgment.

Mr. Bigg: I am thinking particularly of this week. Can we do anything this week? Our time is short, too, unless we are going to stay here until Parliament sits.

The Chairman: Mr. Reynolds might be able to say something tomorrow afternoon. I think it would be very difficult for him to say much before then.

Mr. Reynolds: I will try to arrange a complete agenda for this week, including Thursday night, if I can.

The Chairman: Have members anything to bring before the Committee at this time? If not, the Committee will now adjourn and will meet tomorrow afternoon at 2.30 in the same room.

Tuesday, September 16, 1969.

• 1436

The Chairman: Would the Committee please come to order. We have a quorum.

This afternoon the Minister of Veterans Affairs is going to make a statement to the Committee.

The Hon. Jean-Eudes Dubé (Minister of Veterans Affairs): Thank you, Mr. Chairman. With your permission I will start off in French and then, after a couple of minutes, I will change to English.

[*Interpretation*]

M. Bigg: L'unique raison qui me pousse à critiquer l'ordre du jour, c'est que cette semaine est, semble-t-il, perdue si nous suivons cette procédure. Si personne n'est disposé, prête ou capable de venir témoigner en ce moment, je ne vois pas pourquoi nous ne devrions pas nous en accommoder. Il me semble que les fonctionnaires des ministères seraient prêts à venir sans préavis. Ils pourraient venir le soir si d'autres témoins en sont incapables. Je ne nie pas la nécessité d'entendre leurs témoignages, mais il semble qu'ils pourraient cadrer beaucoup mieux avec notre programme. Si des organisations d'anciens combattants doivent venir témoigner, nous devrions leur accorder la préférence et les députés et les fonctionnaires des ministères devraient, s'il y a lieu, combler les vides. Ce sont les groupes que je veux entendre.

Le président: Je crois que vous devrez laisser à M. Reynolds le soin de régler ces questions. Nous n'avons plus qu'à supposer qu'il fera son possible.

M. Bigg: Je pensais surtout à cette semaine. Pouvons-nous faire quelque chose cette semaine? Notre temps est limité. Il faudrait rester sur place jusqu'à ce que le Parlement reprenne ses travaux.

Le président: M. Reynolds pourrait sans doute vous fournir plus de détails demain après-midi. A mon avis, il lui serait très difficile de vous donner plus de précisions avant ce moment-là.

M. Reynolds: Si c'est possible, j'essaierai de préparer un ordre du jour détaillé pour cette semaine, y compris jeudi soir.

Le président: Quelques députés auraient-ils quelque chose à signaler au Comité? Devant ce silence, Le Comité s'ajourne donc pour reprendre demain à 14 h 30 dans la même salle.

Le mardi 16 septembre 1969.

Le président: A l'ordre, s'il vous plaît. Nous avons le quorum. Cet après-midi, le ministre des Affaires des anciens combattants fera une déclaration aux membres du Comité.

L'honorable Jean-Eudes Dubé (Ministre des Affaires des anciens combattants): Merci monsieur le président. Avec votre permission, je commencerai mon exposé en français et après quelques minutes, je continuerai en anglais.

[*Texte*]

Messieurs les députés, je suis heureux de l'occasion qui m'est donnée de rencontrer le Comité des Affaires des anciens combattants et de vous entretenir des projets du gouvernement au sujet de la Loi sur les pensions. Je suis certain que vous avez déjà pris connaissance du Livre blanc et je n'entrerai donc pas dans les détails. Je veux cependant vous signaler certains points qui, à mon avis, revêtent une importance toute particulière.

Les membres du Comité n'ignorent pas qu'il y a environ un million d'anciens combattants au Canada. Au 31 décembre 1968, 136,000 anciens combattants et 29,800 personnes à charge ou survivants d'anciens combattants touchaient une pension en vertu de la Loi sur les pensions. Ces pensions représentent des déboursés annuels de plus de 200 millions de dollars. C'est la Commission canadienne des pensions, et non pas le ministère des Affaires des anciens combattants, qui est chargée de l'application de cette loi.

Le Livre blanc a pour objet de faire connaître les modifications que le gouvernement propose d'apporter tant au texte de la Loi qu'à son application par suite de son étude des recommandations du Rapport Woods. Vous n'ignorez pas que le Comité Woods a été créé en septembre 1965, sur l'initiative de mon prédécesseur, l'honorable Roger Teillet, et le but de ce Comité était d'enquêter sur l'organisation et le travail de la Commission canadienne des pensions. A ce moment-là, on s'attendait qu'il terminerait son étude dans 90 jours; mais, en raison de l'ampleur et de la complexité du sujet, le Comité Woods a mis deux ans et demi à faire son étude. Son rapport est un document volumineux, que vous avez eu l'occasion de considérer et d'étudier, j'en suis sûr.

Ce rapport Woods renferme 148 recommandations et a été déposé à la Chambre des communes en mars 1968, et aussitôt le gouvernement a entrepris d'étudier avec soin l'opportunité et les implications des diverses recommandations ainsi que les dépenses estimatives qu'entraînerait leur mise en œuvre. Le Livre Blanc renferme les conclusions que le gouvernement a tirées de son étude ainsi que les mesures législatives qu'il propose.

Mr. Chairman, I would like to emphasize that the government does not wish to imply that its present views as expressed in the White Paper are rigid or immutable; indeed, the government will remain ready to give careful consideration to any comments or suggestions which this Standing Committee may make as a result of its own review of

[*Interprétation*]

Members of the Committee:

I am grateful for this opportunity of meeting with the Committee and of speaking to you about the government's plans with regard to the Pension Act. As you have already seen the White Paper, I shall try to avoid unnecessary detail, but I would like to highlight a number of points that I think are of particular importance.

Members of the Committee are no doubt well aware that there are approximately one million veterans in Canada. As of December 31st last a total of 136,800 of these veterans were in receipt of pensions under the Pension Act, and a further 29,800 pensions were in payment to the dependants or survivors of veterans. Payments under the Act amount to more than $200 million a year. The Act is administered, not by my Department, but by the Canadian Pension Commission.

The purpose of the White Paper is to indicate the changes in the Act or in its administration the government is proposing as a result of its review of the recommendations in the Woods Report. As the members of this Committee are aware, the Woods Committee was established by my predecessor in September 1965 to survey the work and organization of the Canadian Pension Commission. At the time it was expected that the survey would take about 90 days, but in fact the subject proved so large and complex that it took over 2½ years.

The report is a massive document containing 148 recommendations. It was tabled in the House of Commons in March 1968 and the government immediately undertook a careful study of the implications, feasibility and estimated expenditures that would be involved in the implementation of the various recommendations. The White Paper indicates the conclusions reached by the government as a result of its study, and the intention is to have legislation prepared along the lines indicated in it.

Toutefois, monsieur le président, et j'insiste sur ce point, le gouvernement n'a nul désir que l'on tienne son point de vue actuel pour rigide et immuable; il est, bien au contraire, disposé à étudier avec attention chacune des observations et des propositions que le Comité permanent voudra bien formuler, une fois terminée son étude du Rapport Woods et du

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the Woods Report and of the White Paper. The government will also of course be interested in the views of the various veterans' associations, which I am sure you will want to call before you, based on the evidence which these veterans' associations will give to this Committee.

Members of the Committee will have noticed that the White Paper does not contain proposals with reference to basic rates. These present rates were established in January of last year; the annual pension now paid to a veteran whose disablement is assessed at 100 per cent is $3,180 if he is single and $4,776 if he is married with two dependent children. The subject of basic rates was not included in the terms of reference of the Woods Committee. The Prime Minister in the House of Commons stated that the whole fabric of social legislation was presently under government review.

When this over-all assessment has been completed, the government may propose still further changes in the Pension Act or in its administration.

It will be noted that four out of five of the recommendations made by the Woods Committee are acceptable to the government. In some cases, the recommendations have been accepted without change, and in other cases the government has recognized the problem as identified by the Woods Committee, but is proposing different solutions.

Some of the proposed changes will establish important new principles in the pension program. I should like to draw to your particular attention this afternoon four of these basic changes, and they deal respectively with the handling of pension appeals, the recognition of exceptional incapacity, the proposed guidelines on the meaning of the "benefit of the doubt" and the pensions of Hong Kong veterans.

The Woods Committee considered that it was undesirable in principle to require a single agency, the Canadian Pension Commission, not only to administer the pension program and make initial pension awards, but in addition to have the final power of interpretation of the Act and also to sit on appeal from its own decisions. No matter how fair and impartial the pension commissioners may be, they are vulnerable in present circumstances to the criticism that they may stick together and confirm each other's decisions. The Woods Committee concluded therefore that the Act should be amended to divest the Canadian Pension Commission of some of its pervasive responsibility and power. The government fully agrees with this view.

[*Interpretation*]

Livre blanc. Le gouvernement est également désireux de connaître l'opinion que les diverses associations d'anciens combattants pourraient exprimer lorsqu'elles se présenteront devant votre comité.

Peut-être avez-vous remarqué que le Livre blanc ne renferme aucune proposition relativement aux taux de base des pensions. Les taux actuels ont été fixés en janvier 1968 et, à l'heure actuelle, l'ancien combattant atteint d'une invalidité qu'on a jugée complète touche une pension annuelle de $3,180 s'il est célibataire et de $4,776 s'il est marié et a deux enfants à sa charge. Il n'entrait pas dans les attributions du Comité Woods d'étudier les taux de base des pensions. Le Premier ministre a déclaré en Chambre, toutefois, que le gouvernement étudie présentement l'ensemble de la législation sociale.

Une fois cette étude terminée, le gouvernement pourrait encore proposer d'autres modifications à la Loi sur les pensions et à son application.

A remarquer que le gouvernement a accepté les quatre cinquièmes des recommandations formulées par le Comité Woods, soit dans leur forme originale, soit dans une forme modifiée, lorsqu'il reconnaît le problème exposé par le Comité, mais veut y apporter une solution différente.

Certaines des modifications proposées établiront des principes nouveaux et importants dans le programme des pensions. Permettez-moi de vous signaler quatre de ces changements fondamentaux cet après-midi: ils portent sur l'étude des appels, l'admission d'une incapacité exceptionnelle, les principes directeurs relatifs au «bénéfice du doute» et les pensions aux anciens combattants de Hong-Kong.

Le Comité Woods estimait qu'en principe il n'était pas souhaitable qu'un organisme unique, la Commission canadienne des pensions, soit chargé non seulement d'appliquer le programme des pensions et de statuer sur les demandes de pension en première instance, mais aussi d'interpréter la Loi en dernier ressort et de statuer en cas d'appels sur le bien-fondé de ses propres décisions. Si équitables et impartiaux que soient les commissaires ils peuvent être accusés d'être solidaires les uns des autres et de confirmer leurs décisions respectives. C'est pourquoi le Comité a conclu qu'il fallait modifier la Loi afin de réduire en partie l'ampleur des responsabilités et des prérogatives de la Commission canadienne des pensions. Le gouvernement est tout à fait d'accord.

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There are of course many different ways of achieving this objective. Two members of the Woods Committee proposed the establishment of an independent appellate body to be called the Pension Appeal Board with wide powers, including the final determination of interpretation of the Pension Act and the handling of pension appeals. The other member proposed the appointment of an ombudsman to review decisions, hear and investigate complaints about any Pension Act matter, and to obtain redress by liaison and persuasion.

Still another possibility might have been to make the decisions of the CPC subject to appeal in the regular courts of law in this country. Neither the Woods Committee nor the government favoured this last approach because it would mean that the adversary system would apply and the Commission would then be required to argue in the courts that a pension should not be awarded. I am quite confident that veterans themselves would not favour the use of the courts for pension matters.

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The government gave careful consideration to the proposal that a pensions ombudsman be appointed. It concluded that pension entitlement should not be left to be determined only by an ombudsman's powers of persuasion and publicity, but that a proper procedure for the handling and deciding of appeals remained essential.

The government also studied the proposal that an independent Pension Appeal Board be created. While this would be one effective way of separating initial and final adjudication, it would inevitably involve a substantial increase in the cost of pension administration. The government has concluded that the same objective can be met equally well by restructuring existing resources rather than by establishing a second independent pension body.

It is therefore proposed that pension applicants be provided with a new three-level adjudication process, with decisions at each level being rendered by a different body. These are as follows:

1. The administration of the Pension Act and the adjudication of all initial and renewal claims would become the responsibility of a new branch of the Department to be known as the Directorate of Pensions.

[*Interprétation*]

Certes, cet objectif peut s'atteindre de plusieurs façons. Deux membres du Comité Woods avaient proposé la création d'un bureau d'appel des pensions, organisme indépendant disposant de pouvoirs étendus, notamment celui d'agir comme tribunal de dernière instance pour l'interprétation de la Loi sur les pensions et l'examen des appels. Le troisième membre avait proposé que soit nommé un «ombudsman» qui serait chargé d'examiner les décisions rendues en vertu de la Loi, de prendre connaissance des doléances formulées au sujet de toute question se rapportant à la Loi sur les pensions et d'obtenir justice grâce à des contacts personnels et à la persuation.

Un autre moyen d'atteindre l'objectif serait d'assujettir les décisions de la Commission canadienne des pensions à un appel devant les tribunaux du pays. Ni le Comité Woods ni le gouvernement ne sont partisans de cette façon de procéder parce que celle-ci équivaudrait à la mise sur pied d'un système contradictoire et la Comission aurait alors à s'opposer en justice à l'attribution d'une pension. J'ai confiance que les anciens combattants eux-mêmes ne favoriseraient pas le recours aux tribunaux pour trancher les questions relatives aux pensions.

Le gouvernement a étudié avec beaucoup d'attention la possibilité de nommer un ombudsman, et il en est venu à la conclusion que les pouvoirs de persuasion et de publicité ne suffiraient pas à établir le droit à la pension mais qu'il fallait absolument conserver une procédure appropriée pour examiner et juger les appels.

Le gouvernement a étudié également la possibilité d'établir un Bureau d'appel des pensions qui serait indépendant. Bien que ce serait là une façon efficace de séparer la décision initiale de la décision définitive, il en résulterait inévitablement une forte augmentation du coût de l'administration des pensions. Le gouvernement a conclu qu'on pouvait tout aussi bien atteindre l'objectif en remaniant les services actuels plutôt qu'en créant un second organisme indépendant.

Il propose donc que les demandes de pension fassent l'objet d'une procédure d'examen à trois paliers à chacun desquels la décision serait rendue par un organisme différent. En voici la structure:

1. L'application de la Loi sur les pensions et l'examen de toutes les demandes initiales et demandes de renouvellement de pension seraient confiés à une nouvelle direction du ministère, la Direction des pensions.

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2. An Entitlement Hearing Division of a restructured Pension Commission composed of 10 commissioners would carry out the functions of the present Appeal Boards of the Commission. Hearings would be held in the various main centres across Canada where the applicant would appear in person with his advocate and witnesses to present his case.

3. A new body to be known as the Appeal Division of the new Pension Commission composed of five different commissioners would be responsible for rendering decisions on final appeal. Final appeals, based on the record, would be held in Ottawa where the applicant's advocate could plead his case.

Under the new setup the Canadian Pension Commission would be restructured to include an Administrative Division, an Entitlement Hearing Division and an Appeal Division. Commissioners would not be interchangeable between divisions.

The present staff of the Canadian Pension Commission would be transferred to the new Directorate of Pensions.

The Woods Committee recommended in a different field that a supplementary pension be made available for pensioners suffering from multiple disabilities. They pointed out, and rightly so, that 100 per cent pensioners are not all alike, for some of them suffer, in addition, unusual social and psychological impairments. They may also suffer pain and distress in varying degrees or less continually.

The government fully agrees that some veterans do in fact suffer from exceptional incapacity. There are, however, a variety of possible ways of handling this situation in a pension program. As the White Paper explains, with pension assessment directly related to the degree of employment handicap, a veteran cannot logically be more than 100 per cent disabled for pension assessment purposes. To make an exception to that philosophy for any particular group of pensioners would erode and eventually negate the long-established fundamental principle on which the assessment of service-related disability is based. Nevertheless, the government believes that this exceptional burden of disablement should be recognized. It proposes, therefore, to introduce legislation to provide for payment in such cases of an allowance

[*Interpretation*]

2. La Division de l'admissibilité qui sera, à la suite de la réorganisation de la Commission canadienne des pensions, composée de 10 commissaires, et remplira les fonctions des Bureaux d'appel qui existent à l'heure actuelle au sein de la Commission. Les audiences auraient lieu dans les principales villes du Canada et l'intéressé viendrait plaider sa cause en personne, accompagné de son avocat et de ses témoins.

3. La nouvelle Division des appels de la nouvelle Commission canadienne des pensions, composée de cinq commissaires, serait chargée de rendre une décision en dernière instance. Les appels en dernière instance, fondés sur la preuve documentaire obtenue aux diverses étapes de la procédure, se feraient à Ottawa où l'avocat de l'intéressé viendrait plaider sa cause.

A la suite de cette réorganisation, la Commission canadienne des pensions compterait trois divisions: la Division de l'administration, la Division de l'admissibilité et la Division des appels. Les Commissaires ne pourront plus passer indifféremment d'une division à l'autre.

Le personnel actuel de la Commission canadienne des pensions serait muté à la nouvelle Direction des pensions.

Le Comité Woods a recommandé, d'autre part, qu'une pension aditionnelle soit accordée aux pensionnés atteints d'affections multiples. Il a signalé, avec raison, que les pensionnés à 100 p. 100 ne sont pas tous semblables, que quelques-uns d'entre eux souffrent, en outre, de handicaps sociaux et psychologiques particuliers. Il se peut qu'ils souffrent en outre de douleurs physiques et morales à divers degrés et ce, de façon plus ou moins continue.

Le gouvernement reconnaît volontiers que certains anciens combattants sont véritablement atteints d'une incapacité exceptionnelle. Toutefois, un programme de pensions offre plusieurs moyens de remédier à cette situation. Ainsi que le Livre blanc le mentionne, l'évaluation de l'invalidité étant en fonction directe du degré d'incapacité au travail, un ancien combattant ne peut logiquement dépasser les 100 p. 100 d'invalidité. Déroger à ce principe en faveur d'un groupe particulier de pensionnés ébranlerait, voire anéantirait le principe fondamental sur lequel repose, depuis très longtemps, l'évaluation du degré d'invalidité résultant du service militaire. Quoi qu'il en soit, le gouvernement estime qu'il y a lieu de reconnaître le fardeau particulier que constitue leur invalidité. A cette fin, il se propose de présenter une mesure législative selon laquelle une allocation ou

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or lump sum grant of not less than $400 and not more than $1,200 a year. This grant would be for specific amenities to relieve pain and discomfort, and to increase as far as possible the enjoyment of life for the pensioner and help him to recover the essential will to live. The government considers that this provision will constitute an important new principle in the disability pension program.

A third major new principle relates to what is known as the "benefit of the doubt" provision of the Pension Act. For many years the Act provided under Section 70 that an applicant does not have to prove his claim conclusively, and that all reasonable inferences and presumptions should be drawn in his favour. The Woods Committee pointed out that, although this provision was intended to help the applicant, the wording was vague and could be interpreted in a variety of ways. The Woods Committee recommended therefore that the Act be amended to incorporate guidelines as to what exactly constitutes benefit of the doubt, and the government has accepted this recomendation.

The proposed amendment will say that the applicant has fulfilled his responsibility when he has submitted credible evidence which, if uncontradicted, should entitle him to succeed; secondly, that the adjudicating body should draw from the evidence all reasonable inferences in favour of the applicant; and, thirdly, and most important, that after all these reasonable inferences have been drawn, the applicant shall still be entitled to the benefit of the doubt and his claim may be allowed, even though he has not established it by a preponderance of evidence. Members of the Committee will recognize that when benefit of the doubt is defined in this way it becomes a very different provision from the form commonly used in court proceedings.

A fourth major new principle relates to the Hong Kong veterans. These men spent nearly four years in prisoner of war camps under the most rigorous and debilitating conditions. Apart from the physical hardships and cruelty to which they were subjected, they were also exposed to the risk of avitaminosis and to nutritional disability, and endured extraordinary psychological stresses. Although these conditions have received much study since that time, their long-term effects are still not fully known and understood. It

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une indemnité globale, d'au moins $400 et d'au plus $1,200 par année, pourra être versée au pensionné pour lui procurer les moyens de soulager ses souffrances, afin qu'il puisse jouir davantage de la vie et retrouver le désir de vivre. Le gouvernement est d'avis que cette mesure constituera un nouveau principe important dans le programme de pensions aux invalides.

Un troisième nouveau principe important a trait aux dispositions de la Loi sur les pensions relatives au «bénéfice du doute». Depuis nombre d'années, en vertu de l'article 70 de la Loi, le requérant n'était pas tenu de produire une preuve concluante, de sorte que l'autorité établie qui se prononce sur la demande devait poser en faveur du requérant toutes les déductions et présomptions qu'elle pouvait raisonnablement tirer de la preuve. Le Comité Woods a signalé que, bien que cette disposition visait à aider le requérant, le libellé en était vague et pouvait être interprété de diverses façons. Il a donc recommandé que la Loi soit modifiée afin d'y incorporer des principes directeurs selon lesquels on déterminera les éléments qui constituent le bénéfice du doute. Le gouvernement a accepté cette recommandation.

L'article refondu stipulera que le requérant se sera acquitté de ses obligations lorsqu'il aura fourni des preuves dignes de foi qui, en l'absence de contestation, lui assureront l'acceptation de sa demande; ensuite, que l'organisme qui se prononcera sur sa requête établira en faveur du requérant toutes les déductions qu'il pourra raisonnablement tirer de la preuve soumise; et enfin, élément le plus important, que le requérant aura ensuite droit au bénéfice du doute, de sorte que sa demande pourra être approuvée même si elle ne s'appuie pas sur la prépondérance des preuves. Les membres du Comité reconnaîtront que, défini de cette façon, le bénéfice du doute prend un tout autre sens que celui qu'il a généralement devant les tribunaux.

Un quatrième nouveau principe majeur concerne les anciens combattants de Hong-Kong. Ces hommes ont vécu pendant près de quatre ans dans des conditions exceptionnellement rigoureuses et débilitantes. En plus des épreuves physiques et de la cruauté qu'ils ont dû endurer, ils ont été exposés aux effets de l'avitaminose et autres affections d'origine alimentaire, et ont subi des tensions psychologiques inouïes. Bien que ces affections aient été, depuis lors, l'objet de nombreuses études, on ne connaît ni ne comprend par-

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is known however that the disabilities of these men are aggravated as they grow older.

The government recognizes that these veterans should receive special consideration. It will ask Parliament to pass a separate Act to provide a basic minimum pension of 50 per cent for all Hong Kong veterans having an assessable degree of disability. This will mean that if, for example, a Hong Kong veteran's disabilities have now reached the 20 per cent level, the strong probability of aggravation will be recognized by assessing him now as 50 per cent disabled. This will not only bring him benefit now, but on his death it will also make his widow and orphans pensionable under the provisions of the Pension Act.

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The special legislation will also provide that those Hong Kong veterans who have died before these measures will become effective, will be presumed to have died from causes attributable to their war service. This means that, even if their pensions while living had been less than 48 per cent, their widows and orphans could nevertheless be pensionable under the Pension Act.

I have now mentioned four of the new landmarks which are described in the White Paper. In addition to these, about a hundred other recommendations of the Woods Committee commend themselves to the government and these too are outlined in the White Paper. Perhaps I should mention very briefly some seven others of the most important of these further changes:

First, when a veteran reaches age 60 his pension will be "stabilized" when it has been in effect at a particular percentage for ten years or more. In other words, the assessment will then no longer be subject to reduction.

Second, in present circumstances if a veteran with a pension of less than 48 per cent dies, his widow is not eligible for a pension unless she can establish that his death was attributable to service. A proposed amendment will provide for posthumous assessment of his disability in order to determine whether it might have been set at 48 per cent or more.

[*Interpretation*]

faitement leurs effets à long terme. Par contre, ce que l'on sait, c'est que l'état de santé de ces personnes se détériore avec les années.

Le gouvernement a compris que ces anciens combattants méritent une attention toute particulière. Il demandera donc au Parlement d'adopter une loi distincte qui assurerait une pension de base minimum de 50 p. 100 à tout ancien combattant de Hong-Kong qui en fait la demande et qui est atteint d'une invalidité appréciable. Cela signifie, par exemple, que si un ancien combattant de Hong-Kong est atteint d'une invalidité de 20 p. 100, on reconnaîtra la forte probabilité d'une aggravation en lui concédant immédiatement une invalidité de 50 p. 100. L'ancien combattant ne sera pas le seul à bénéficier de cette mesure puisque, à son décès, sa veuve et ses enfants orphelins seront admissibles à la pension en vertu des dispositions de la Loi sur les pensions.

En outre, en vertu de cette mesure législative spéciale, le décès de tout ancien combattant de Hong-Kong, survenu avant la date d'entrée en vigueur de la mesure, sera considéré imputable au service militaire en temps de guerre. Ainsi, même si, de leur vivant, ils touchaient une pension d'invalidité de moins de 48 p. 100, leur veuve et leurs enfants pourront maintenant devenir admissibles à une pension en vertu de la Loi sur les pensions.

J'ai mentionné quatre des nouvelles dispositions qui feront époque et qui sont exposées dans le Livre blanc. Cependant, le gouvernement a approuvé une centaine d'autres recommandations du Comité Woods et nous en avons fait également un exposé dans le Livre blanc. Je devrais peut-être mentionner brièvement sept des autres changements les plus importants:

Premièrement, dès qu'un ancien combattant atteindra l'âge de 60 ans, sa pension sera «stabilisée» pourvu qu'elle soit demeurée en vigueur à un taux fixe durant une période de dix ans ou plus. En d'autres termes, l'évaluation de l'invalidité ne pourra plus être réduite.

Deuxièmement, dans les circonstances actuelles, si un ancien combattant qui reçoit une pension de moins de 48 p. 100 vient à mourir, sa veuve ne sera pas admissible à recevoir une pension, sauf si elle prouve que le décès est imputable au service. Une modification proposée permettra une évaluation posthume de l'invalidité afin de déterminer si celle-ci aurait pu être établie à 48 p. 100 ou plus.

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Third, a Bureau of Pension Advocates, a body completely independent of the Department of Veterans Affairs and independent of the Canadian Pension Commission, will be established to replace the present Veterans' Bureau.

Fourth, pension will be awarded for "consequential disability", in other words, a disability occurring in civil life that results from previous disability attributable to service.

Fifth, when a veteran has been pensioned for the loss of an eye or leg or other so-called "paired" organ, the loss of the other paired organ will be pensioned at 50 per cent of the rate that would have applied if this second loss had been attributable to service.

Sixth, clothing allowance will be pyable to pensioners who must wear specially-tailored clothing; and a bilateral amputee will receive the maximum clothing allowance now provided for a single amputation plus one-half of that allowance.

Seventh, "improper conduct" will no longer be a bar to the awarding of pensions to dependants following the death of the veteran.

Gentlemen, I have mentioned that the government accepts, with or without modification, most or 80 percent of the recommendations in the Woods Report. One of the recommendations that was not accepted would have restricted the payment of attendance allowance to those whose need arises from their pensioned condition. The government has decided not to curtail this benefit, but to continue to maintain the present arrangement under which the allowance may be awarded to a pensioner needing an attendant even if the need does not arise from the disability for which he is pensioned.

Pensions for members of the peacetime forces will continue to be dealt with under the Pension Act. The members will receive the benefit of the White Paper proposals which are common to all periods of service.

In my remarks I have described some of the major features of the White Paper. Of course, these matters, or most of them, cannot become effective until legislation has been passed to amend the Pension Act.

The government is indeed very grateful to the members of the Woods Committee for the impressive group of useful recommenda-

[*Interprétation*]

Troisièmement, un Bureau des avocats des pensions, totalement indépendant du ministère des Affaires des anciens combattants et de la Commission canadienne des pensions, sera créé pour remplacer l'actuel Bureau des vétérans.

Quatrièmement, une pension pourra être accordée pour une «affection secondaire», en d'autres termes, une affection survenue dans la vie civile mais résultant d'une invalidité antérieure et imputable au service.

Cinquièmement, lorsqu'un ancien combattant reçoit une pension pour la perte d'un œil, d'une jambe ou de tout autre organe pair, la perte de l'autre organe sera pensionnée à 50 p. 100 du taux qui se serait appliqué si cette seconde perte avait été imputable au service.

Sixièmement, une allocation vestimentaire sera versée aux pensionnés tenus de porter des vêtements de confection particulière, et un amputé de deux membres recevra l'allocation vestimentaire maximale versée actuellement à un amputé d'un seul membre, mais augmentée de 50 p. 100.

Septièmement, «la mauvaise conduite» ne sera plus un empêchement à l'attribution d'une pension aux personnes à charge après le décès de l'ancien combattant.

J'ai mentionné, messieurs, que le gouvernement accepte, avec ou sans modification, la plupart des recommandations du Rapport Woods. Toutefois, l'une des recommandations rejetées aurait eu pour effet de restreindre le versement de l'allocation de soins à ceux dont le besoin découle de leur affection pensionnée. Le gouvernement a décidé de ne pas restreindre cet avantage et de maintenir les dispositions actuelles selon lesquelles une allocation de soins peut être versée à un pensionné qui a besoin des soins d'une autre personne, même si ce besoin ne découle pas de l'invalidité pour laquelle il est pensionné.

Les pensions versées aux membres des forces en service en temps de paix continueront de relever de la Loi sur les pensions. Ces militaires profiteront des avantages proposés dans le Livre blanc et qui sont communs à toutes les périodes de service.

Dans mes observations, j'ai décrit quelques-unes des recommandations les plus importantes du Livre blanc. Certes, la plupart de ces mesures ne peuvent entrer en vigueur avant qu'une loi modifiant la Loi sur les pensions soit adoptée.

Le gouvernement sait gré aux membres du Comité Woods du nombre considérable de recommandations utiles qu'il lui a soumises.

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tions which they have made. I would like to emphasize that the government has studied

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the proposals with very great care, and is confident that the measures described in the White Paper will provide the basis for legislation that will place increased emphasis on the human element in the adjudication of pension claims and will help to streamline the administration of the Pension Act.

As the Standing Committee proceeds with its study of the many recommendations of the Woods Report, officials of my Department and of the Canadian Pension Commission will of course be available at any time to assist.

I would like to thank all members of the Standing Committee for their courteous attention. I should also commend you for your very generous attitude in agreeing to meet here during the period of your holidays. If members should like to ask questions, especially on policy matters, I will be pleased to try to answer them now or at any subsequent meeting.

The Chairman: Thank you, Mr. Minister. Mr. Groos and Mr. MacRae have indicated their wish to ask questions and there must be others.

Mr. Groos: Could I ask you, first of all, Mr. Chairman, on a point of order—I have two or three questions, one of which is very short—if you are going to allow us to ask more than one question, or are you going to take us in succession?

The Chairman: Well, if they are reasonably short.

Mr. Groos: The first one is very sort. The Prime Minister spoke in July about government programs for social welfare legislation. I take it he was talking about social welfare legislation. Do you regard this White Paper of yours today as being part of this general social welfare legislative program?

Mr. Dubé: Perhaps we should define our terms. I was asked a similar question yesterday in Montreal by a war amputee and he was talking in terms of social welfare. Disability pension is not social welfare at all; it is social legislation. A veterans is entitled to a disability pension as of right. This is not a welfare measure at all. Perhaps you could describe war veterans allowances as being more along the line of welfare but I think disability pensions are more or less a cousin

[*Interpretation*]

Par ailleurs, j'aimerais souligner que le gouvernement a étudié ces propositions avec le plus grand soin et qu'il est convaincu que les mesures décrites dans le Livre blanc permettront d'établir un ensemble de dispositions qui tiendra de plus en plus compte de l'élément humain dans l'étude des demandes de pension, et aideront à moderniser l'application de la Loi sur les pensions.

Tant que le Comité permanent poursuivra son étude des nombreuses recommandations du Comité Woods, les fonctionnaires de mon ministère et ceux de la Commission canadienne des pensions demeureront à votre entière disposition.

Je voudrais remercier tous les membres du Comité de leur aimable attention. Je dois aussi vous féliciter d'avoir bien voulu vous réunir ici pendant la période de vos vacances. Si les membres du Comité désirent me poser des questions, en particulier dans les domaines qui touchent la politique, je me ferai un plaisir d'essayer d'y répondre, maintenant ou lors des prochaines séances.

Le président: Merci, monsieur le ministre. M. Groos et M. MacRae ont demandé à poser des questions, et d'autres suivront sans doute.

M. Groos: J'aimerais tout d'abord, monsieur le président, vous poser une question de Règlement. J'ai deux ou trois questions, dont l'une est très brève. Allez-vous nous autoriser à poser plus d'une question à la fois, ou allez-vous nous donner la parole à tour de rôle?

Le président: Si vos questions sont suffisamment brèves . . .

M. Groos: La première est très brève. Le premier ministre a parlé, au mois de juillet, de programmes gouvernementaux en vue de mesures d'assistance sociale; je suppose qu'il voulait parler de mesures législatives d'assistance sociale. Considérez-vous votre Livre blanc comme faisant partie de ce programme législatif général d'assistance sociale?

M. Dubé: Il faudrait peut-être définir les termes que nous employons. Hier, à Montréal, un amputé de guerre m'a posé une question similaire, et il parlait d'assistance sociale. Les pensions d'invalidité ne relèvent absolument pas de l'assistance sociale; elles constituent une mesure sociale. La pension d'invalidité revient de droit à un ancien combattant. Il ne s'agit absolument pas d'une mesure d'assistance sociale. On pourrait peut-être parler d'assistance sociale dans le cas des indemnités

[*Texte*]

to, let us say, workmens compensation. It is compensation for loss of ability as far as money can compensate for these things. It is obvious that if a man has lost his two eyes in war, there is no money in the world that could compensate for that. However, it is an attempt to compensate for loss of ability. That is the way the Prime Minister as well understands that. He did not say social welfare; he said social legislation.

Mr. Groos: If I may move on then to my second point; Mr. Chairman, I would like to say how gratified I am for the steps that you have taken with regard in particular to the Hong Kong veterans. As I look around me I see many mmebers present who have been working for this over many years, I think of many others not here today who have worked for this very same thing, and I am sure those that are not here would want to associate themselves with my remarks. I am sure we are all very grateful for the steps that you have taken.

Mr. Dubé: Thank you.

Mr. Groos: I am particularly pleased to see the survivors' benefits. When I see what you have done here to to take care of survivors of persons who have already died by being prepared to accept the fact that they died as a result of service-incurred disabilities, this is going further than I myself would have dared hope for a few years ago. But having said that, I would like to ask a few more questions.

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Am I correct in saying that in the case of a person dying with a ten per cent disability pension, another with a 100 per cent disability pension, and still another, after this legislation is passed, not having had any disability pension at all, the widow will receive the same amount?

Mr. Dubé: If you are referring to the Hong Kong prisoners of war, yes, that applies to them.

Mr. Groos: Yes, Hong Kong prisoners of war.

Mr. Dubé: It means that they will all be classified as being 50 per cent.

[*Interprétation*]

aux anciens combattants, mais les pensions d'invalidité seraient plutôt l'équivalent, disons, de la réparation des accidents du travail. Il s'agit d'un dédommagement pour la perte de facultés, dans la mesure où l'argent peut représenter une compensation quelconque. Il va de soi que si un homme a complètement perdu la vue à la guerre, tout l'argent du monde ne pourra jamais le dédommager. Toutefois, c'est un effort en vue de dédommager ces gens pour la perte de leurs facultés. C'est bien ainsi que le premier ministre, lui aussi, entend la chose. Il n'a pas parlé d'assistance sociale, mais de mesures législatives d'ordre social.

M. Groos: Si vous me permettez de passer à ma seconde question, monsieur le président, j'aimerais dire combien je suis heureux des mesures que l'on a prises, en particulier en ce qui concerne les anciens combattants de Hong-Kong. Je vois autour de moi de nombreux membres du Comité qui ont travaillé dans ce but pendant bien des années, et je pense à bien d'autres qui ne sont pas ici aujourd'hui, mais qui eux aussi y ont travaillé, et qui, j'en suis certain, voudraient s'associer à mes observations. Sans aucun doute, nous sommes tous très reconnaissants des mesures que vous avez prises.

M. Dubé: Merci.

M. Groos: Je suis tout particulièrement heureux de la création des allocations aux familles des anciens combattants décédés. En acceptant de venir en aide aux familles des anciens combattants décédés, vous avez dépassé toutes mes espérances d'il y a quelques années, car vous avez reconnu par là que ces personnes étaient mortes des suites d'infirmités résultant de leur service de guerre. Cela dit, j'aimerais poser quelques autres questions.

Si je ne m'abuse, qu'il s'agisse d'une personne qui meurt avec une pension d'invalidité à dix pour cent, d'une qui meurt avec une pension d'invalidité à cent pour cent, ou, une fois ce projet de loi adopté, d'une qui meurt sans pension d'invalidité, la veuve recevra toujours le même montant?

M. Dubé: Si vous voulez parler des prisonniers de guerre de Hong-Kong, oui, c'est exact.

M. Groos: Oui, c'est bien d'eux qu'il s'agit.

M. Dubé: Autrement dit, ils seront tous considérés comme ayant une invalidité à cinquante pour cent.

[*Text*]

Mr. Groos: So the pension paid to a widow is not based on the percentage disability.

Mr. Dubé: No, widows will get the full pension, and children of course will get the pension too.

Mr. Groos: I wanted to make sure of that. There is one thing that I cannot find any mention of here. What happnes to those who die after this legislation is passed—and I am speaking now of Hong Kong veterans only. Is the only thing left available to them the posthumous assessment clause that you have now put in here, which I also commend?

Mr. Dubé: No. As soon as these recommendations are accepted by Parliament and are translated into an act immediately all Hong Kong former prisoners of war will receive 50 per cent disability pension if they have an assessable degree of disability—and I presume they all have, from what you have said.

Mr. Groos: Well, they do not all have. My point, Mr. Minister, is that there are some who do not have any disability pension at all and those who died prior to this legislation coming in will be assumed to have died as a result of their Hong Kong service.

Mr. Dubé: That is right.

Mr. Groos: What happens to those who die subsequently and who have no pensionable disability at all?

Mr. Dubé: It is impossible for me to visualize that they would have no disability at all after having spent three or four years in these conditions. Perhaps I should give you the exact figures. When that military event took place in Hong Kong in 1941 there were 1,975 Canadians serving in the forces. During the actual struggle, which lasted 17 days, 290 were killed and later on, during the four years in prison, 267 died in captivity in Japan. Now those who came back to Canada numbered 1,418. Out of these 1,418 roughly 200 more died since that time here in this country. The figure we have now for those who are alive is 1,225. Out of those 1,225, 1,217 have more or less classified themselves with some degree of disability. So that leaves very few. Of course the main impact, as I said, will be felt by those who are presently

[*Interpretation*]

M. Groos: La pension versée à une veuve n'est donc pas fonction du pourcentage d'invalidité?

M. Dubé: Non, les veuves toucheront la pension complète; les enfants aussi, bien sûr.

M. Groos: Je voulais m'en assurer. Il y a une chose que l'on ne mentionne pas du tout ici. Qu'adviendra-t-il dans le cas de ceux qui mourront après l'adoption de ce projet de loi —et je ne veux parler ici que des anciens combattants de Hong-Kong. Est-ce qu'ils ne disposeront plus que de la clause relative à l'«évaluation posthume du degré d'invalidité» qui figure ici, et dont je vous félicite aussi?

M. Dubé: Non. Dès que ces recommandations auront été adoptées par le Parlement et seront devenues loi, tous les anciens prisonniers de guerre de Hong-Kong qui auront une invalidité possible à évaluer—et, d'après ce que vous avez dit, je suppose qu'ils en ont tous—toucheront une pension d'invalidité à cinquante pour cent.

M. Groos: Ils n'en ont pas tous. Ce qui me préoccupe, monsieur le ministre, c'est que certains de ces anciens combattants n'ont pas de pension d'invalidité, alors que ceux qui seront décédés avant l'entrée en vigueur de la nouvelle loi seront présumés être morts des suites de leur service de guerre à Hong-Kong.

M. Dubé: En effet.

M. Groos: Qu'adviendra-t-il dans le cas de ceux qui mourront par la suite, et qui n'ont pas d'invalidité donnant droit à une pension?

M. Dubé: Il me semble inconcevable qu'ils n'aient aucune invalidité après avoir passé trois ou quatre ans dans de telles conditions. Je devrais peut-être vous donner les chiffres exacts. Lorsque cet événement militaire s'est produit à Hong-Kong en 1941, il y avait là-bas 1,975 Canadiens servant dans les forces armées. Au cours de la bataille à proprement parler, qui a duré 17 jours, 290 d'entre eux ont été tués, puis, au cours des quatre années d'emprisonnement qui ont suivi, 267 sont morts en captivité au Japon. Il en est revenu 1,418 au Canada. Sur ces 1,418, il en est encore mort, depuis, environ 200. Le dernier chiffre des survivants est de 1,225. Sur ces 1,225, 1,217 sont classés comme souffrant d'une invalidité à un certain degré. Il n'y en a donc que très peu d'indemnes. Je le répète, les conséquences de cette mesure se feront surtout sentir chez ceux qui sont

[*Texte*]

under 50 per cent, and it is to especially assist the widows of those who have died.

Mr. Groos: I understand that. I was not aware of the exact figures that you have just presented. It looks to me, on a quick calculation, to be around eight. I think I happen to know one of the eight. That answers my

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question and I think it would be unfair of me, knowing other people wish to ask questions, to continue any longer. I would like to put myself down for a second round.

The Chairman: Mr. MacRae.

Mr. MacRae: Thank you, Mr. Chairman. I would first like to say to the Minister, as far as we can tell from this vantage point, we commend the Department, the Minister and the government for what they are bringing down. I must enter this caveat—this is what the lawyers say—that there are certain things about which we still have some doubts, particularly as to the restructuring that the Minister has suggested, but perhaps before it is over we can be thoroughly convinced. We still want to make that reservation. We think that most of the things that are being brought in are, for the most part, excellent.

Mr. Groos, who has taken a great interest in the Hong Kong veterans, has covered a pretty fair number of the things I wanted to mention in connection with the Hong Kong veterans. As the Minister knows only too well, in the part of the country in which he and I were born we have a great many of these veterans. We see a great many of them and we saw them die premature deaths after the war when they came home; some of them within months, some of them within years, so this is certainly a step in the right direction. These men suffered, I think, perhaps the most of any who served in World War II. It is never fair to make comparisons, but we know from experience what these men went through.

I was also gratified to hear the Minister say that the government was open to suggestion and would benefit from the discussions that would take place in this Committee. We discussed this yesterday on two occasions first in the Steering Committee and then in the main Committee, and I was glad to hear you say, Mr. Dubé, that if we came up with reasonable alternatives or suggestions, that the government would take them in good

[*Interprétation*]

actuellement invalides à moins de cinquante pour cent, et la mesure est tout particulièrement destinée à venir en aide aux veuves de ceux qui sont déjà morts.

M. Groos: Je le sais bien. Je ne connaissais pas les chiffres que vous venez de nous citer. D'après moi, après un rapide calcul, cela donne environ huit. Je crois connaître l'un de ces huit individus. Voilà qui répond à ma question. Je ne veux pas abuser en continuant de poser des questions, car je sais que d'autres désirent en poser. Mais je désire inscrire mon nom pour le second tour.

Le président. Monsieur MacRae.

M. MacRae: Merci, monsieur le président. J'aimerais d'abord dire au ministre, pour autant que nous puissions parler de ce point avantageux, que nous désirons féliciter le ministère, le ministre et le gouvernement pour la politique qu'ils ont élaborée. Mais je dois former opposition, comme disent les avocats, car nous avons encore des doutes sur certaines choses, particulièrement sur la restructuration que le ministre a proposée, mais peut-être serons-nous vraiment convaincus avant que tout soit terminé. Nous tenons encore à formuler cette réserve. Nous croyons cependant que la plupart des mesures prévues sont excellentes.

M. Groos, qui a accordé beaucoup d'attention aux anciens combattants de Hong-Kong, a étudié un bon nombre des choses dont je voulais parler en relation avec les anciens combattants de Hong-Kong. Comme le ministre le sait fort bien, il y a beaucoup de ces anciens combattants dans la région où nous sommes nés, lui et moi. Nous en avons vu plusieurs mourir prématurément, quelques mois ou quelques années après leur retour au pays. Il s'agit donc là, vraiment, d'un pas dans la bonne voie. Ces hommes ont peut-être plus souffert que tous les autres militaires qui ont fait la Seconde guerre mondiale. Il est toujours tromper de faire des comparaisons, mais nous savons par expérience ce qu'ils ont enduré.

J'ai été très satisfait, aussi, d'entendre le ministre dire que le gouvernement acceptait les suggestions, et tirerait profit des discussions de notre Comité. Nous en avons discuté hier, à deux reprises, tout d'abord au comité directeur, puis au Comité, et j'ai été heureux de vous entendre dire, monsieur Dubé, que, si nous avions des propositions ou des suggestions raisonnables à faire, le gouvernement les accepterait de bonne foi; peut-être pour-

[*Text*]

faith and perhaps we can make suggestions which would improve what has already been suggested. I repeat, though, that we are happy with most of this.

The first question I wanted to ask you, to be specific, is that there undoubtedly will be a number of pieces of legislation brought down in connection with this report.

Mr. Dubé: The bulk of it could be done by amendments to the present Pension Act, but there will have to be special legislation in connection with the Hong Kong veterans and I think there will also have to be a special act with reference to the 100 per cent pensioners.

Mr. MacRae: My reason for asking that is I hope that you were not considering that everything would have to be done before you would start to implement, through legislation, certain things that need to be implemented. In other words, if an amendment to an act will take care of certain suggestions, then that will be brought down fairly soon after we begin our work in the fall.

Mr. Dubé: It is my hope that we will only have to reopen the Act once and do it in one shot. You know how difficult it is in the House of Commons to try to reopen an act. It takes time. My purpose is to seek the quickest way to do it. As I see it now, the quickest way would be to open up the Pension Act and include in one shot all the proposed amendments. After that we would then need two more acts—I presume they would be short acts—one dealing with the two recommendations for the Hong Kong veterans and another special act dealing with the 100 per cent disability pensioners. That would do it.

Mr. MacRae: I was glad to hear you say that you intend to proceed with all possible speed in implementing this.

Mr. Dubé: Yes, but I still do not wish to paint myself into a corner.

Mr. MacRae: I am not trying to do that.

Mr. Dubé: Nobody in this building can say that he is in control of the House of Commons. I am not, that is certain.

Mr. MacRae: No.

Mr. Dubé: I am very honest about these things and we will try to do it as quickly as we can but, like every other minister, I may have to wait my turn.

[*Interpretation*]

rions-nous proposer des améliorations à ce qui a déjà été fait. Je tiens cependant à répéter que la plupart des mesures envisagées nous satisfont.

La première question que je veux vous poser, pour être précis, c'est qu'on va sans aucun doute présenter un certain nombre de lois pour donner suite à ce rapport.

M. Dubé: On pourrait régler le tout en apportant des modifications à la Loi sur les pensions, mais il faudrait des mesures législatives spéciales visant les anciens combattants de Hong-Kong et il faudrait aussi édicter une loi spéciale visant les pensionnés à 100 pour cent.

M. MacRae: Je vous demande cela parce que j'espère que vous ne pensez pas qu'il faille tout régler avant de commencer à apporter les modifications qui s'imposent au moyen de mesures législatives. En d'autres termes, si les modifications à la loi s'inspirent de certaines suggestions, cela viendra sur le tapis peu avant la reprise de la session à l'automne.

M. Dubé: J'espère que nous réviserons la loi une fois pour toutes. Vous savez combien il est difficile d'essayer de réviser une loi à la Chambre des communes. Cela prend du temps. Je voudrais arriver à le faire le plus rapidement possible. A mon avis, le moyen le plus rapide consisterait à réviser la Loi sur les pensions et à y inclure en bloc toutes les modifications proposées. Encore faudrait-il ensuite promulguer deux autres lois. Je suppose qu'elles seraient concises. L'une viserait les deux recommandations concernant les anciens combattants de Hong-Kong et l'autre les pensionnés à 100 pour cent. Ça règlerait tout.

M. MacRae: Je suis heureux de vous entendre dire que vous avez l'intention d'activer les choses dans la mesure du possible.

M. Dubé: Oui, mais je ne veux cependant pas me retrouver pieds et poings liés.

M. MacRae: Ce n'est pas mon intention.

M. Dubé: Personne ici ne peut prétendre tirer les ficelles de la Chambre des communes. Certainement pas moi.

M. MacRae: Non.

M. Dubé: Je suis franc à ce sujet: nous essayerons de procéder à cette refonte dès que possible, mais il se peut que je doive faire comme les autres ministres et attendre mon tour.

[*Texte*]

Mr. MacRae: The second thing I wanted to ask about was the Veterans' Bureau. I am not entirely certain what you are planning there. Perhaps I might just ask one question that will satisfy me at the moment. You mention here that the Bureau is to be independent and will report directly to the Minister. After 12 years I should know, but does that also mean that it will report to the Deputy Minister or is it directly to the Minister?

Mr. Dubé: It will be directly to the Minister. You can refer that question to the Deputy Minister. He will be testifying after me and he will go into that procedure more deeply than I have done.

Mr. MacRae: I wanted to have that clarified, if I could. There is one other section here that is rather interesting and it is the final paragraph of the "Benefit of Doubt" clause on page 12 of the White Paper. I will

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read the entire paragraph because the implications of this are extremely broad, as you well know.

> Other amendments will provide that, subject to satisfactory evidence of rebuttal, the medical condition of a veteran will be presume to be as recorded on his enlistment medical documents; and that an affirmative reply to a question concerning a pre-enlistment injury or disease shall be considered a record of that injury or disease only if it is corroborated by further evidence.

In other words, are you saying there that if a man went into the services originally with an A category—or later a "Pulhems" of all 1s across the board—then it is accepted from that point on, and for our purposes from now on, that that man was in perfect health at that particular point and anything that shows up since then is attributable to his life after that point. I am perhaps not being entirely clear but, you see, over the years that has been a great bone of contention when we got a ruling that this was pre-enlistment. The man was taken in with an A category and perhaps in some cases the examination was not the best in the world, we realize that, in the pressure of enlistment that we had, certainly in the early days of the war, but this opens up a very broad area.

[*Interprétation*]

M. MacRae: Ma deuxième question concerne le Bureau des vétérans. Je ne vois pas très bien ce que vous voulez réaliser. Je pourrais peut-être me contenter d'une question pour l'instant. Vous dites que le Bureau est autonome et qu'il fera rapport directement au ministre. Je crois qu'après avoir été député pendant 12 ans je devrais savoir ce que ça veut dire, mais est-ce à dire qu'il fera rapport au sous-ministre ou bien directement au ministre?

M. Dubé: Directement au ministre. Vous pourriez poser la question au sous-ministre. Il doit témoigner après moi et il vous donnera plus de détails que moi sur la façon de procéder.

M. MacRae: Je voulais seulement avoir, si possible, des précisions à ce sujet. Il y a un autre article qui est assez intéressant; il s'agit du dernier paragraphe de la clause visant le «Bénéfice du doute», à la page 12 du Livre blanc. Je vais donner lecture de tout le paragraphe qui a, comme vous le savez, une grande portée.

> D'autres modifications stipuleront que, sous réserve de la preuve satisfaisante du contraire, l'état de santé d'un ancien combattant sera censé être celui qui a été consigné dans les documents médicaux établis au moment de son enrôlement; si l'ancien combattant a admis avoir été blessé ou malade avant la date de son enrôlement, cette déclaration ne sera considérée comme une preuve documentaire que si elle est appuyée par d'autres preuves.

En d'autres termes, voulez-vous dire que, si un homme entre dans le service avec, au départ, une classification dans la catégorie «A» ou si plus tard il obtient une cote *Pulhems,* alors il est reconnu qu'à partir de cet instant et pour les besoins de la cause, cet homme était en parfaite santé à ce moment-là et que tout ce qui peut lui arriver après est attribuable ensuite au service? Je ne suis peut-être pas très clair, mais vous savez, cela a suscité pas mal de désaccords au cours des années qui ont suivi quand nous avons obtenu une ordonnance qu'il s'agissait d'une condition nécessaire à l'enrôlement. De toute façon, notre homme a été classé dans la catégorie «A», peut-être dans certains cas l'examen médical n'a-t-il pas été des plus poussés, aux premiers jours de la guerre, sous la pression des événements, c'est certainement ce qui s'est passé lors de l'enrôlement, mais on pourrait en discuter à l'infini.

[*Text*]

Mr. Dubé: This specific paragraph means that if upon interrogation at the time of enlistment a military man, who has now become a veteran, answered something specific about a sickness, that could not be used against him to bar him from a pension unless there was additional evidence aside from his own statement.

Mr. MacRae: Something corroborative.

Mr. Dubé: That is an example to show the benefit of the doubt. Perhaps I can put it in a different way. Lawyers know that in a criminal court the Crown has to prove beyond a reasonable doubt, and this puts a very heavy onus on the Crown. In a civil court the only thing you have to prove is a preponderance of evidence. It is easier, of course, than in a criminal court. What we propose for veterans is an even easier way. You do not need to prove beyond a reasonable doubt, you do not need to have a preponderance of evidence, the only thing an applicant will have to do is to adduce credible evidence, and if that credible evidence is not rebutted it stands and he gets the benefit of the doubt.

Mr. MacRae: Thank you for that explanation. I think that is something we will want to explore a little later on. Finally, because like my friend David I do not want to take up too much time, I would just like to ask one question about restructuring. You say in the Entitlement Hearing Division there will be 10 commissioners and that hearings will be held all over the country. It would seem to me, Mr. Dubé, that with just 10 commissioners who will be moving around Canada, that is going to spread the activities of those 10 men pretty fine. Was it thought that perhaps one commissioner could hear a case or does it have to be three, as it is normally done with appeal boards?

Mr. Dubé: Of course, they will have to work. They will be busy men. They are doing this now. At the present time and under the present system they are travelling across the country with boards of three. At the present time on these boards of three they try to have one doctor, one lawyer and one layman, and this will be done. However, you will recall that under our proposition commissioners will no longer have to do the pre-

[*Interpretation*]

M. Dubé: Ce paragraphe particulier signifie que, si au moment de l'interrogatoire pour l'enrôlement, la recrue, qui est maintenant un ancien combattant, a répondu de façon positive au sujet d'une affection, sa réponse ne peut être utilisée contre lui pour l'empêcher de prétendre à une pension, à moins qu'il n'existe d'autres preuves à l'appui, à part sa propre déclaration.

M. MacRae: Quelque chose qui corrobore les faits.

M. Dubé: C'est un exemple pour expliquer «le bénéfice du doute». Peut-être pourrais-je donner un autre exemple. Les avocats savent que devant une cour criminelle, la Couronne doit prouver au-delà d'un doute raisonnable, ce qui impose le très lourd fardeau de la preuve à la Couronne. Devant un tribunal civil, la seule chose que vous devez établir, c'est la prépondérance de la preuve. C'est bien plus facile, naturellement, que devant une cour criminelle. Ce que nous proposons pour les anciens combattants, c'est une procédure encore plus facile. Vous n'avez pas besoin de prouver au-delà d'un doute raisonnable, vous n'avez pas besoin d'établir la prépondérance de la preuve, la seule chose qu'un requérant aura à faire sera de produire des preuves vraisemblables, et si ces preuves vraisemblables ne sont pas réfutées, elles seront admises, et l'ancien combattant pourra prétendre au bénéfice du doute.

M. MacRae: Merci pour votre explication. Je pense qu'il s'agit là d'une question que nous aimerions approfondir un peu plus tard. Pour conclure, parce que je ne voudrais pas perdre trop de temps, je voudrais simplement poser une question au sujet de la réorganisation. Vous dites que la division de l'admissibilité comprendra 10 commissaires et que les audiences se tiendront dans tout le pays. Il me semble cependant, monsieur Dubé, que ces 10 commissaires qui voyageront d'un bout du pays à l'autre ne pourront suffire à la tâche. A-t-on pensé que peut-être un commissaire pourrait auditionner une cause, ou doivent-ils être trois comme cela se passe habituellement dans les commissions d'appel?

M. Dubé: Bien sûr, ils auront du travail, ils seront très occupés. C'est ce qui se passe pour le moment; dans le présent système, ils voyagent à travers le pays par groupe de trois. Ces groupes se composent pour l'instant et, dans la mesure du possible, d'un avocat et d'un profane et c'est ce que nous essayerons de continuer par la suite. Cependant, vous vous souvenez que, d'après notre proposition, les commissaires ne s'occuperont plus des

[*Texte*]

liminary work; that will be done by the Directorate of Pensions. The first step which the commissioners are doing at the present time will not have to be done by them in the future. I mean by this the first applications that are sent in by mail which are decided on the record. The commissioners will not have to deal with that anymore. There will be strictly a deal.

Mr. Guay (St. Boniface): A supplementary, Mr. Chairman?

The Chairman: Yes.

Mr. Guay (St. Boniface): Mr. Dubé, does this mean that these commissioners will have less work and less responsibility?

Mr. Dubé: I did not say that. I said that they will have to work very hard but their work will be more specific. It will be addressed at another level—at a higher level. The preliminary level can very well be done, as is presently done, let us say, for the War

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Veteran's Allowance Board, by civil servants, on the records. An applicant applies in writing to the Directorate. If his claim is accepted he is, of course, a happy man and that is the end of it. If it is not, he can then apply to a higher level, the Entitlement Hearing Division, which will travel across the country and to which the veteran may apply in person. His expenses will be paid to get there. He will have a pension advocate provided free by the Department, and he will apply at that second level. If he is satisfied at that second level he gose back home happy. But if he is not, he still has a third and higher level, composed of different men —the other five Commissioners—who will sit in appeal and decide only on the appeal at the third level. In other words, the applicant will have had three different kicks at three different cats, if I can use the expression. If he has a case at all he is bound to get through with this. And not only will justice be carried out but it will be apparent that justice has been done.

Mr. MacRae: Mr. Dubé, is it intended that they will travel in three's? Is that your thought there?

Mr. Dubé: Yes, in the Entitlement Hearing Division; that is right.

Mr. MacRae: So there could very well be three Boards functioning at the same time and there would be one to spare.

[*Interprétation*]

travaux préliminaires. C'est la Direction des pensions qui s'en chargera. A l'avenir, les commissaires n'auront plus à s'occuper, comme maintenant, des premières formalités. Ce que je veux dire, c'est qu'ils n'auront plus à prendre de décisions, d'après le dossier, pour les premières demandes envoyées par la poste. Les commissaires n'auront plus à s'en occuper, ce sera là un travail préalable.

M. Guay (Saint-Boniface): Une question supplémentaire, monsieur le président?

Le président: Oui.

M. Guay (Saint-Boniface): Cela veut-il dire, Monsieur Dubé, que ces commissaires auront moins de travail et moins de responsabilités?

M. Dubé: Je ne dis pas cela. Je dis qu'ils devront travailler très dur, mais leur travail sera plus spécifique. Il se fera à un niveau plus élevé. Pour la Commission des allocations aux anciens combattants disons, les fonctionnaires peuvent fort bien effectuer le travail

au premier échelon, en se basant sur les dossiers, comme ils le font en ce moment. La personne présente une demande écrite à la Direction. Si sa demande est acceptée, naturellement, on en fait un homme heureux et sa démarche se termine là. Si tel n'est pas le cas, il peut alors s'adresser à un autre niveau à la Division de l'admissibilité, qui se déplacera à travers le Canada, et devant laquelle l'ancien combattant pourra se présenter en personne. Ses frais de déplacement lui seront remboursés. Il recourra aux services gratuits d'un avocat des pensions, prêté par le ministère en s'adressant au deuxième échelon. S'il obtient gain de cause, il retournera heureux dans son foyer. Sinon, il peut encore se tourner vers un troisième échelon où cinq commissaires entendront l'appel et rendront un jugement uniquement à ce dernier niveau. Autrement dit, le requérant pourra recourir à trois niveaux différents. Si sa plainte est fondée, il pourra ainsi obtenir gain de cause. La justice aura non seulement suivi son cours, mais il sera évident que justice aura été faite.

M. MacRae: Monsieur Dubé, est-il prévu qu'ils auront recours aux trois échelons? Est-ce bien ce que vous pensez?

M. Dubé: Oui, dans la Division de l'admissibilité, c'est juste.

M. MacRae: Ainsi, trois commissions siégeraient en même temps et une serait inactive.

[*Text*]

Finally, and this is my final question at this moment unless I come around again a second time, would the five Commissioners that you are suggesting for an Appeal Division sit as five on an appeal?

Mr. Dubé: Of course, they will stay in Ottawa. One of them—the Chairman, I presume—will look after the administration, and the Vice-Chairman will be on the appeal board. I think they will sit in groups of three.

Mr. MacRae But there is one appeal board? That is the point I want to make.

Mr. Dubé: One appeal board in Ottawa.

Mr. MacRae: And that will sit here in Ottawa?

Mr. Dubé: At that stage the applicant will not be appearing in person; it will be the pension advocate who will plead his case for him in Ottawa.

Mr. MacRae: Thank you.

The Chairman: Mr. Knowles is next on my list.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, and members of the Committee, I will endeavour to be brief. I would like to join with Mr. Groos and Mr. MacRae in welcoming the forward steps that the Minister has indicated today. We probably have some others to suggest to him, but we are pleased that he is going as far as he has, and we hope action can be taken very early in the new session.

The first question I had noted has perhaps just been answered, but perhaps I will be pardoned for asking the Minister to make it doubly clear. I am interested in this new three-stage procedure which veterans go through to get their pension. The only reason for your having left me a bit confused is that you referred to the three functions of the Canadian Pension Commission as being the administration, the section having to do with entitlement hearings and the section dealing with appeals.

If I may relate these to the three levels, the Directorate of Pensions in the civil service, the ten Commissioners and then the five, when you talked about the Canadian Pension Commission having a section dealing with entitlement hearings, would they have anything to do with the first entitlement? Is it possible for a veteran to apply to his new

[*Interpretation*]

Voici ma dernière question pour l'instant, à moins que je ne revienne sur le sujet. Est-ce que les cinq commissaires que vous proposez de nommer à la Division des appels siégeraient tous les cinq lors d'un appel?

M. Dubé: Ils resteront, naturellement, à Ottawa. L'un d'entre eux, le président, je présume, s'occupera des questions administratives et le vice-président siégera à la commission d'appel. Je crois qu'ils siégeront par groupe de trois.

M. MacRae: Mais, existe-t-il une commission d'appel? C'est ce que j'aimerais savoir.

M. Dubé: Il y en a une a Ottawa.

M. MacRae: Et elle tiendra ses séances ici à Ottawa?

M. Dubé: A ce niveeau, le requérant ne témoignera pas de vive voix. L'avocat des pensions plaidera sa cause à Ottawa.

M. MacRae: Merci.

Le président: M. Knowles est le prochain sur la liste.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, messieurs les membres du Comité, je m'efforcerai d'être bref. Tout comme MM. Groos et MacRae, je me réjouis des initiatives dont le ministre nous a parlé aujourd'hui. Nous avons sûrement d'autres solutions à lui proposer, mais nous sommes heureux qu'il soit allé aussi loin, et nous espérons qu'au tout début de la nouvelle session, nous pourrons prendre des mesures à cet effet.

La première question que j'avais préparée a peut-être été posée, mais on me pardonnera probablement de demander au ministre de préciser à nouveau cette question. Je m'intéresse à cette nouvelle procédure à trois échelons que doivent suivre les anciens combattants pour obtenir leur pension. Vous m'avez un peu embrouillé lorsque vous avez dit que la Commission canadienne des pensions s'occupait de trois domaines: l'administration, l'admissibilité et les appels.

Si je désirais les rattacher aux trois échelons, la Commission des pensions de la Fonction publique, les dix commissaires et ensuite les cinq autres, lorsque vous dites que la Commission canadienne des pensions a une division de l'admissibilité, est-ce que cela aurait un lien avec la première admissibilité? Est-il possible qu'un ancien combat-

[*Texte*]

Directorate of Pensions in the Department, get an award, be satisfied, get his pension and that is it?

Mr. Dubé: That is correct.

Mr. Knowles (Winnipeg North Centre): In other words, the Pension Commission's responsibility for an entitlement hearing does not come into that first level at all?

Mr. Dubé: No; it is very possible that at the first application the easy cases will be solved based merely on the record.

Mr. Knowles (Winnipeg North Centre): Is it your hope that the majority of cases...

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Chairman calls a short recess because of technical difficulties with the recording equipment.

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The Chairman: I think we are now ready to resume. The equipment is operating again.

Mr. Knowles, the equipment was operating up to the point at which we interrupted you. Would you care to resume your questioning?

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I suppose, first of all, I should apologize for breaking the computer! I am told that by 1984 that will be the unpardonable sin! However, we are not there yet.

I am glad to have the opportunity, however, to get straight this point that veterans applying for pensions under the Pension Act will have these three kicks at the cat, as the Minister says, and that they will be completely independent. In other words, a veteran will take his case first of all to the Directorate of Pensions in the Department of Veterans Affairs.

Mr. Dubé: That is correct.

Mr. Knowles (Winnipeg North Centre): And if his pension is awarded and he is satisfied with it...

Mr. Dubé: ...that is it.

Mr. Knowles (Winnipeg North Centre): That is it; and if he lasts on that until he is age 60 he may have no trouble at all.

Mr. Dubé: He becomes stabilized.

[*Interprétation*]

tant présente une demande à la nouvelle Commission des pensions du ministère, que l'on rende le jugement, qu'il obtienne gain de cause, qu'il reçoive sa pension, et puis c'est tout?

M. Dubé: Oui.

M. Knowles (Winnipeg-Nord-Centre): Autrement dit, la Commission canadienne des pensions ne se prononce pas du tout sur l'admissibilité d'une personne, au premier niveau?

M. Dubé: Non. Il est fort possible que, dès la première demande les cas faciles soient résolus en se fondant simplement sur le dossier.

M. Knowles (Winnipeg-Nord-Centre): Espérez-vous que la majorité des cas...

Le président ordonne une pause à cause de difficultés techniques d'enregistrement.

Le président: Je pense que nous pouvons maintenant reprendre nos travaux, l'équipement fonctionne à nouveau.

Monsieur Knowles l'équipement fonctionnait jusqu'au moment où je vous ai interrompu. Voudriez-vous reprendre votre question?

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je suppose, tout d'abord, que je devrais m'excuser d'avoir détraqué l'ordinateur. On m'a dit qu'en 1984 ce sera un péché impardonnable. Heureusement, nous n'en sommes pas là.

Je suis heureux d'avoir l'occasion de préciser ce point. Comme le ministre l'a souligné, les anciens combattants qui font leur demande de pension en vertu de la Loi sur les pensions peuvent avoir trois recours à des niveaux différents et indépendants. En d'autres mots, un ancien combattant portera son cas à l'attention, en premier lieu, de la Direction des pensions du ministère des Affaires des anciens combattants.

M. Dubé: En effet.

M. Knowles (Winnipeg-Nord-Centre): Et si sa pension lui est accordée et qu'il en est satisfait...

M. Dubé: C'est ça.

M. Knowles (Winnipeg-Nord-Centre): C'est ça, et s'il reste sous ce régime jusqu'à l'âge de 60 ans, il n'aura aucune difficulté.

M. Dubé: Il a une situation stable.

[*Text*]

Mr. Knowles (Winnipeg North Centre): He is home free; but if he is not satisfied with the first decision, either as to the amount, or as to whether or not he is entitled at all, he may go then to this group of 10...

Mr. Dubé: The Entitlement Hearing Division.

Mr. Knowles (Winnipeg North Centre): The Entitlement Hearing Division, which uses some of these 10 commissioners.

Mr. Dubé: That is right.

Mr. Knowles (Winnipeg North Centre): And if he is not satisfied with their ruling, or if later on he wants to go higher, he can go to the group of five; and you are going to take all steps to see to it that these three are completely independent so that no group feels that it is bound to stand by its friends who made the earlier decision?

Mr. Dubé: They will be three different groups of men and they will not be interchangeable. In other wors, the same people will not travel between levels. They will stay at set levels.

Mr. Knowles (Winnipeg North Centre): I suppose it is your hope that the majority of them will be settled by the Directorate of Pensions in the Department, or have you any—

Mr. Dubé: That would make things much more simple, yes, but in the world of today I do not think we can expect that.

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Mr. Knowles (Winnipeg North Centre): May I move on to the second heading under which you grouped your remarks, Mr. Minister, relative to a veteran suffering from multiple disabilities. Have you any figures on how many would be affected,—how many might qualify for these extra grants that you mention?

Mr. Dubé: At the present time there are 5,000 100 per cent pensioners. Of course, we do not know how many of these 5,000 would qualify for that. We have no figure as yet. It will depend on how many apply and how they will qualify. As you may have noticed, the White Paper is quite flexible on exactly what guidelines will ultimately be used to

[*Interpretation*]

M. Knowles (Winnipeg-Nord-Centre): Il est sauf. Mais s'il n'est pas satisfait au sujet de la première décision, soit au sujet du montant, soit à savoir s'il a droit ou non à la pension, il peut alors faire appel à ce groupe de dix personnes...

M. Dubé: A la Division de l'admissibilité.

M. Knowles (Winnipeg-Nord-Centre): La Division de l'admissibilité qui emploie un certain nombre de ces 10 commissaires.

M. Dubé: En effet.

M. Knowles (Winnipeg-Nord-Centre): Et si cet ancien combattant n'est pas satisfait de la décision de la Division, ou si, plus tard, il désire s'adresser à un palier supérieur, il peut s'adresser au groupe de cinq personnes. Et vous allez prendre toutes les mesures nécessaires pour vous assurer que ces trois instances sont totalement indépendantes, de façon qu'aucune d'entre elles ne se sente obligée de soutenir la décision prise auparavant?

M. Dubé: Il s'agira de trois groupes différents de fonctionnaires qui ne seront pas interchangeables. En d'autres mots, il ne s'agira pas là des mêmes personnes qui agiront aux trois niveaux. Elles resteront à leur propre niveau.

M. Knowles (Winnipeg-Nord-Centre): Je pense que vous désirez que la majorité de ces fonctionnaires soit nommée par la Direction des pensions du ministère, ou alors avez-vous...

M. Dubé: Cela rendrait les choses plus simples, bien sûr, mais dans notre monde actuel, je ne pense pas qu'on puisse s'attendre à cela.

M. Knowles (Winnipeg-Nord-Centre): Puis-je passer au deuxième paragraphe où vous avez groupé vos remarques, monsieur le ministre, concernant les anciens combattants affligés de plusieurs infirmités? Avez-vous quelque idée du nombre d'anciens combattants qui seraient visés, du nombre de ceux qui pourraient avoir droit à ces allocations supplémentaires dont vous parlez?

M. Dubé: On compte à l'heure actuelle 5,000 pensionnés à 100 p. 100. Bien sûr, nous ne savons pas combien de ces 5,000 auraient droit à ces allocations. Nous n'avons pas encore de chiffres là-dessus. Il faudra voir combien présenteront une demande et quelle cote il leur sera attribué. Ainsi que vous avez pu le remarquer, le Livre blanc est fort souple à

[*Texte*]

determine which of those 5,000 will qualify for that.

Mr. Knowles (Winnipeg North Centre): The number who suffer from multiple amputations is quite small, is it not?

Mr. Dubé: What I am trying to say is, that there are 5,000 100 per cent pensioners who, in theory, could qualify for that; but there are others, apart from multiple amputees, who could qualify, such as a blind person suffering from other things at the same time—a paraplegic, yes.

Mr. Knowles (Winnipeg North Centre): And your plan there is not to increase the rate of pension but to provide, under special legislation, either a lump sum grant, or an annual grant?

Mr. Dubé: Yes.

Mr. Knowles (Winnipeg North Centre): All right. Normally I would ask you a question about the "benefit of the doubt" clause. I think we all appreciate the atempt of the Woods Committee and your attempt in your White Paper to view this in a more satisfactory way, and I think we have to admit that your wording is certainly better. But what happens if somebody decides that there is no doubt? There is not much point in giving the veteran the benefit of the doubt if somebody says to him, "There is no doubt".

Mr. Dubé: If there is no doubt that he qualifies he gets his pension; but if there is no doubt tat he does not qualify he does not get it, and that is it.

Mr. Knowles (Winnipeg North Centre): Is there not still an area there than can cause some trouble?

Mr. Dubé: First of all, the applicant must have, as I said, some credible evidence to offer. If he has no credible evidence to offer, there is no doubt he does not get his pension; he is not entitled to it.

Mr. Knowles (Winnipeg North Centre): But if he offers what he believes is credible evidence...

Mr. Dubé: What he believes...

Mr. Knowles (Winnipeg North Centre): ...and somebody offers a refutation of it, and that somebody says "There is no doubt", his evidence is contradicted.

[*Interprétation*]

l'égard des critères précis que l'on finira par retenir pour déterminer lesquels de ces 5,000 auront droit aux allocations.

M. Knowles (Winnipeg-Nord-Centre): Le nombre de ceux qui ont subi des amputations multiples est fort petit, n'est-ce pas?

M. Dubé: Je précise ma pensée: il y a 5,000 pensionnés à 100 p. 100 qui, en principe, seraient admissibles à ces allocations; mais il y en a d'autres, les amputés multiples mis à part, qui pourraient y avoir droit, tel un aveugle qui souffrirait en même temps d'autres affections, qui serait paraplégique, par exemple.

M. Knowles (Winnipeg-Nord-Centre): Et vous entendez, dans ces cas non pas hausser le taux de la pension mais verser, en vertu d'une loi spéciale, une allocation forfaitaire ou une indemnité annuelle?

M. Dubé: Oui.

M. Knowles (Winnipeg-Nord-Centre): Très bien. Je me dois de vous poser une question sur la clause du «bénéfice du doute». Nous vous savons tous gré, au Comité Woods et à vous-mêmes du gouvernement, d'avoir tenté, dans votre Livre blanc, d'apporter une solution plus satisfaisante au problème, et il nous faut bien admettre que la nouvelle version est sûrement préférable à l'ancienne. Mais qu'arrive-t-il si l'on décide qu'il n'y a pas de doute? Il ne sert pas à grand-chose d'accorder le bénéfice du doute à l'ancien combattant si on lui dit: «Il n'y a pas de doute».

M. Dubé: S'il n'y a pas de doute qu'il est admissible, il obtient sa pension; mais s'il n'y a pas de doute qu'il n'est pas admissible, il ne l'obtient pas, voilà tout.

M. Knowles (Winnipeg-Nord-Centre): Ne reste-t-il pas des cas où il peut se présenter des difficultés?

M. Dubé: Tout d'abord, le requérant, je l'ai déjà dit, doit pouvoir présenter quelque preuve digne de créance. S'il ne peut le faire, il n'y a pas de doute qu'il n'obtiendra pas sa pension: il n'y a pas droit.

M. Knowles (Winnipeg-Nord-Centre): Mais s'il présente ce qu'il croit être une preuve digne de créance...

M. Dubé: Ce qu'il croit être...

M. Knowles (Winnipeg-Nord-Centre): ...et que quelqu'un la réfute, et que cette personne dise: «Il n'y a pas de doute», sa preuve est contredite.

[*Text*]

Mr. Dubé: I do not know exactly what you are getting at. Of course, there is the question of human being here. You may be trying to say, I suppose, that human being can make mistakes. I suppose judges do make mistakes even in the Supreme Court of Canada, or the Superior Court of Quebec; their decisions are not always perfect. But we believe, with these guidelines, that if there is a mistake it is bound to be a mistake in favour of the applicant. But if he has no case at all he will get no pension.

Mr. Knowles (Winnipeg North Centre): I will not pursue that at this time, but I will perhaps come back to it. My feeling is that there could be a group of people who would say, "The applicant is wrong; there is no doubt he has no case," and he may go through life feeling that he was not given the benefit of the doubt.

Mr. Dubé: As I said, he can appeal at three different levels. I would think that if the man feels he has some credible evidence and misses out at the Directorate of Pensions, tries again at the Entitlement Hearing Division and misses and it happens again in the Appeal Division, it means that the man had no credible evidence in the first place.

Mr. Knowles (Winnipeg North Centre): Then your aim is to extend the principle of the benefit of the doubt and make it...

Mr. Dubé: To make sure, as I said, not only that justice is done but that it is apparent that justice is done. I think that justice is done at the present time, but because the same commissioners are called upon in appeal against their previous decisions it is not apparent that it is just.

Mr. Knowles (Winnipeg North Centre): There is one other heading on which I have a comment, namely, in relation to the Hong Kong veterans. As do those who have spoken before me, and as do Canadians generally, we welcome what you are doing in this area. Mr. Groos spoke of those whom he knows from the Coast and Mr. MacRae referred to

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those he knew from the Maritimes. The Winnipeg Grenadiers were there, and many of us know what some of these men went through. We welcome what you have done. Why do you insist on defining qualification as an "assessable disability" in view of the fact that you have given us figures suggest-

[*Interpretation*]

M. Dubé: Je ne vois pas bien à quoi vous voulez en venir. Bien sûr, on a toujours affaire à des êtres humains. Vous voulez peut-être faire remarquer que les êtres humains peuvent se tromper. Je suppose que les juges se trompent en effet parfois même à la Cour suprême du Canada ou à la Cour supérieure du Québec: leurs jugements ne sont pas toujours parfaits. Mais nous estimons qu'avec les directives émises, si l'on se trompe, il faut nécessairement que l'on se trompe en faveur du requérant. Mais si ce dernier n'a pas de cause du tout, il n'obtiendra pas de pension.

M. Knowles (Winnipeg-Nord-Centre): Je laisse tomber pour le moment, mais j'y reviendrai peut-être plus tard. J'estime qu'il pourrait se trouver des gens qui diraient: «Le requérant a tort; il n'y a pas de doute qu'il n'a pas de cause», et il pourra penser pendant le reste de sa vie qu'on ne lui a pas accordé le bénéfice du doute.

M. Dubé: Je l'ai déjà dit, il peut en appeler à trois paliers différents. S'il estime posséder une preuve digne de créance et qu'il est débouté au niveau de la Direction des pensions, qu'il essaie encore à la Division de l'admissibilité, pour être encore une fois débouté, et que la chose se reproduise à la Division des appels, je dirais que c'est parce qu'il n'avait pas, au départ, de preuve digne de créance.

M. Knowles (Winnipeg-Nord-Centre): Vous entendez donc étendre le principe du bénéfice du doute et en faire...

M. Dubé: Nous voulons nous assurer, comme je l'ai dit, non seulement que justice est faite mais qu'il est manifeste que justice est faite. J'estime que justice est faite à l'heure actuelle, mais parce que les mêmes commissaires sont appelés à siéger en appel contre leurs décisions antérieures, il n'est pas manifeste que cela est juste.

M. Knowles (Winnipeg-Nord-Centre): Il est une autre rubrique à l'égard de laquelle je désire faire un commentaire: je veux parler des anciens combattants de Hong Kong. Comme ceux qui ont pris la parole avant moi, et comme la plupart des Canadiens, nous trouvons très bien ce que vous faites dans ce domaine. M. Groos a parlé de ceux de ces anciens combattants qu'il connaît sur la côte du Pacifique, et M. MacRae, de ceux qu'il a connus dans les Maritimes. Les Grenadiers de Winnipeg sont allés à Hong Kong, et plusieurs d'entre nous savons ce qu'ont pu endurer certains d'entre eux. Nous voyons d'un très bon œil ce que vous avez fait. Pour-

[*Texte*]

ing that out of 1,225 still alive 1,217 have an assessable disability? Is there any technical reason for your not just going the whole way and say that if the man was there he get it.

Mr. Dubé: It would fly in the face of the whole principle of compensation if a man was compensated and had no disability at all. But we are talking in terms of principle now. In fact, we think all of them will qualify.

Mr. Knowles (Winnipeg North Centre): You would certainly encourage these other eight to find something, would you not?

Mr. Dubé: As I say, after four years in a prison they will be able to find something, unless they are supermen.

Mr. Knowles (Winnipeg North Centre): If you do not encourage them to find something wrong their wives will. What would happen, for example, if one of these eight does not establish some assessable disability, but dies? Has his widow an entitlement to the pension?

Mr. Dubé: If he is not disabled at all he will not die. He will stay alive.

Mr. Saltsman: Let us say he died in an accident.

Mr. Dubé: In theory, if the man is 100 per cent healthy and he dies in an automobile accident, he would not qualify. You would have to say that.

Mr. Knowles (Winnipeg North Centre): I hope you will take another look at it. I am thinking of David Groos' friend out in Victoria, who is one of the eight, and something happens to him and there is no pension for his wife but there is a full pension for the widows of all the rest.

Mr. Dubé: He had better qualify fast before he has a car accident.

Mr. Knowles (Winnipeg North Centre): Would you mind, Mr. Dubé, if Mr. Saltsman and I and some others around here tended to call this Hong Kong provision a sort of guaranteed annual income? You do not mind?

[*Interprétation*]

quoi tenez-vous tant à faire de l'«invalidité évaluable» le critère de l'admissibilité, étant donné que d'après vos propres chiffres, sur 1,225 anciens combattants encore vivants, 1,217 ont une invalidité évaluable? Y a-t-il quelque raison technique qui vous empêche d'aller jusqu'au bout et de dire que si l'ancien combattant a servi à Hong Kong, il obtient la pension?

M. Dubé: Ce serait renier le principe même de la compensation que d'accorder une pension à un ancien combattant qui n'aurait pas d'invalidité. Mais c'est parler là au niveau des principes. En fait, nous estimons que tous ces anciens combattants ont droit à la pension.

M. Knowles (Winnipeg-Nord-Centre): Vous inviteriez sûrement les huit qui n'ont pas de pension à se trouver quelque affection, n'est-ce-pas?

M. Dubé: Il est certain qu'après quatre ans passés dans une prison, ils pourront bien se trouver quelque chose, à moins qu'ils ne soient des surhommes.

M. Knowles (Winnipeg-Nord-Centre): Si vous ne les invitez pas à se trouver quelque chose, leurs épouses s'en chargeront bien. Qu'arriverait-il, par exemple, si l'un de ces huit meurt sans avoir fait reconnaître quelque invalidité évaluable? Sa veuve a-t-elle droit à la pension?

M. Dubé: S'il n'est atteint d'aucune invalidité, il ne mourra pas. Il vivra.

M. Saltsman: Disons qu'il meurt dans un accident.

M. Dubé: En principe, s'il est en parfaite santé et qu'il meurt dans un accident d'automobile, il ne serait pas admissible. C'est ce qu'il faut conclure.

M. Knowles (Winnipeg-Nord-Centre): Je vous demanderai de considérer encore la chose. Je songe à l'ami de David Groos, à Victoria, qui est l'un des huit: à sa mort, pas de pension pour son épouse, mais pleine pension pour les veuves de tous les autres.

M. Dubé: Il ferait bien de faire établir son admissibilité sans tarder, avant d'avoir un accident d'automobile.

M. Knowles (Winnipeg-Nord-Centre): Cela vous déplairait-il, monsieur Dubé, que M. Saltsman et moi-même et certains autres qui sont ici soyons enclins à voir dans cette disposition à l'égard des anciens combattants de Hong Kong une sorte de revenu annuel garanti? Cela ne vous déplaît pas?

[*Text*]

Mr. Dubé: You are free to use your own handle.

Mr. Knowles (Winnipeg North Centre): We like the idea of the guarantee for these people, and we hope it is a principle that you will see fit to extend to further categories of veterans.

The Chairman: Is that all for the moment?

Mr. Knowles (Winnipeg North Centre): That is all for now, Mr. Chairman.

Mr. Guay (St. Boniface): Mine is really a supplementary question, Mr. Chairman.

The Chairman: All right, Mr. Guay.

Mr. Guay (St. Boniface): I will be very brief. I wish to refer to some of the questions asked by Mr. Knowles. In relation to certain applicants in the past—and when I say "in the past" I mean up to when you came out with the White Paper—in your opinion, do you believe they have all been dealt with accordingly, or does this open the door so that all these previous applicants might now be given additional consideration under the new policy?

Mr. Dubé: Some of them yes...

Mr. Guay (St. Boniface): I might mention to you, Mr. Dubé, that in asking that question I am thinking of a case or two which were turned down and where not only their wives but their own doctors felt that they had a case, and yet they did not get anywhere. Do you feel, therefore, that there is a possibility that these people can now apply again and be given consideration under the new policy?

Mr. Dubé: There is a class of veterans who were not entitled to apply previously but who will be entitled to apply now because of the changes—for, let us say, an impaired organ, or a consequential disability. If those people were turned down previously, they should apply now, because I hope the Act will be changed which will enable them to apply. However, those who had no case at all before and who do not come under one of these new categories have no reason to apply again. They will just be wasting their time, if they have no disability they should not apply.

[*Interpretation*]

M. Dubé: Vous êtes bien libres d'y voir ce que vous voulez.

M. Knowles (Winnipeg-Nord-Centre): L'idée d'un revenu garanti accordé à ces personnes nous plaît, et nous espérons que vous jugerez bon d'appliquer ce principe à d'autres catégories d'anciens combattants.

Le président: Est-ce tout pour l'instant?

M. Knowles (Winnipeg-Nord-Centre): C'est tout pour le moment, monsieur le président.

M. Guay (Saint-Boniface): C'est, à vrai dire, une question supplémentaire que je veux poser, monsieur le président.

Le président: Je vous en prie, monsieur Guay.

M. Guay (Saint-Boniface): Je serai très bref. Je me reporte à certaines des questions posées par M. Knowles. Pour ce qui est de certaines personnes qui ont présenté des demandes dans le passé—et quand je dis «dans le passé», j'entends jusqu'au jour où est paru le Livre blanc—estimez-vous que tous ces cas sont réglés, ou le Livre blanc change-t-il tout, et ces personnes pourraient-elles recevoir aujourd'hui d'autres avantages aux termes du nouveau régime?

M. Dubé: Certaines d'entre elles, oui...

M. Guay (Saint-Boniface): Je dois vous dire, monsieur Dubé, que si je pose cette question, c'est que j'ai à l'esprit le cas d'une personne ou deux qui ont été déboutées alors que non seulement l'épouse, mais leur propre médecin estimaient qu'il y avait matière à présenter une demande, et pourtant elles n'ont rien obtenu. Jugez-vous donc qu'il serait possible à ces personnes de présenter maintenant une nouvelle demande et qu'elles pourraient être agréées aux termes du nouveau régime?

M. Dubé: Il est une catégorie d'anciens combattants qui ne pouvaient présenter de demande auparavant mais qui pourront le faire dorénavant en raison des modifications apportées—dans le cas, par exemple, d'un organe affaibli ou d'une invalidité secondaire. Si ces personnes ont essuyé un refus dans le passé, elles devraient présenter une nouvelle demande, car j'espère que la loi sera modifiée et qu'elles auront droit de le faire. Toutefois, ceux qui n'avaient aucun motif de le faire auparavant, et qui ne se classent pas dans l'une de ces nouvelles catégories, n'ont aucunement raison de présenter une nouvelle demande. Ils perdront leur temps; s'ils ne souffrent pas d'incapacité, ils ne devraient pas présenter de demande.

[*Texte*]

Mr. Guay (St. Boniface): I do not want to burden the situation. I am just thinking of one case whereby a veteran did apply, he was turned down and finally he died recently.

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There seemed to be some doubts, which I do not think possibly have come to your attention, as to the reason. They attributed his death to the time of his service and he served a considerable amount of time. Can the widow do anything about this? Can she have the case reconsidered?

Mr. Dubé: They will still be able to do in the future what they were able to do in the past; that is, to apply for leave to reopen the case. Under the present system they can do that. With new evidence you can apply as many times as you wish, but there is no use in applying if you still have the same bag of arguments that you had when you were turned down before. Presumably you will be turned down again unless you fall into a new category which is brought in by this proposed legislation.

Mr. Guay (St. Boniface): Thank you, Mr. Chairman.

The Chairman: I believe Mr. Bigg is next.

Mr. Bigg: Mr. Dubé, I think I would be amiss if I did not make some reference to the exceptional work that Dr. Richardson did on behalf of the Hong Kong veterans. This is well known to all members of the Committee I know, but I would like to thank him personally. Also, I would like to say that because of the exceptional work which he did I would not want to see that become the end of the matter. I think there is a great deal more research to be done on avitaminosis and the psychological effects on prisoners of war and particularly its effects on the heart and the nervous system. These are very difficult cases for the Canadian Pension Commission to handle as any of the members of the Pension Commission know and I hope that the research which has been started so well will carry on.

I am quite sure that prisoners of war from other fields and so on will be encouraged by the research which has already been done. I hope it is going to be a very active part of our Department to make sure that we understand all that we can about the psychological effect on prisoners of war.

While I am at it, when the new act is put forward I would like to suggest that we

[*Interprétation*]

M. Guay (Saint-Boniface): Je ne veux pas pousser les choses trop loin. Je pense au cas particulier d'un ancien combattant qui a déjà présenté une demande, a vu celle-ci rejetée et est décédé récemment. On n'était pas tout à fait certain, et je ne pense pas que vous ayez déjà été mis au courant de la chose, des raisons de son décès. On a attribué sa mort à son service militaire qui avait été très prolongé. Que peut faire en pareil cas la veuve? Peut-elle demander que l'affaire soit rouverte?

M. Dubé: Elle pourra encore faire ce qu'elle pouvait déjà faire auparavant; les gens pourront toujours demander qu'on étudie à nouveau une affaire. En vertu du régime actuel, la chose est possible. Avec de nouvelles preuves à l'appui, vous pouvez faire cette demande autant de fois que vous le désirez. Il est cependant inutile de le faire sans arguments nouveaux depuis le rejet de votre demande. On continuera certainement à la rejeter à moins que vous n'entriez dans une nouvelle catégorie prévue par le projet de loi.

M. Guay (Saint-Boniface): Merci monsieur, le président.

Le président: La parole est à M. Bigg, je crois.

M. Bigg: Monsieur Dubé, je m'en voudrais de ne pas faire mention du travail exceptionnel qu'a accompli le Dr Richardson pour les anciens combattants de Hong-Kong. Tout cela est fort bien connu des membres du Comité, je ne l'ignore pas, mais je voudrais le remercier personnellement. Étant donné le travail exceptionnel, qu'on a déjà accompli, j'espère que pareille initiative sera poursuivie. Il reste beaucoup de choses à découvrir sur l'avitaminose, sur l'état psychologique des prisonniers de guerre et, en particulier, sur les répercussions de cet état sur le cœur et le système nerveux. La Commission canadienne des pensions a eu beaucoup de fil à retordre pour régler ces cas particuliers et j'espère que les recherches qui ont déjà été accomplies. suivre.

Je suis certain que les prisonniers de guerre d'autres endroits prendront courage devant les recherches qui ont déjà été accomplies. J'espère que le Ministère continuera activement à nous permettre d'apprendre tout ce que nous pouvons sur les effets psychologiques que ressentent les prisonniers de guerre.

Pendant que j'y suis, permettez-moi de dire qu'au moment où sera présentée la nouvelle

[*Text*]

put a clause in this Hong Kong act which says that when any prisoner-of-war is subjected to the same type of treatment—I am suggesting perhaps a Korean prisoner-of-war or perhaps somebody on the peacekeeping forces who is taken by accident in Viet Nam or in some other Asian field where he is liable to have the same type of treatment—that we could put a clause in the act saying that this veteran can qualify under the provisions of the Hong Kong act for this list of benefits providing the circumstances of his treatment and so forth were parallel to those affecting these people. It would perhaps obviate the necessity for any special legislation in the future. It would be a bill of rights for prisoners of war generally and where there were extreme cases of hardship it would be quite easy to have the pension board through his advocate consider this person as if he was in fact in a Japanese prison camp like the Hong Kong veterans. I would like to suggest that would be a reasonable thing.

I am also very pleased to see that the misconduct question, the question of stopping pensions for widows and dependents will no longer depend on single acts of misconduct on the part of a veteran. He may at the time have been suffering from temporary mental anguish or something of that nature. It seems to me that the family has suffered already having the bread winner of the family away for extended periods of time and to take away their pension because the husband or the wife, as the case may be, happens to breach military discipline does not seem to me fair, that the family should suffer over a period of years. I am very pleased to see that the Department has taken that out. Thank you.

The Chairman: Thank you, Mr. Bigg. Next is Mr. Peters. I have also Messrs. Legault, Saltsman, Guay and Weatherhead.

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Mr. Peters: I, having been on this Committee for a number of years now, certainly endorse the remarks that have been made by members in relation to the Hong Kong veterans.

One of the problems I have always had in the Veterans Affairs Committee is that there is very little politics and a great deal of unanimity on the decisions that have been reached. The Hong Kong veterans have cer-

[*Interpretation*]

loi, j'aimerais proposer que nous incluions un article dans cette loi de Hong-Kong portant que tout prisonnier de guerre soumis au même genre de traitement qu'à Hong-Kong (il peut s'agir d'un prisonnier de guerre coréen ou d'un membre des forces de maintien de la paix, peut-être fait prisonnier par accident au Viet-Nam ou sur quelque autre champ de bataille de l'Asie et où il est susceptible d'être soumis au même genre de traitement) un article, dis-je, portant que cet ancien combattant a droit, en vertu des dispositions de la loi de Hong-Kong, à cette liste de bénéfices, pourvu qu'il reçoive le même genre de traitement que ces personnes. Nous pourrions ainsi éviter la nécessité d'établir une loi spéciale par la suite. Il s'agirait d'une déclaration des droits de l'homme visant les prisonniers de guerre en général, et dans les cas extrêmes, de mauvais traitements, la Commission des pensions pourrait facilement, par l'intermédiaire de son avocat, considérer que la personne en question est en fait détenue dans un camp de prisonniers, au Japon, comme les anciens combattants de Hong-Kong. A mon avis, ce serait une façon sensée de procéder.

Je suis heureux, aussi, de voir que la question de la mauvaise conduite, ou plutôt de l'interruption des pensions aux veuves et aux personnes à charge, ne dépendra plus de la seule mauvaise conduite d'un ancien combattant. Ce dernier peut avoir été sous l'effet d'un accès d'angoisse ou d'une autre influence du genre. A mon avis, la famille a déjà suffisamment souffert de l'absence prolongée du gagne-pain; il ne faut pas aggraver les choses en cessant de verser la pension parce que le conjoint ou la conjointe, selon le cas, a enfreint la discipline militaire. Il ne me semble pas juste de faire souffrir la famille pendant plusieurs années encore. Je suis heureux de voir que le ministère a abrogé cette disposition. Merci.

Le président: Merci, monsieur Bigg. M. Peters est le suivant. J'ai aussi les noms de MM. Legault, Saltsman, Guay et Weatherhead.

M. Peters: Je fais partie du Comité depuis un certain nombre d'années maintenant, et j'abonde certainement dans le sens des autres membres du Comité en ce qui concerne les anciens combattants de Hong-Kong.

Un des problèmes du comité des affaires des anciens combattants, à mon avis, est le manque de politiques et la trop grande unanimité qui se fait autour des décisions prises. Les anciens combattants de Hong-Kong ont

[*Texte*]

tainly received from this Committee a favourable response, at least ten times or more and the government has never really shown much inclination to react. I certainly appreciate the steps that you have indicated in the White Paper will be taken on behalf of the Hong Kong veterans.

I would agree with those who suggested that for the eight we make it a blanket 50 per cent and they wil not have to go through the ... I think I know one of them who is not getting any pension also and he looks very healthy. However, I think if, as the Minister says, he makes an attempt to qualify, he probably can. He certainly has strongly expressed the opinion over the years that the Hong Kong veterans should have been given special consideration. If he is not speaking for himself he certainly was speaking for the other ones. I would suggest that as there are only eight, when we open a special act for the Hong Kong veterans that we consider instead of raising the entitlement from 20 per cent or 10 per cent or whatever the entitlement may be, that we raise it 250 per cent. This is a one-shot affair as far as I am concerned and I am not entirely in agreement with the previous speaker that we should set up a special prisoner-of-war category under the Department of Veterans Affairs because I hope that we do not face that kind of a proposition ever again.

I also am interested in the remarks the Minister made in relation to the benefit of the doubt and some of the remarks that other members have made in relation to the benefit of the doubt. I would ask the Minister if in making the decision which he has indicated in the White Paper he is not in agreement with those who presented cases to the Woods Committee that indicated the benefit of the doubt had not been applied. If that is so, then obviously those who over the years have appealed to the last resort available to them at the time are now really saying that the benefit of the doubt was not applied to them under the previous legislation and they obviously will have a new appeal because that was not an acceptable part of the decision made in the first place.

Mr. Dubé: It would be only human for one to think he has not obtained the benefit of the doubt if he missed out on his claim. I hope that we do not see a flood of futile applications clogging the work of the Canadian Pension Commission. I do hope those who have no case at all do not try to give a sort

[*Interprétation*]

certainement eu l'appui sympathique du Comité, à dix reprises ou plus, au moins, et le gouvernement ne s'est jamais montré très prompt à réagir. J'apprécie, bien entendu, les mesures qui sont proposées dans le Livre blanc à l'égard des anciens combattants de Hong-Kong.

J'admets avec ceux qui préconisent pour ces huit anciens combattants une augmentation globale de 50 p. 100, pour qu'ils ne soient pas obligés de passer par ... Je pense qu'un d'entre eux ne reçoit pas de pension et qu'il ne s'en porte pas plus mal. Toutefois, je suis sûr, comme l'affirme le ministre, que s'il formule une demande, il recevra probablement cette pension. Ce dernier a toujours déclaré en termes clairs au cours des années que les anciens combattants de Hong-Kong devraient être traités de façon spéciale. S'il ne parle pas en son propre nom, il parle certainement au nom des autres. A mon avis, comme ces anciens combattants sont au nombre de huit seulement, lorsque nous étudierons une nouvelle loi pour les anciens combattants de Hong-Kong, au lieu d'augmenter la pension de 20 ou de 10 p. 100, ou quel que soit le montant de cette pension, nous devrions l'augmenter de 250 p. 100. Il s'agit d'un cas unique, en ce qui me concerne, et je ne crois pas, comme l'orateur qui m'a précédé, que nous devrions établir une catégorie spéciale de prisonniers de guerre au ministère des Anciens combattants et j'espère qu'une proposition de ce genre ne se représentera plus jamais.

J'ai aussi écouté avec intérêt les observations du ministre au sujet du bénéfice du doute, et les remarques que les autres membres du comité ont formulées à ce sujet. Le ministre, en prenant la décision qu'il expose dans le Livre blanc, n'est-il pas en désaccord avec les personnes qui ont déclaré devant le comité Woods que le bénéfice du doute n'avait pas été appliqué dans certains cas. Si tel est le cas, les personnes qui, au cours des années, ont utilisé le dernier recours disponible à l'époque, vont manifestement dire qu'on ne leur a pas accordé le bénéfice du doute en vertu de la loi antérieure, et ces personnes vont vraisemblablement interjeter appel de nouveau, cette partie de la décision n'étant pas acceptable.

M. Dubé: Il est tout naturel qu'une personne pense ne pas avoir joui du bénéfice du doute quand sa réclamation est rejetée. J'espère que nous ne serons pas submergés par des demandes insensées et que le travail de la Commission canadienne des pensions n'en sera pas gêné. Il faut espérer que les gens n'essaie-

[*Text*]

of rebirth to a futile attempt. But those who honestly think they were unfairly dealt with, yes; they can try.

Mr. Peters: In making this change you must agree with the Woods Committee that the benefit of the doubt had not been applied as had been intended in the original legislation where the benefit of the doubt was not spelled out, certainly not nearly as clearly as you have interpreted it, but where obviously we had intended that where everything else was equal the benefit of the doubt would apply to the person.

In most of the arguments that were made the applicant did not feel it had applied to him or even that the Commission had considered it as a serious criteria on his side.

Mr. Dubé: Of course the Canadian Pension Commission is a quasi-judicial body, but in any other court of law the party who does lose the case usually is not too happy and he may think that he was not given justice.

If two parties appear, a plaintiff and a defendant, one of them will be happy and the other one will be less happy and may think the judge had done him wrong. He will

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go to a higher court and may find that the higher court was also mistaken in finding him wrong again and that would be human. However, I am trying to say is that I agree with the Woods Committee report that the language we now have is vague. What we are trying to do is have more precise guidelines and then we will see.

Mr. Peters: Mr. Chairman, I would also like to ask about the war veterans allowance. The Minister has really said two things today. He has alluded to the statement the Prime Minister made in relation to war veterans allowances and a number of other pieces of social legislation and the similarity—while not necessarily using the same criteria—of results in some cases. Our other legislation takes this into consideration, particularly the old age assistance, by saying that if a veteran receiving war veterans allowance is receiving a certain income then he is not eligible for income from other sources. So there has been in our legislation a taking into consideration of this being a type of social welfare, or social security, but is it not true that the qualifications necessary for war veterans should put this into a different categary than other types of welfare? In other words, the

[*Interpretation*]

ront pas sans motif valable, de faire rouvrir une cause perdue. Bien entendu, ceux qui croient honnêtement avoir été l'objet d'un traitement injuste pourront tenter leur chance.

M. Peters: En apportant ce changement, vous devez convenir avec le Comité Woods que le bénéfice du doute n'a pas été accordé tel que le prévoyait la loi originale, dans laquelle la chose n'était pas précisée, du moins pas aussi clairement que vous l'avez interprétée, mais dans laquelle nous avions manifestement voulu que toutes choses étant égales, le bénéfice du doute soit accordé.

Dans la plupart des réclamations, le requérant estimait qu'on ne lui avait pas accordé le bénéfice du doute ou que la Commission n'avait pas considéré celui-ci comme un critère important en sa faveur.

M. Dubé: Bien entendu, la Commission canadienne des pensions est un organisme quasi-judiciaire, mais dans tout autre tribunal, la partie perdante n'est habituellement pas très heureuse et a tendance à penser qu'on ne lui a pas fait justice.

Quand deux parties sont en cause, la partie plaignante et la partie défenderesse, l'une d'elle sera satisfaite du résultat tandis que l'autre le sera moins estimant avoir été traitée injustement. Elle ira en appel et jugera peut-être que le tribunal de dernière instance se méprend tout autant en lui donnant tort de nouveau et après tout, c'est humain. Néanmoins, ce que je veux dire, c'est que je conviens avec le Comité Woods que le libellé de nos mesures législatives est plutôt vague. Ce que nous essayons de faire, c'est d'avoir des principes directeurs plus précis, et ensuite nous verrons.

M. Peters: Monsieur le président, je voudrais aussi poser une question à propos de l'allocation aux anciens combattants. Le ministre a déjà dit deux choses à ce sujet. Il a fait allusion à la déclaration du premier ministre à propos de l'allocation aux anciens combattants et d'un certain nombre d'autres mesures législatives, ainsi qu'à la similitude—bien qu'en n'utilisant pas obligatoirement les mêmes critères—des résultats obtenus dans certains cas. D'autres mesures législatives en tiennent compte, notamment la loi sur l'Assistance-vieillesse qui stipule que, si un ancien combattant bénéficiant des prestations d'ancien combattant dispose par le fait même d'un certain revenu, il ne doit pas, par conséquent, avoir d'autres sources de revenu. Ainsi, notre législation reconnaît que c'est une forme d'assistance sociale ou de sécurité sociale, mais il est inexact que les conditions à remplir pour

[*Texte*]

war veterans allowance was not necessarily considered to be a welfare measure when it was originally adopted and should not be considered as a welfare measure now.

Mr. Dubé: These measures are all different one from another. The superannuation for retired civil servants, or old age pensions and war veterans allowances and disability pensions are all different, but when the government says that it is studying the entire fabric of social legislation, it means that it is looking at all these aspects. They are all part of one jig-saw puzzle, but it does not mean that they will now get the same rates. I consider the war veterans allowances now to be a welfare measure, because they are based on a means test and they are certainly not given to a millionaire veteran; whereas, disability pensions are more along the line of workmen's compensation. It is compensation for a loss of ability to earn. It is very possible—and it does exist at the present time—that some veterans receive 100 per cent disability pensions and yet are high priced lawyers. They may have lost their legs, but they have kept their heads and their mouths. It is along the lines of compensation; whereas, that lawyer, if he is only a veteran, will certainly not receive a war veterans allowance because he will not need it.

Mr. Peters: Yes, but Mr. Dubé is it not true while we have gone somewhat in that direction that war veterans allowance when it was originally paid was what they called a burnt out pension?

Mr. Dubé: Yes.

Mr. Peters: This really was saying that a veteran, because he had overseas service, qualified for this type of assistance at least five years before any other assistance would have been available to him; therefore, his war service gave him an added age of five years, I believe. It was in a considerably different category.

Mr. Dubé: It was said that because he aged faster that he should receive his old age pension sooner than other Canadians. However, we must not forget that since that time

[*Interprétation*]

toucher l'allocation aux anciens combattants en fassent une forme à part de bien-être, la classant dans une autre catégorie. Autrement dit, lorsqu'on a décidé d'accorder l'allocation aux anciens combattants, on ne l'a pas obligatoirement considérée comme une mesure de bien-être et il n'y a pas de raison pour qu'on la catalogue ainsi aujourd'hui.

M. Dubé: Aucune de ces mesures ne se ressemble. La pension de retraite des fonctionnaires n'a rien à voir avec la pension de vieillesse et les allocations aux anciens combattants, mais lorsque le gouvernement dit qu'il étudie tout le mécanisme de la législation sociale, il veut dire qu'il l'examine de fond en comble. Toutes ces mesures tiennent du jeu de patience, mais ça ne veut pas dire que les mêmes taux ne s'appliqueront pas également à toutes. Pour moi, l'allocation aux anciens combattants revient à une mesure de bien-être, car elle est fondée sur une évaluation des moyens du bénéficiaire et ce n'est certainement pas l'ancien combattant millionnaire qui la touche; tandis que les pensions d'invalidité s'apparentent davantage à l'indemnité versée aux accidentés du travail. C'est une indemnisation pour la perte de capacité de gain. Il est fort possible—et cela existe actuellement—que certains anciens combattants qui sont par surcroît des avocats très cotés touchent des pensions d'invalidité à 100 p. 100. Ils ont peut-être perdu leurs jambes à la guerre, mais leur tête et leur cavité buccale sont intactes. Ça revient donc à une indemnisation: ces avocats qui ne sont qu'anciens combattants ne touchent pas d'allocation aux anciens combattants: ils n'en ont pas besoin.

M. Peters: Très bien, mais, monsieur Dubé, bien que nous ayons quelque peu adopté cette ligne de conduite, n'est-il pas exact qu'à l'origine, l'allocation aux anciens combattants était considérée comme une pension accordée à un homme fini?

M. Dubé: C'est juste.

M. Peters: Ce qui revient à dire, que du fait qu'il a servi outre-mer, l'ancien combattant a droit à ce type d'assistance au moins cinq ans avant de recevoir tout autre forme d'assistance; par conséquent, il obtient ainsi une remise de cinq ans, il me semble. Cela entre dans une catégorie totalement différente.

M. Dubé: On a dit qu'étant donné qu'il vieillissait plus vite que ses concitoyens, il devait toucher sa pension de vieillesse plus tôt qu'eux. Néanmoins, il ne faut pas oublier

[*Text*]

the other Canadians are going down every year in their year of eligibility and some day they will catch up, I presume.

Mr. Peters: This is my last question, Mr. Chairman, on a totally different subject.

I would like to ask the Minister if he will consider the tabling of the other inquiry that was undertaken when the Woods Commission study was undertaken into the financial aspects of veterans affairs. I understand there was an interdepartmental study into the financial aspects of veterans affairs and its relationship to other departments.

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Mr. Dubé: No, really that was a report submitted to the Minister. It is the opinion of civil servants on various aspects, costs and so on. If we start tabling the work of public servanst to their Minister very shortly they will discontinue giving us their opinions.

Mr. Peters: It is a very interesting document just the same.

Mr. Dubé: It is helpful, but there are no mysterious and dark obscur secrets contained therein.

Mr. Peters: No, no, it would just be statistical and I thought it might be helpful to the Committee if it were available.

The Chairman: Are there any other questions, Mr. Peters?

Mr. Peters: I am finished.

The Chairman: Mr. Legault, you are next.

Mr. Legault: Thank you, Mr. Chairman.

In the White Paper you do bring out the figure of 136,800, veterans who are now receiving pensions. Would figures be available on how many of those who have qualified did so with the question of benefit of the doubt?

Mr. Dubé: I am not too sure that I understand your question correctly.

Mr. Legault: Well, Mr. Dubé, as we all know whenever the budget is struck there is an amount of money which then has to be distributed. Necessarily the more veterans we have, I think, does affect the amount. Those who are truly 100 per cent disabled, suffer because of the large distribution of money. As their pension is based on the

[*Interpretation*]

qu'entre temps, ses concitoyens comblent le fossé tous les ans et qu'ils finiront par le rattraper, je suppose.

M. Peters: Je poserai une dernière question, monsieur le président, sur un tout autre sujet.

Je voudrais demander au ministre s'il envisage de déposer l'enquête qu'a déclenchée l'étude du Comité Woods sur les aspects financiers des Affaires des anciens combattants. Je crois comprendre qu'il y a eu une étude interministérielle sur les aspects financiers des Affaires des anciens combattants et les rapports qui existent avec les autres ministères.

M. Dubé: Non, il s'agissait en fait d'un rapport au ministre. Il s'agit de l'opinion exprimée par les fonctionnaires sur divers aspects, coût, etc. Si nous prenions une telle initiative, les fonctionnaires cesseraient rapidement d'exprimer leurs opinions à leur ministre.

M. Peters: Toujours est-il que c'est un document très intéressant.

M. Dubé: Ce serait utile, mais ce rapport ne contient pas de sombres secrets mystérieux.

M. Peters: Non, non, ce serait tout simplement pour une question de statistique et je crois que ça aiderait le Comité.

Le président: Avez-vous d'autres questions, monsieur Peters?

M. Peters: J'ai terminé.

Le président: Monsieur Legault, c'est à vous.

M. Legault: Je vous remercie, monsieur le président. Selon le Livre blanc, il y aurait 136,800 anciens combattants qui reçoivent une pension. Pourrait-on savoir combien d'entre eux se sont vus accorder leur pension grâce au bénéfice du doute?

M. Dubé: Je ne crois pas que j'ai bien saisi votre question.

M. Legault: Je disais donc, monsieur Dubé, que lorsque le budget est établi, comme nous le savons tous, un montant donné doit être distribué. Il est évident, je pense, que le montant dépend du nombre d'anciens combattants. Ceux qui sont totalement invalides sont lésés, compte tenu des destinations diverses de ce montant. Comme leur pension

[*Texte*]

labourer's salary, they are held at that particular point practically all of the time.

Now the purpose of the question is this: If there are a large number of people receiving pensions based on the benefit of the doubt—I think my question is perhaps influenced by a discussion that I had with a group of veterans who were making a joke of some of the pensions that are being paid. Some, who are applying, stated that their service was an improvement to their condition rather than an impairment and that their conditions were brought about by their way of life since they came out of the service. Their records indicated a certain weakness in their physical conditions at that particular time but the service did improve their conditions. As a matter of fact, no ill effects were felt for numerous years because of the service.

Second, that pensions were being paid to certain veterans who suffered these injuries while they were out, perhaps, on a street or so on and that those who were really injured because of war are held down to a specific amount which could be raised if not so many pensions were being paid.

Mr. Dubé: Your question raises at least two or three problems. I would say, first, that those who did serve in times of war, were protected by the the so-called insurance principle, by which I mean they do not have to prove that their injuries came from their service. They were insured during the period of the war. However, the peacetime forces must have suffered their disability in connection with their duties.

Mr. Legault: Is the proper term "in connection with their duties"?

Mr. Dubé: Yes, they have to link it to their duties.

Now on the other point you raised as to the benefit of the doubt, as I tried to say, we believe that the benefit of the doubt in some way has always been given to the applicant; what we are trying to do now is to put it

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down in black and white to make sure that there are definite clear-cut guidelines on what is meant by the benefit of the doubt. You were asking how many of those 130,000 pensioners benefited from the benefit of the doubt. I would say that all of them, if there was a need for it, did benefit from the benefit of the doubt. But in clear-cut cases, let us

[*Interprétation*]

est basée sur la rémunération du salarié, ils sont pour ainsi dire condamnés à toucher le même taux toute leur vie.

Or, l'objet de ma question est ceci: y a-t-il un grand nombre d'anciens combattants qui touchent une pension en vertu du bénéfice du doute—je crois que ma question découle d'une discussion que j'ai eue avec un groupe d'anciens combattants qui tournent à la blague les pensions qui leur sont versées dans certains cas. Certains d'entre eux qui font une demande de pension m'ont dit que leur service de guerre se soldait davantage par une amélioration de leur état que par une aggravation et que leur état résultait bien souvent de leur mode de vie depuis qu'ils avaient été libérés. Leur dossier consigne une certaine faiblesse de leur condition physique à ce moment-là, mais leur santé s'est améliorée du fait du service militaire. En fait, ils ne se sont ressenti de rien pendant de nombreuses années.

En second lieu, des pensions sont attribuées à des anciens combattants qui souffrent de blessures infligées peut-être dans la rue ou ailleurs et que ceux qui ont vraiment été blessés pendant la guerre se trouvent limités à un certain montant qui augmenterait certainement s'il n'y avait pas autant de pensionnés.

M. Dubé: Votre question soulève deux ou trois autres problèmes au moins. Permettez-moi tout d'abord de dire que ceux qui ont fait la guerre étaient protégés par le pseudo principe d'assurance, ce qui signifie qu'il ne leur faut pas prouver que leurs blessures sont imputables au service militaire. Ils étaient assurés durant la guerre. Toutefois, les forces du temps de paix doivent subir leur invalidité alors qu'ils sont de service.

M. Legault: «Alors qu'ils sont de service»? Est-ce là le mot juste?

M. Dubé: Oui, il faut que l'invalidité résulte de leurs fonctions.

Au sujet de la deuxième question que vous avez soulevée et qui a trait au bénéfice du doute, comme j'ai essayé de le dire, nous sommes d'avis que le bénéfice du doute a toujours été accordé au requérant, d'une façon

ou d'une autre; ce que nous tentons de faire, en ce moment, c'est de le mettre noir sur blanc afin de nous assurer qu'il existe des principes directeurs clairs et précis sur le sens qu'il faut donner à l'expression. Vous avez demandé quelle proportion des 130,000 pensionnés a pu profiter du bénéfice du doute. Je dirais qu'ils ont tous profité du bénéfice

[*Text*]

say a veteran lost a leg from a cannon ball, there is no need for the benefit of the doubt because it is clearly visible. I think it would be impossible to break it down further.

Mr. Legault: What I was referring to would perhaps involve quite a study.

Mr. Dubé: Yes.

Mr. Legault: I am referring perhaps to a pension being given today for something that could be related to a condition that did exist at that time. It is in this sense that I am referring to the benefit of the doubt. I think the new pensions that are being provided today would practically all fall under this heading.

Mr. Dubé: Well, if the case you have in mind shows some credible evidence and neither the Directorate of Pensions, the Entitlement Hearing Division or the Appeal Division have anything to rebut that evidence then he would succeed and his claim would be entertained. However, he would have to show some credible evidence that he has a case.

Mr. Legault: Thank you. I think it is very nice to have part of the speech from the throne being previewed here today. It is not often that we get this particular privilege.

Mr. Dubé: I have not seen the speech from the throne, so I do not know. Maybe it will turn out that you will be a prophet.

The Chairman: Is that all for the moment?

Mr. Legault: Yes, that is all. Thank you.

The Chairman: Mr. Saltsman is next.

Mr. Saltsman: Thank you, Mr. Chairman.

Mr. Minister, have you made a comparison between veterans pension levels and workmen's compensation levels, since you referred to the relationship between the two and said there was something analogous about them.

Mr. Dubé: Oh yes, we have made a comparison. Offhand, I can tell you that it is not as high as compensation in British Co-

[*Interpretation*]

du doute lorsque le besoin s'en faisait sentir. Dans certains cas évidents, comme, par exemple, dans le cas d'un ancien combattant qui a perdu une jambe à la guerre, la question du bénéfice du doute ne se pose même pas car la chose est manifeste par elle-même. Je ne crois pas qu'il soit possible d'entrer dans plus de détails.

M. Legault: Ce dont je parlais exigerait peut-être une longue étude.

M. Dubé: Oui.

M. Legault: Je songe peut-être à une pension qui serait accordée aujourd'hui pour une raison qui pourrait se rattacher à une situation qui existait vraiment à ce moment-là. C'est dans ce sens que j'ai parlé du bénéfice du doute. Je crois qu'à toutes fins pratiques, toutes les pensions accordées aujourd'hui entreraient dans cette catégorie.

M. Dubé: Si le cas auquel vous pensez peut fournir quelque preuve de crédibilité et que, soit la Direction des pensions, soit la Division de l'admissibilité ou encore la Division des appels ne peut présenter d'arguments pour réfuter ladite preuve de crédibilité, il y aurait alors matière à faire une cause et la réclamation serait étudiée. Il faudrait, toutefois, que le requérant soumette des preuves de crédibilité de sa cause.

M. Legault: Je vous remercie. J'estime très agréable de pouvoir entendre d'avance une partie du discours du trône, car ce privilège ne nous est pas souvent accordé.

M. Dubé: Je n'ai pas vu le discours du trône et je ne peux donc pas répondre à ce que vous venez de dire. Vous ferez peut-être figure de prophète.

Le président: Est-ce tout, pour le moment?

M. Legault: Oui, c'est tout. Je vous remercie.

Le président: Vous avez la parole, monsieur Saltsman.

M. Saltsman: Merci, monsieur le président.

Monsieur le ministre, avez-vous fait une comparaison des niveaux de pensions des anciens combattants avec ceux de l'indemnité des accidents du travail? Vous avez, en effet, fait allusion au rapport qui existe entre les deux et vous avez dit qu'ils ont quelque chose d'analogue.

M. Dubé: Nous avons certainement fait une comparaison. Je puis vous dire, au pied levé, que la pension n'est pas aussi élevée que l'in-

[*Texte*]

lumbia and Ontario but the present pension scheme is better than workmen's compensation in the other less affluent provinces.

Mr. Saltsman: I think to some extent what you have said is very true because to an extent they are sort of occupational dangers, even though one is a temporary occupation and the other may be a permanent one.

Have you given any consideration to basing pensions on the place of residence—because where it might be adequate where the cost of living is lower it might not be as adequate if a pensioner is living where the cost of living is high. I am thinking, for instance, of Northern Ontario, the City of Toronto, Vancouver, and many other places.

Mr. Dubé: I presume such a consideration would have to be part and parcel of any further study on basic rates.

Mr. Saltsman: Well, are you giving any consideration to basing part of the increase in pension on the place of residence?

Mr. Dubé: Yes, I have looked at it myself. It is visible to the naked eye that under such a system if a soldier, let us say, in Gagetown, Ner Brunswick, received an injury he would be in a less favorable condition than one based at Esquimalt. Would that be fair?

Mr. Saltsman: I am referring to those veterans who are now receiving pensions, those who may have been hurt overseas and are living in different parts of Canada. As I understand it, the rate is the same regardless of where you live because it is based on the actual disability rather than on the need. Should not the principle of need be entertained as well based on the place of residence, the actual cost to the veteran, because it may be very inadequate.

Mr. Dubé: I do not think it could be done in that way, based on need, because a soldier may be in New Brunswick today and in British Columbia tomorrow. Are you suggesting his compensation should change every time he moves from one province to another

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or from one military camp to another? I do not think that would be very practicable.

[*Interprétation*]

demnité en Colombie-Britannique et en Ontario, mais que le régime actuel de pensions est plus avantageux que celui de l'indemnité des accidents du travail dans les provinces moins prospères.

M. Saltsman: Je crois que ce que vous avez dit est exact dans une certaine mesure, puisque, jusqu'à un certain point, il s'agit de dangers occasionnés par les emplois eux-mêmes, même si, dans un cas l'emploi est provisoire alors que dans l'autre il peut être permanent.

Avez-vous songé à la possibilité d'établir les pensions en fonction du lieu de résidence car une pension peut être suffisante là où le coût de la vie est moins élevé et ne pas l'être là où la vie est très chère. Je pense, par exemple, au Nord de l'Ontario à la ville de Toronto, à Vancouver et à plusieurs autres endroits.

M. Dubé: Je suppose que ces aspects feraient partie intégrante de toute étude plus poussée des taux de base.

M. Saltsman: Est-ce que vous étudiez la possibilité d'établir une partie de l'augmentation des pensions en fonction du lieu de résidence?

M. Dubé: Oui, je m'en suis occupé moi-même. Il est bien facile de voir qu'en vertu d'un tel régime, si un soldat est blessé, par exemple dans la ville de Gagetown, au Nouveau-Brunswick, la situation dans laquelle il se trouve est moins avantageuse que celle d'un soldat posté à Esquimalt. Cela serait-il juste?

M. Saltsman: Je veux parler des anciens combattants qui reçoivent déjà des pensions, à l'heure actuelle; ceux qui ont été blessés outre-mer et qui habitent dans différentes parties du Canada. Si je comprends bien, le taux est le même quel que soit le lieu de résidence car il est établi en fonction du degré d'invalidité plutôt qu'en fonction des besoins. Le principe des besoins ne devrait-il pas entrer en ligne de compte, lui aussi, en fonction du lieu de résidence et du coût réel pour l'ancien combattant, puisque la pension peut être nettement insuffisante?

M. Dubé: Je ne crois pas que cela puisse se faire de cette façon-là, en fonction des besoins; en effet, un soldat peut se trouver, aujourd'hui, au Nouveau-Brunswick et être, demain, en Colombie-Britannique. Proposez-vous que son indemnité change chaque fois qu'il passe d'une province à une autre, ou d'un

camp militaire à un autre? Je ne crois pas que ce serait très pratique. En tout cas, le Livre

[*Text*]

In any event, the White Paper does not deal with that. The terms of reference were not on pension rates but on the organization and operation of the Canadian Pension Commission and the Pension Act.

Mr. Guay (St. Boniface): On a short supplementary, Mr. Chairman, if they were to consider that would they not also consider the old age pension in these various areas where the same would apply?

Mr. Dubé: I presume so, if you were to be logical, but we are just toying with ideas right now, we are not really addressing ourselves to our terms of reference.

The Chairman: I wonder if we could return to our terms of reference.

Mr. Saltsman: All right, I will get back to the White Paper, Mr. Chairman.

Can you tell me, Mr. Minister, how many of the Hong Kong veterans are now, let us say, close to the 50 per cent disability—

Mr. Dubé: We know that there are 369 receiving a pension below 48 per cent.

Mr. Saltsman: What is the breakdown below that—45, 40?

Mr. Dubé: I do not have that. Perhaps later on in the proceedings somebody more qualified than I could provide exact figures.

The Chairman: I think you will have an opportunity, Mr. Satlsman, to request this kind of detail of departmental officials and the information can be provided for the transcript.

Mr. Saltsman: This means really that many of the Hong Kong veterans are now close to that 50 per cent.

Mr. Dubé: The only information I have right now is that there are 369 under 48 per cent, which is in fact 50 per cent.

Mr. Saltsman: In other words, is it correct that there are only 269 under that.

Mr. Dubé: 369 are below 48 per cent.

Mr. Saltsman: So the bulk of them are virtually at the 50 per cent level.

[*Interpretation*]

blanc ne traite pas de cette question. Notre mandat n'avait pas trait aux taux des pensions mais à l'organisation et au fonctionnement de la Commission canadienne des pensions et de la Loi sur les pensions.

M. Guay (Saint-Boniface): Une courte question complémentaire, monsieur le président. Si l'on étudiait cet aspect, ne faudrait-il pas étudier également les pensions de vieillesse dans les diverses parties du pays où la même situation se présente?

M. Dubé: Je le suppose, si nous voulions être logiques mais nous ne faisons, en ce moment, que jouer avec des idées sans nous en tenir vraiment à notre mandat.

Le président: Je me demande si nous ne pourrions pas revenir à notre mandat?

M. Saltsman: Très bien, je vais revenir au Livre blanc, monsieur le président.

Monsieur le ministre, pouvez-vous me dire combien d'anciens combattants de Hong-Kong sont, à l'heure actuelle, près de l'incapacité à 50 p. 100?

M. Dubé: Nous savons qu'il y en a 369 qui reçoivent une pension pour une incapacité inférieure à 48 p. 100.

M. Saltsman: Quelle est la répartition des pensionnés souffrant d'une incapacité inférieure à celle-là, soit à 45 ou à 40 p. 100?

M. Dubé: Je n'ai pas ces chiffres à portée de la main. Au cours de nos délibérations, quelqu'un de mieux renseigné pourra peut-être vous donner les chiffres exacts.

Le président: Monsieur Saltsman, je crois que vous aurez l'occasion de demander ces renseignements aux fonctionnaires du ministère et qu'ils pourront figurer au compte rendu.

M. Saltsman: Cela veut vraiment dire que plusieurs anciens combattants de Hong Kong ne sont pas près de l'invalidité à 50 p. 100.

M. Dubé: Le seul renseignement dont je dispose, en ce moment, c'est qu'il y en a 369 qui souffrent d'une incapacité inférieure à 48 p. 100, ce qui, de fait veut dire 50 p. 100.

M. Saltsman: Autrement dit, il est exact de dire qu'il n'y en a que 369 dont l'invalidité est inférieure à 48 p. 100.

M. Dubé: Il y a 369 dont l'invalidité est inférieure à 48 p. 100.

M. Saltsman: Le plus grand nombre se trouvent donc dans la catégorie des invalides à 50 p. 100, à toutes fins pratiques.

[*Texte*]

Mr. Dubé: No, no, because we count by 5 percentage points. If you are 48 it is really 50 but if you are 47 it is 45.

The Chairman: I think, Mr. Minister, the point that Mr. Saltsman is making is that in fact a very substantial number of Hong Kong veterans are already receiving these benefits.

Mr. Dubé: We do not know how close they are to 48 per cent, because I do not have the figures.

Mr. Saltsman: It is very important for us to have these figures to assess the value of this particular piece of legislation.

Mr. Dubé: Yes, but we know—

Mr. Saltsman: Most of them are at this level or pretty close to it.

Mr. Dubé: We know that 369 would benefit immediately, as well as a certain number of widows which has not ben determined yet. However, I think they will make themselves known very quickly.

Mr. Knowles (Winnipeg North Centre): The other 800 or so are already above 50 per cent.

Mr. Dubé: Yes.

Mr. Saltsman: Have you made an assessment of what the changes regarding the pensions of the Hong Kong veterans are going to cost per annum?

Mr. Dubé: Yes, that has been valued. I do not have the figure with me but I think we can arrive in this specific case at an approximate figure.

Mr. Saltsman: Could you give us that approximate figure?

Mr. Dubé: I do not have that information but I think later on some of my officials will have the approximate figures.

Mr. Saltsman: Your officials would not have at the moment the cost of this program, the cost of the changes?

The Chairman: I think we can serve notice and have it put into the record. The Deputy Minister is in attendance and I think this figure could be provided at the first opportunity for the transcript.

Mr. Saltsman: Now this question of giving the benefit of the doubt to many veterans has been pretty meaningless. I know of many

[*Interprétation*]

M. Dubé: Non pas, parce que nous comptons par échelle de cinq: le chiffre 48 passe avec le chiffre 50 alors que 47 va avec 45.

Le président: Monsieur le ministre, ce à quoi M. Saltsman veut en venir c'est qu'en réalité, un nombre très considérable d'anciens combattants de Hong Kong reçoivent déjà ces indemnités.

M. Dubé: Nous ne savons pas à quel point ils sont près de l'invalidité à 48 p. 100 car je n'ai pas les chiffres.

M. Saltsman: Il est très important d'avoir ces chiffres entre les mains pour pouvoir évaluer cette mesure législative.

M. Dubé: Nous le savons.

M. Saltsman: La plupart se trouvent à ce niveau ou tout près.

M. Dubé: Nous savons qu'il y en 369 qui pourront en bénéficier immédiatement, de même qu'un certain nombre de veuves dont le nombre exact n'a pas encore été établi. Je suis d'avis, cependant, qu'elles se feront connaître très rapidement.

M. Knowles (Winnipeg-Nord-Centre): Les 800 autres, plus ou moins, sont déjà au-dessus de 50 p. 100?

M. Dubé: Oui.

M. Saltsman: Avez-vous calculé le coût annuel qu'entraîneront les modifications apportées aux pensions des anciens combattants de Hong Kong?

M. Dubé. Oui, ces calculs ont été faits. Je n'ai pas les chiffres ici, a portée de la main, mais on peut arriver, dans le cas actuel, à des chiffres approximatifs.

M. Saltsman: Pouvez-vous nous en faire part?

M. Dubé: Je n'ai pas ces renseignements à ma disposition, mais je crois qu'un peu plus tard, certains de mes fonctionnaires pourront vous les fournir.

M. Saltsman: Vos fonctionnaires n'ont pas à leur disposition, en ce moment, le coût de ce programme, le coût des modifications?

Le président: Je crois que nous pouvons donner avis et les faire inscrire au compte rendu. Le sous-ministre est ici et je crois que les chiffres pourront être fournis à la première occasion et figurer au compte rendu.

M. Saltsman: Quant à la question de donner le bénéfice du doute à plusieurs anciens combattants, c'est une question qui ne veut

[*Text*]

cases that have come to my attention and probably would be supported by other Members of Parliament where the veteran claims to have been injured or to have suffered a disability and there are no witnesses present, or sometimes there were witnesses whose names he did not know or sometimes he claimed that he was taken to a hospital or a field station and there were no surviving records. In these cases, and there are quite a lot of them, it is almost impossible to get any consideration for the veteran because he really does not have any evidence.

Now I have always felt that the benefit of the doubt has been pretty meaningless in the sense that if you really go into the question of the benefit of the doubt it means that the

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word of the veteran has to be taken and it is then up to the officials of the department to disprove the word of such a veteran. As things stand now, even with the change in language, it seems to me that the onus of proof still rests with the veteran to a very large extent and in many cases the proof is not available to him and he cannot obtain this proof. Now as I say, if his leg is shot off or if a man loses an arm it is a pretty obvious case. However, those who have served in a theatre of war know that you can go for months and months in wet clothes and develop a condition to which you would not have been subject in civilian life. Admittedly there may be some weakness in the man or some pre-existing condition that could be aggravated by this kind of situation, such as the effect on nerves in wartime and the kinds of fall that take place that you sort of brush aside because you are anxious to get on. All these things happen yet have not been given as much consideration as I think they merited in the past. I would like to ask you, Mr. Dubé, if you see any substantial change in the present government's attitude towards cases of this kind?

Mr. Dubé: The present attitude always has been to be very generous and I hope that will not change; I hope it will continue to be so, but it will be defined in black and white exactly how this is to be applied.

Mr. Saltsman: My experience has been that these cases do not receive compensation in the normal sense because they have virtually no proof, no evidence of these things having taken place. I have seen letters where the Department has said, "Well, if you can locate

[*Interpretation*]

pas dire grand-chose. Je suis au courant de plusieurs cas, et d'autres députés n'appuieront d'anciens combattant qui prétendent avoir été blessés ou avoir subi une incapacité en l'absence de témoins; ou bien, s'il y en avait, il ne connaît pas leur nom; d'autres fois encore, l'ancien combattant soutient qu'il a été transporté à un hôpital ou dans un poste de campagne dont il ne subsiste aucun dossier. Dans des cas de ce genre, et ils sont nombreux, il est presque impossible de tenir compte des instances de l'ancien combattant car il n'a vraiment aucune preuve.

J'ai toujours pensé que le bénéfice du doute ne rime pas à grand-chose car, à bien y penser, cela veut dire qu'il faut croire l'ancien combattant sur parole et qu'il revient ensuite aux fonctionnaires du ministère de prouver le contraire. Au point où en sont les choses, même en changeant les mots, il me semble que l'ancien combattant devra encore porter le fardeau de la preuve dans une très grande mesure et que, dans de nombreux cas, il ne peut pas l'obtenir pour une raison ou une autre. Comme je l'ai dit, si un homme a perdu une jambe, ou un bras, son cas est assez clair. Cependant, ceux qui ont participé à une guerre savent qu'on peut vivre pendant des mois et des mois vêtu de vêtements mouillés, avec des conséquences auxquelles on ne serait pas exposé dans la vie civile. Bien sûr, cet homme peut avoir eu une faiblesse, ou un état antérieur que pourrait aggraver cet état de choses, comme par exemple la tension nerveuse qui découle de la guerre, ou les chutes qu'on peut faire sans s'en soucier parce qu'on est pressé d'avancer. Toutes ces choses arrivent, et pourtant on ne leur a pas accordé, par le passé, toute l'attention que, d'après moi, elles méritent. Je voudrais vous demander, monsieur Dubé, si vous avez remarqué une évolution de l'attitude du gouvernement actuel vis-à-vis de cas de ce genre?

M. Dubé: L'attitude actuelle a toujours été d'une grande générosité et j'espère qu'elle ne changera pas; j'espère qu'elle restera ainsi, mais il faudrait porter noir sur blanc les modalités d'application.

M. Saltsman: Mon expérience m'a démontré qu'en général on n'accorde pas d'indemnités dans de tels cas parce que les intéressés ne peuvent présenter aucune preuve. J'ai lu des lettres dans lesquelles le ministère écrit en substance: «Si vous pouvez retrouver le doc-

[*Texte*]

doctor so and so, if you can find your companion of that day or was anyone there to see it."

Mr. Dubé: Are you referring to wartime cases or to the peacetime forces?

Mr. Saltsman: I am referring to both. I think I have seen them in both.

Mr. Dubé: Because all wartime cases benefit from the insurance principle. If something took place during the war it would be compensated for, but if a man has no case then it is a different proposition. It is very very difficult to answer your question unless we are faced with a specific case. The White Paper does not purport to satisfy all applicants that they all have received justice because we still live on a planet called earth where mistakes will continue to be made, I presume, but the sole purpose is to ensure that the best possible justice as meted out by human beings will be done.

Mr. Saltsman: I raised the point, Mr. Dubé, not because I am unaware of the enormous difficulties created by these cases and how hard it is to assess them properly, but simply to back up the position of my colleague, Mr. Knowles, of the need for some way other than the benefit of the doubt, something like a guaranteed annual income for veterans where you can make a payment without running into these kind of situations.

Mr. Dubé: Some veterans would not accept that at all because they already make much more than your guaranteed income would provide them and still they receive—

Mr. Saltsman: We could change that; we could up that if necessary.

Mr. Dubé: If you can guarantee each of us an annual income of $100,000 a year then, I presume, there will be no complaints for the next few years.

Mr. Saltsman: We have some suggestions for you as to how you might raise some money.

I will turn now to the question of the Appeal Division which Mr. Peters raised. Since the Committee made a recommendation that the method of appeal be changed because there was some question in their minds whether or not the present method of appeal is entirely convincing in terms of impartiality, or the perception of impartiality, and

[*Interprétation*]

teur Untel, ou la personne qui était avec vous ce jour-là, y a-t-il eu des témoins?»

M. Dubé: S'agit-il de périodes de guerre, ou des forces armées en temps de paix?

M. Saltsman: Il s'agit des deux. Je croix avoir vu de telles lettres dans les deux cas.

M. Dubé: Tous les cas qui se rapportent aux périodes de guerre sont couverts par l'assurance. Si un fait s'est produit pendant la guerre, il y aurait indemnité, mais lorsqu'il n'y a aucune preuve c'est une autre paire de manches. Il est extrêmement difficile de répondre à votre question, à moins que vous puissiez nous présenter un cas précis. Le Livre blanc n'a pas la prétention de convaincre tous les requérants qu'ils ont été traités avec justice car nous sommes tous habitants de la planète «terre» où on ne cessera jamais, je suppose, de se tromper, mais l'objectif est d'assurer que dans la mesure où cela est humainement possible, on appliquera la justice.

M. Saltsman: Si j'ai soulevé cette question, monsieur Dubé, ce n'est pas faute de connaître les immenses problèmes que créent de pareils cas et la difficulté de les évaluer à leur juste valeur, mais pour appuyer le besoin qu'a signalé mon collègue, M. Knowles, de remplacer le bénéfice du doute par un revenu annuel garanti aux anciens combattants, par exemple, qui permettrait d'accorder des prestations sans se heurter à des cas de ce genre.

M. Dubé: Certains anciens combattants n'accepteraient pas du tout ce système car leur rémunération est déjà beaucoup plus élevée que votre revenu garanti, et ils reçoivent quand même...

M. Saltsman: Nous pourrions changer cela en haussant, s'il y a lieu, le montant de ce revenu.

M. Dubé: Si vous pouvez garantir à chacun de nous un revenu annuel de 100,000 dollars, je suppose que pendant quelques années il n'y aura pas de réclamations.

M. Saltsman: Nous pouvons vous proposer quelques moyens d'obtenir des fonds.

Je passerai maintenant à la question de la Division des appels, soulevée par M. Peters. Le Comité a recommandé la modification des modalités d'appel parce qu'ils n'étaient pas certains de l'impartialité de la méthode actuelle ni de l'utilité ni de faire appel à des personnes qui sont dans l'ensemble du même

[*Text*]

ality and whether it is proper to have an appeal with people who are essentially from the same department, is this not going to be the basis of appeal for virtually every case that has been refused up until now? They could quote the Woods Committee Report and say, "Well, I was turned down, but

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the reason for my being turned down" or, perhaps, "the reason for my rejection was that I did not receive as good a hearing as I would have had the new kind of appeal procedure been in force." Are you not anticipating a flood of applicants based on this criticism of our present appeal system?

Mr. Dubé: Yes, but I have just said that I hope there will not be a flood of futile and senseless applications. Those who do have good cases and honestly feel that they were dealt with unjustly will apply and if, as I tried to say, they have credible evidence and if that credible evidence is not rebutted, well, their case will be favourably entertained.

Mr. Saltsman: Let us say his evidence consists of criticism of the present appeal procedure. Let us say he does not have any new evidence, but simply says, "My evidence is that I do not feel that the existing appeal procedure is fair to me. This is backed up by some of the statements in the Woods Committee Report and on that basis I appeal." Will you entertain—

Mr. Dubé: I would not call that evidence. It would be a man's opinion that—

Mr. Saltsman: It is the Committee's opinion.

Mr. Dubé: It only would be a man's opinion that he has been unjustly dealt with. In any court of law you cannot use that as evidence.

Mr. Saltsman: In other words, you are saying that most of the people who have been turned down by our present appeal procedure will not be able to appeal unless they come up with different evidence than they now possess.

Mr. Dubé: No, I am not saying that at all. I am saying if they have no credible evidence they should not bother to apply at all, but if they do have credible evidence they may apply for leave to appeal.

Mr. Saltsman: All people who appeal believe they have credible evidence.

[*Interpretation*]

ministère. N'est-ce pas ainsi qu'on a fait appel dans pratiquement chacun des cas qui jusqu'ici ont été rejetés? On pourrait, dans les termes du rapport Woods, dire: «On a rejeté ma demande, mais la raison du rejet de la demande...» ou peut-être: «ma demande a été rejetée parce que je n'ai pas bénéficié d'une audience aussi compétente que celle que j'aurais eue si la nouvelle procédure d'appel avait été en vigueur». Ne vous attendez-vous pas à recevoir un déluge de réclamations fondées sur cette critique de notre système actuel d'appels?

M. Dubé: Oui, je viens justement de dire que j'espère qu'il n'y aura pas un déluge de demandes futiles et insensées. Ceux dont la cause est valable et qui estiment avoir été lésés feront appel. Si, comme j'ai essayé de le dire, ils peuvent fournir des preuves plausibles qui ne soient pas réfutées, leur demande sera étudiée favorablement.

M. Saltsman: Supposons que la preuve consiste en une critique de la procédure d'appel actuelle. Supposons qu'il ne dispose d'aucune nouvelle preuve, mais se contente de déclarer «Ma preuve est que je n'estime pas que la procédure d'appel actuelle me rend justice. Je m'appuie sur quelques déclarations contenues dans le rapport du Comité Woods, et c'est pour ces raisons que je fais appel». Étudierez-vous...

M. Dubé: Je ne considère pas cela comme une preuve, mais comme l'opinion d'un particulier...

M. Saltsman: C'est l'opinion du Comité.

M. Dubé: Ce ne serait que l'opinion d'un particulier, qu'on ne lui a pas rendu justice. On ne peut utiliser une telle preuve devant aucun tribunal.

M. Saltsman: En d'autres termes, vous dites que la plupart des gens dont les demandes ont été rejetées par notre procédure d'appel actuelle ne pourront faire appel que s'ils produisent des preuves autres que celles dont ils disposent maintenant?

M. Dubé: Non, ce n'est pas du tout ce que j'ai dit. J'ai dit que s'ils n'ont aucune preuve plausible ils ne gagneraient rien à faire appel, mais que si leurs preuves sont plausibles ils peuvent demander l'autorisation de faire appel.

M. Saltsman: Tous ceux qui font appel croient avoir des preuves plausibles.

[*Texte*]

Mr. Dubé: Yes, but some do not have credible evidence.

Mr. Saltsman: I know, but they all believe that they have. This is what I am asking. I do not think anyone really is going to believe that the evidence he has presented in the past was not credible and if he wants to take this past evidence to the new appeal procedure will he be permitted to do so?

Mr. Dubé: I would think so if, as I said, he has something credible. If it is just a figment of his imagination that something went wrong, I would not call that evidence, but, of course, it would not be up to me to judge. The Canadian Pension Commission will remain a quasi-judicial body and it will be up to them to decide, not up to the Minister.

Mr. Saltsman: I have one final question, Mr. Dubé. Can you tell me in what way the members of the appeal commission or the final Appeal Division will be appointed? Will they be appointed at the pleasure of the Governor in Council or will they be appointed for fixed terms and not subject to recall by the...

Mr. Dubé: As you see, the White Paper has not gone into these details. We are not offering a bill today, just a White Paper which is quite flexible. The way I see it right now the director of pensions being a public servant would be appointed by the Public Service Commission of Canada. That is how he would be appointed. At the other two levels the commissioners, I presume, would continue to be appointed by Order in Council, but we have no fixed position on that.

Mr. Saltsman: I will not pursue this too far, Mr. Dubé, except to point out that this is very important. If you are going to establish the credibility of this commission or the people outside of the Deputy Minister, they are going to have to have fixed terms and not be subject to recall or the suspicion may exist that they will have to sort of taper their views to the prevailing opinions.

Mr. Dubé: They have a fixed term now, as you know, of 10 years. We have given no though to changing that, if that is what you mean. I do not see why we would change that. We have not as yet gone into that much of the detail of the procedure of appointment. A tenure of 10 years appears to be all right to me. We have never discussed any reasons to change that tenure.

Mr. Saltsman: Thank you very much.

[*Interprétation*]

M. Dubé: Oui, mais certains n'en ont pas.

M. Saltsman: Je sais, mais ils croient tous en avoir. Voici ce que je demande. Je crois que personne ne sera porté à croire que les preuves qu'il a présentées auparavant n'étaient pas plausibles. S'ils désirent soumettre ces mêmes preuves à la nouvelle procédure, y seront-ils autorisés?

M. Dubé: Je pense que oui. Si, comme je l'ai dit, ils ont des preuves plausibles. S'ils invoquent un tort purement imaginaire, j'estime que ce n'est pas une preuve; mais, ce n'est évidemment pas à moi de trancher la question. La Commission canadienne des pensions restera un organisme quasi-juridique, et ce sera à elle de décider, pas au ministre.

M. Saltsman: J'ai encore une question, monsieur Dubé. Pouvez-vous me dire quel sera le mode de nomination des membres de la comission d'appels, ou de la Division d'appels en dernière instance? Seront-ils nommés au gré du gouverneur en conseil ou pour des mandats déterminés qui ne sont pas sujets à révocation par le...

M. Dubé: Comme vous le voyez, le Livre blanc n'est pas entré dans ces détails. Il ne s'agit pas d'un projet de loi, mais d'un simple Livre blanc, donc assez souple. A mon avis, le directeur de la Commission des pensions, étant un fonctionnaire, serait nommé par la Commission de la fonction publique du Canada. Voilà comment il serait nommé.

M. Saltsman: Je ne poursuivrai pas trop loin la question, monsieur Dubé, me bornant à vous en signaler l'importance. Si vous voulez garantir l'impartialité de cette commission, ou des personnes autres que le sous-ministre, il faudrait qu'ils aient un mandat fixe et ne soient pas susceptibles de révocation, sans quoi on pourrait craindre qu'il leur faudrait, en quelque sorte, adapter leurs opinions à celles des autorités.

M. Dubé: Ils ont un mandat déterminé à l'heure actuelle, comme vous le savez, un mandat de dix ans. Nous n'avons pas envisagé de changement si c'est ce que vous craignez. Je ne vois aucune raison de changer cette situation. Nous n'avons pas encore étudié ces détails du mode de nomination. Un mandat de dix ans me semble satisfaisant. Nous n'avons jamais invoqué un motif de changer la durée du mandat.

M. Saltsman: Je vous remercie.

[*Text*]

The Chairman: There are still four names on my list of speakers, if members could bear that in mind. Mr. Guay?

Mr. Guay (St. Boniface): I will pass this time, Mr. Chairman, as my question has been answered.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Thank you, Mr. Chairman. Mr. Dubé, a majority of the Woods Committee—two out of three gentlemen—advocated a separate pension appeal board. The other one, as you said, advocated some sort

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of an ombudsman. Earlier in your remarks I think you said the main reason for not following majority decisions in the Commission was the matter of the greater expense that a separate pension appeal board would involve. I wonder if you could elaborate on that and tell us first whether expense was the only reason and, second, if it was not, what other matters were taken into consideration before you came up with your alternative.

Mr. Dubé: Cost was one factor. I would not say it was the determining factor but it was an important factor. If we had found no other way of accomplishing the same results, then the cost would have been forgotten and we would have done it anyway. What we are proposing in the White Paper will achieve the same results. We really felt that after 50 years of existence there was no need to impose another structure on top of the one we now have because we honestly feel that what we are proposing can achieve the same salutary results without costing the taxpayer too much. Costs would have been forgotten if there had been no other way to do it.

Mr. Weatherhead: In round figures, what sort of costs are we talking about? Where estimates put on that?

Mr. Dubé: No, I do not have that in my mind. Perhaps later on in the proceedings you may wish to question some of the officials on the value they may put on it. If you appoint a brand new group of, say, 10 commissioners and you pay them a certain amount a year and if you add to that the staff they will need, the stenographers and other personnel, you will then have a pretty good idea of the cost.

[*Interpretation*]

Le président: Il reste quatre noms sur ma liste; je le signale au Comité. Monsieur Guay?

M. Guay (Saint-Boniface): Je m'abstiendrai cette fois, monsieur le président, car on a répondu à ma question.

Le président: Monsieur Weatherhead?

M. Weatherhead: Je vous remercie, monsieur le président. Monsieur Dubé, la majorité des membres du Comité Woods—deux membres sur trois—a préconisé la création d'une commission d'appel distincte pour les pensions. Le troisième membre, comme vous l'avez dit, était partisan de la nomination d'une espèce d'ombudsman. Tout à l'heure, vous avez dit, je crois, que c'était avant tout en raison des dépenses supplémentaires qu'entraînerait une commission indépendante d'appel des pensions que l'on n'avait pas donné suite aux décisions de la majorité des membres du Comité Woods. Peut-être pourriez-vous nous donner plus de détails à cet égard, et nous dire, d'abord, si la question des dépenses était la seule raison, et, sinon, quels autres aspects on a envisagés avant d'en venir à cette autre solution.

M. Dubé: Le coût a été l'un des facteurs. Sans être déterminant, il était important. Si nous n'avions pas eu d'autre moyen de parvenir aux mêmes résultats, nous serions passés par-dessus les coûts et serions allés de l'avant. Mais la solution que nous proposons dans le Livre blanc donnera les mêmes résultats. Nous avons estimé qu'après 50 années d'existence de la structure actuelle, il était inutile de lui en superposer une autre, car nous pensons franchement que la solution que nous proposons peut donner d'aussi bons résultats sans qu'il en coûte trop au contribuable. Nous serions passés outre à la question des coûts s'il n'y avait pas eu d'autre solution.

M. Weatherhead: En chiffres ronds, de quel ordre sont les coûts en question? En a-t-on fait une évaluation?

M. Dubé: Non, je n'ai pas de chiffres en tête. Peut-être voudrez-vous par la suite interroger certains des fonctionnaires sur la valeur qu'ils y attribueraient. Si vous nommez un nouveau groupe, disons, de dix commissaires, que vous payez tant par an, et que vous y ajoutiez le personnel nécessaire, sténographes et autres, cela vous donnera une assez bonne idée du coût.

[*Texte*]

Mr. Weatherhead: Did the Woods Committee not consider the proposals that the government White Paper finally came up with in this regard? Did they not consider the possibility of having an appeal level in the way that you are now proposing?

Mr. Dubé: Who considered that?

Mr. Weatherhead: The Woods Committee. Did they not consider this possibility?

Mr. Dubé: Of course, when they produced their paper they had not seen our White Paper.

Mr. Weatherhead: I appreciate that, but I suspect they would have given all sorts of consideration to the various ways in which the appeal procedure could, in their view, be bettered, made to look more fair and perhaps made to be more fair. Was something like this not considered by them, or was it not mentioned in the report at all?

Mr. Dubé: I do not think I have seen it mentioned. No, it was not mentioned, and I do not believe at any stage of the game did they go into costs at all.

Mr. Weatherhead: The only proposal they put forward was the separate pension appeal board, which I suppose is like the immigration appeal board, that same type of thing.

Mr. Dubé: What they proposed was all right too, you know. A pension appeal board is a very good idea, but we just felt that we could obtain the same results without going to all the expense of creating a brand new structure. We felt there was no need for that. We could accomplish the same thing with what we are proposing. However, that was not their opinion and they were not agreed among themselves. As you said, one of them wanted an ombudsman and the other two wanted something different. They were all searching for the same results but they came up with different solutions.

Mr. Weatherhead: Is it fair to say that the cost element really was the main reason, and, you thought you could get equal results by going the route that you are proposing?

Mr. Dubé: No, I would not say that cost was the main reason. Cost was a factor, there was no need, 50 years after the creadeal with the taxpayers and you are re-

[*Interprétation*]

M. Weatherhead: Le Comité Woods n'avait-il pas envisagé les solutions que l'on propose finalement à cet égard dans le Livre blanc du gouvernement? N'avait-il pas songé à la possibilité que les appels se fassent de la manière que vous proposez maintenant?

M. Dubé: De qui parlez-vous?

M. Weatherhead: Du Comité Woods. N'avait-il pas songé à cette possibilité?

M. Dubé: Évidemment, lorsqu'il a présenté son rapport, il n'avait pas encore vu notre Livre blanc.

M. Weatherhead: Je m'en doute. Mais je suppose qu'il a dû envisager sérieusement les divers moyens qui lui semblaient propres à améliorer la procédure d'appel, et à la rendre plus juste en apparence, et peut-être même en pratique. N'a-t-il pas envisagé de solution de ce genre, ou n'en a-t-on fait aucune mention dans le rapport?

M. Dubé: Je ne me souviens pas d'avoir vu une telle mention dans le rapport. Non, on ne l'a pas mentionné et je ne crois pas qu'à aucun moment on se soit préoccupé des coûts.

M. Weatherhead: La seule proposition que la Commission Woods a mis de l'avant était la création d'une commission d'appel des pensions, qui, je suppose, serait du même type que la commission d'appel de l'immigration.

M. Dubé: Leur proposition était très bonne, vous savez. Une commission d'appel des pensions est une bonne idée, mais nous croyons justement que nous pouvons atteindre le même but sans avoir à engager toutes les dépenses nécessaires à la création d'une structure nouvelle. Nous n'en avons pas senti le besoin. Nous pouvons atteindre le même but avec notre projet. Cependant, ce n'était pas l'opinion de la Commission et ils n'étaient pas d'accord entre eux. Comme vous l'avez mentionné, un des membres proposait un ombudsman et les deux autres suggéraient une solution différente. Ils cherchaient tous à atteindre le même but, mais ils sont arrivés avec des solutions différentes.

M. Weatherhead: Est-il juste de dire que vraiment le facteur coût était la principale raison, et que vous pensez arriver aux mêmes résultats par la voie que vous proposez?

M. Dubé: Non, je ne dirais pas que le coût était la principale raison. C'était un facteur, à n'en pas douter. Vous devez tenir compte du contribuable et vous êtes responsable des

[*Text*]

sponsible for spending the moneys of the people of Canada. It was a factor. To my mind the most important factor was that there was no need, 50 years after the creation of our pension system, to impose yet another structure, especially when we do not expect another war, and that eventually, unfortunately, there will be no more veterans and, of course, no more Minister of Veterans Affairs. We hope that we will have peace forever.

[*Interpretation*]

dépenses engagées au moyen de l'argent du peuple canadien. C'était un facteur. Mais le facteur le plus important à mes yeux était que le besoin ne se faisait pas sentir, cinquante ans après la création de notre système de pension, d'imposer une nouvelle structure, surtout lorsque nous ne nous attendons pas à une nouvelle guerre, et qu'éventuellement, malheureusement, nous n'aurons plus d'autres anciens combattants, et bien sûr, plus de ministre des Affaires des anciens combattants. J'espère que nous jouirons d'une paix perpétuelle.

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Mr. Weatherhead: Mr. Dubé, I think you said there was a third alternative, which was not mentioned by the commission, of perhaps having the ordinary courts judge the final appeals. I think there has been some editorial comment about the possibility and perhaps the desirability of this in their view I think you said the main reason you would not advocate that was because if the adversary system came into effect the officials of the pension commission would in effect have to go against the veterans in court and argue against them, and this sort of thing. Am I right in saying that?

M. Weatherhead: Monsieur Dubé, je crois que vous avez dit qu'il y avait une troisième solution que n'avait pas mentionnée la Commission, celle d'avoir peut-être recours aux tribunaux ordinaires pour rendre l'arrêt final. Je pense qu'il y a eu certains commentaires dans la presse sur la possibilité, et peut-être sur l'avantage d'utiliser une telle ligne de conduite. Je pense que vous avez dit que la principale raison pour laquelle vous ne soutiendriez pas une telle politique était que si le système du tribunal était instauré, les fonctionnaires de la commission des pensions auraient en effet à témoigner contre les anciens combattants devant les tribunaux, et ainsi de suite. Est-ce exact?

Mr. Dubé: I agree in principle with *The Globe and Mail* editorial in the sense that usually it is good to have a right of appeal to the ordinary courts from a juasi-judicial tribunal. However, it is different in the case of veterans because they already have a system which favours them. In other words, they are not faced with the adversary system, whereas if they had to go to an ordinary court of law, then that court of law, be it the Supreme Court of Canada or the Supreme Court of a province, would have to retain the services of a solicitor and that solicitor's job would be to fight the veteran, and I do not think they would like that.

M. Dubé: Je suis en principe d'accord avec l'éditorialiste du *Globe and Mail* que, dans un sens, il est bon d'avoir un droit d'appel de la décision d'un organisme quasi-judiciaire que l'on peut faire valoir devant les tribunaux. Cependant, dans le cas d'un ancien combattant, le problème est différent puisque nous avons un système qui les favorise. En somme, ils ne font pas face à une opposition, comme ce serait le cas s'ils avaient à se présenter devant une cour de justice; une telle cour, qu'il s'agisse de la Cour suprême du Canada ou de la Cour suprême d'une province, aurait à retenir les services d'un procureur dont la fonction serait de s'opposer aux anciens combattants. Je ne pense pas que ce procédé ait l'heur de leur plaire.

Mr. Weatherhead: But, Mr. Dubé, under your final appeal procedure at the present time surely someone from the commission would put forward a case that would question the veteran's rights to the appeal, and that sort of thing, or am I—

M. Weatherhead: Monsieur Dubé, selon votre procédure actuelle d'appel en dernière instance, il y a certainement un membre de la commission qui mettra en doute les droits des anciens combattants à l'appel ou à autre chose, ou alors je suis...

Mr. Dubé: They do, but it is not the adversary system. It is not what you see in an ordinary court of law. In an ordinary court of law you have a solicitor on each side and, as you know, they fight like dogs to win their case, whereas under our system

M. Dubé: Ils le font, mais pas en vertu des procédures judiciaires. Ce n'est pas de cette façon que les choses se passent. Devant un tribunal, vous avez des avocats pour les deux parties en cause et, comme vous le savez, ils se font la lutte pour faire triompher leur

[*Texte*]

for veterans this is not the case. The veterans have to establish a credible case and there is nobody on the other side who is trying to crucify him, so why would he want to escape from that favourable system and go into an ordinary court of law? I fail to see why he would insist on doing that.

Mr. Bigg: If I may interject, I have been on one or two of these cases and I must say from the veteran's point of view that as well as the absence of that atmosphere, their credibility is not attacked by the opposing side as it is in a court of law, and I have been in both.

Mr. Dubé: I agree.

Mr. Weatherhead: That is fine. Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Weatherhead. I have two more names, Mr. Badanai and Mr. Whicher. Mr. Badanai?

Mr. Badanai: Mr. Chairman, the entire approach favouring the applicants for an upward revision of pension benefits is indeed a better deal for disabled veterans, and I think the Minister and the government should be commended and congratulated. There were many questions which I wanted to ask, but they have been dealt with satisfactorily by the Minister. However, a question which remains and which I wish to put to the Minister now is related to the 100 per cent disability on the average wage earned by an unskilled labourer, let us say. The average sum of $3,180 for a single man and $4,776 for a married man with two children is above the poverty level as defined by the Economic Council of Canada. It is not really much more than that. In my view the Minister's statement with respect to allowing 100 per cent pensioners an additional grant of from $400 to $1,200 for specified amenities would require perhaps a more specific definition. I wonder if the Minister could provide the Committee with some explanation or clarification of this particular item?

Mr. Dubé: Perhaps the committee can assist me on that. Broadly speaking, it is the purpose of the White Paper to be flexible, and we intend to be flexible in these guidelines as well. We have not yet come up with definite yardsticks on how this will be meas-

[*Interprétation*]

cause, ce qui n'est pas le cas en ce qui concerne nos anciens combattants. Les anciens combattants doivent présenter des arguments plausibles, et il n'y a personne de l'autre côté de la barrière qui va essayer de l'assommer. Pourquoi voudrait-il abandonner ce système qui lui est favorable pour se présenter devant un tribunal judiciaire? Je ne vois pas pourquoi il insisterait pour que ce fut le cas.

M. Bigg: Si je peux vous interrompre, j'ai assisté au règlement d'un ou deux appels, et je dois dire, que pour l'ancien combattant, il n'y a là ni l'ambiance d'une cour de justice, ni la sensation que l'on met en doute la véracité des dires de ce dernier, comme on le fait devant un tribunal. Et j'ai assisté aux deux genres de procès.

M. Dubé: Je suis d'accord.

M. Weatherhead: C'est bien. Merci, monsieur le président.

Le président: Monsieur Weatherhead, je vous remercie. J'ai encore deux noms sur ma liste: M. Badanai et M. Whicher. Monsieur Badanai?

M. Badanai: Monsieur le président, toute la formule qui consiste à favoriser la personne qui demande une augmentation de sa pension, est certainement une bien meilleure formule vis-à-vis des anciens combattants infirmes, et le ministre, ainsi que le gouvernement, doivent en être félicités. Il y avait plusieurs questions que je me posais, mais le ministre en a traité à ma satisfaction. Il y a cependant une question que j'aimerais poser au ministre maintenant, il s'agit de l'incapacité à 100 p. 100 au sujet de la moyenne des salaires payés à un manœuvre non spécialisé. Le montant moyen de $3,180 pour un célibataire et de $4,776 pour un homme marié avec deux enfants à charge, est au-ressus du seuil de la pauvreté tel qu'il a été défini par le Conseil économique du Canada. Mais la marge n'est pas très grande. Selon moi, la déclaration du ministre voulant que l'on octroie aux pensionnés à 100 p. 100 une allocation additionnelle de $400 à $1,200 pour certaines commodités, devrait être plus précise. Je me demande si le ministre pourrait nous fournir quelques explications sur ce sujet particulier.

M. Dubé: Le Comité pourra peut-être m'aider. En général, le but du Livre blanc est d'assurer une certaine latitude envers les lignes directrices, et nous allons respecter cette latitude. Nous n'avons pas encore établi définitivement quelles seront les jalons sur

[*Text*]

ured. For instance, in my imagination I visualize a lump sum for the purchase of a ramp, let us say, in the home of a wheelchair veteran so he can wheel himself up and down in his home. That would be an example of the type of lump sum that could be granted.

Mr. Badanai: Would that also mean the pitching of a house, or the repairing of a house, or the enlarging of a dwelling?

Mr. Dubé: I do not know—perhaps there are other agencies that could deal with that type of assistance. I visualize a type of assistance that would be very close to the veteran himself.

Mr. Badanai: He would have to apply and make a specific demand? Is that it?

Mr. Dubé: That is right. He would have to apply. As I said, there are 5,000 100 per cent pensioners, but relative to how many of those will qualify I think we will need a bit of experience to find out exactly what is the best way of doing it. But you must not forget that above the amounts that you have just mentioned some of these 100 per cent pensioners also receive an attendance allowance, which can go up to $3,000 a year; and which they are receiving now.

Mr. Badanai: Thank you, Mr. Chairman.

Mr. Guay (St. Boniface): I have a supplementary, Mr. Chairman. I would like to say first of all today that the Minister has been exceptionally good at answering all the questions. I would like to compliment him for that.

In answering a previous question you made reference to a ramp for a veteran who requires one. May I suggest to you the possibility of giving consideration in the fact to the suggestion that when this proves to be a necessity for a particular veteran the municipality or the city where he lives not tax him for that addition to his home? This has happened and it costs him additional money for the ramp.

Mr. Dubé: I think it would offend the autonomy of at least some provinces if we tried to enforce this type of regulation on a city.

Mr. Knowles (Winnipeg North Centre): He is a former mayor.

[*Interpretation*]

lesquels nous nous baserons. Je m'imagine très bien en ce moment, une allocation pour l'achat d'une rampe afin que l'invalide puisse entrer et sortir de sa maison en chaise roulante. Voilà un exemple du genre de paiement global que nous pourrions accorder.

M. Badanai: Est-ce que cela comprendrait également la mise en chantier, les réparations ou l'agrandissement d'une maison?

M. Dubé: Je ne le sais pas. Peut-être qu'un autre organisme pourrait se charger de ce genre d'assistance. Je songe à un genre d'assistance qui toucherait de près les anciens combattants.

M. Badanai: Ils devront présenter une demande spéciale? N'est-ce pas?

M. Dubé: C'est exact. Ils devront présenter une demande. Je répète qu'il y a 5,000 pensionnés à 100 p. 100, mais pour ce qui est du nombre d'entre eux qui seront admissibles, je crois qu'il nous faudra attendre d'avoir un peu d'expérience avant de décider quelle sera la meilleure procédure à suivre. Il ne faut pas oublier qu'en plus des montants que vous venez de mentionner, certains de ces pensionnés à 100 p. 100 touchent également une allocation de soins, qui peut aller jusqu'à 3,000 dolars par année; certains touchent déjà cette allocation.

M. Badanai: Merci, monsieur le président.

M. Guay (Saint-Boniface): Je voudrais poser une question complémentaire, monsieur le président. Je voudrais d'abord faire remarquer que le ministre s'est très bien débrouillé avec toutes les questions auxquelles il a eu à répondre aujourd'hui. Je voudrais l'en féliciter.

Dans une de vos réponses, vous avez parlé de la construction d'une rampe pour l'ancien combattant qui en éprouve le besoin. Permettez-moi de vous faire remarquer qu'on pourrait étudier la possibilité, lorsque cette nécessité s'avère pour un ancien combattant, d'obliger, aux termes de la loi, la municipalité ou la ville dans laquelle il réside de ne pas imposer une taxe sur cette addition à sa maison. Cela s'est déjà produit et l'intéressé a dû payer des taxes supplémentaires à cause de cette rampe.

M. Dubé: Je crois que nous empiéterions sur l'autonomie d'au moins quelques provinces si nous tentions d'appliquer ce genre de règlement à une ville.

M. Knowles (Winnipeg-Nord-Centre): Vous parlez à un ancien maire.

[*Texte*]

Mr. Guay (St. Boniface): I know, and that is the reason I am mentioning it. Possibly I am mentioning it in the wrong place, but there is always a start to anything. Possibly this might be a matter for discussion between the provincial and the federal people.

Mr. Dubé: Yes, I see what you mean; because disability pensions at the present time are not taxable. Veterans do not pay income tax on the pensions they receive. I see the logic of your question. It is along the same line. But I do not know how far we could go in imposing our will on municipalities who wish to levy real estate taxes on them.

Mr. Guay (St. Boniface): We probably could discuss it with the provinces, Mr. Dubé, if and when we have the occasion to do so.

Mr. Dubé: Yes.

Mr. Knowles (Winnipeg North Centre): We could give them a grant to pay their taxes.

The Chairman: Mr. Whicher.

Mr. Whicher: I wish to refer to page 13 of the White Paper under "Legal Damages", Mr. Dubé. I will be very brief. As I understand this, from now on where there are special damages for pain and suffering this will not affect the pension of the veteran. I am thinking of one case of a military policeman. In 1945 he was on duty and a truck hit him. As a result of this unfortunate accident he lost his leg at the hip. In the court case that followed he was granted $1,500—amongst other things such as, so much for the loss of his limb, which of course was turned over immediately to the government, because he was on duty as a soldier and the government was going to give him a pension. But there was $1,500—I have seen the case and I have seen the judge's signature, and so forth—for pain and suffering.

Unfortunately for the man concerned, a high official of the Canadian Legion—a lawyer—and the judge said, "take the money". As a matter of fact they suggested he buy a car. He did not have one and his wife could drive him around. In those days, before we were giving everything away, you could get a car for $1,500. He did this. Then the government —the Department of Veterans affairs—came

[*Interprétation*]

M. Guay (Saint-Boniface): Je sais, et c'est la raison pour laquelle j'en parle. Ce n'est peut-être pas l'endroit de le faire, mais il faut toujours commencer quelque part. Cette question pourrait peut-être faire l'objet d'une discussion entre les représentants du fédéral et des provinces.

M. Dubé: Oui. Je vois ce à quoi vous voulez en venir. C'est que les pensions d'invalidité ne sont pas imposables à l'heure actuelle. Les anciens combattants ne paient pas d'impôts sur les pensions qu'ils reçoivent. Je vois la logique de votre question en ce sens. Mais je ne sais pas jusqu'à quel point nous pourrions imposer nos décisions aux municipalités qui tiennent à prélever les impôts fonciers sur ces gens.

M. Guay (Saint-Boniface): Nous pourrions en parler avec les provinces, monsieur Dubé, lorsque l'occasion de présentera.

M. Dubé: Oui.

M. Knowles: (Winnipeg-Nord-Centre): Nous pourrions leur verser une subvention qui remplacerait ces impôts.

Le président: Monsieur Whicher.

M. Whicher: Je voudrais revenir à la page 13 du Livre blanc, à la rubrique «Dommages-intérêts». Je serai très bref. Si je comprends bien, à l'avenir, lorsqu'on versera des sommes spéciales pour les dommages particuliers comme la douleur et la souffrance, la pension de l'ancien combattant n'en sera pas réduite. Je songe au cas d'un policier militaire. En 1945, alors qu'il était de service, il a été heurté par un camion. A la suite de cet accident regrettable, on a dû lui amputer une jambe à la hauteur de la hanche. Au cours du procès qui a suivi, le tribunal lui a accordé, entre autres choses, 1,500 dollars en compensation pour le perte de sa jambe; cette somme a évidemment été versée directement au gouvernement, puisque le soldat était en fonction et que le gouvernement allait lui verser une pension. Mais cette somme de 1,500 dollars était une compensation pour la douleur et la souffrance; j'ai vu le dossier du procès et la signature du juge, et ainsi de suite.

Malheureusement pour la personne en cause, le représentant de la Légion canadienne, qui était avocat, et le juge, lui ont dit de prendre l'argent. En réalité, ils lui ont conseillé de s'acheter une voiture. Il n'en avait pas et son épouse pouvait lui servir de chauffeur. A l'époque, avant qu'on commence à tout donner gratuitement, on pouvait acheter une voiture pour 1,500 dollars. C'est ce

[*Text*]

along and said: "Oh, no, you cannot have that money", and since 1945 they have been taking so much money per month—I do not know the figure—from this man's pension.

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The original amount was $1,500. Up until two or three months ago he had paid back $2,320 to the government; and a letter over your signature says that he must pay this for ever and ever until he dies no matter how much money goes in. That has been the policy up to the present time.

My question to you, sir, is this: Under this paragraph in the White Paper headed "Legal Damages" will we make this retroactive?

Mr. Dubé: First of all, I do not recall the specific case you have in mind. I would have to review exactly what I have signed before I comment on it. This appears to be quite cruel and treacherous.

Mr. Whicher: It is cruel, and it is not your fault. No doubt it was another government that brought this about. I am not accusing you; I am just giving you the facts.

Mr. Knowles (Winnipeg North Centre): Another Liberal government.

Mr. Whicher: Well, it certainly was not an NDP government at any rate, praise be to God.

Mr. Peters: It would not happen under—

Mr. Whicher: I am not suggesting that you or your officials can remember all the letters you have signed, but the fact is that for pain and suffering today the veteran gets nothing.

Mr. Dubé: We propose to change that.

Mr. Whicher: You are going to change that?

Mr. Dubé: Oh, yes.

Mr. Whicher: In a case such as I have mentioned, and supposing the veteran lives for another 25 years, are you going to make this poor fellow who has been paying since 1945 continue paying, or will you make this retroactive?

[*Interpretation*]

qu'il a fait. C'est alors que le gouvernement, le ministère des Affaires des anciens combattants en l'occurrence s'est présenté et lui a dit: «Mais non, cet argent ne vous revient pas». Par conséquent, depuis 1945, ils lui déduisent tous les mois une certaine somme sur sa pension; je ne sais pas quel montant.

Il s'agissait au départ d'une somme de 1,500 dollars. Il y a deux ou trois mois, il avait déjà remboursé 2,320 dollars au gouvernement; il a reçu une lettre signée de votre main lui indiquant qu'il devra continuer à payer cette somme pendant des siècles et des siècles jusqu'à ce qu'il meurt, quel que soit le montant qu'il aura remboursé. C'était votre ligne de conduite par le passé.

Voici donc ma question, monsieur. En vertu du paragraphe du Livre blanc intitulé «Dommages-intérêts», est-ce que cette disposition sera rétroactive?

M. Dubé: Premièrement, je ne me souviens pas du cas dont vous parlez. Je voudrais examiner soigneusement ce à quoi j'ai apposé ma signature avant de faire un commentaire. Cette situation me semble cruelle et perfide.

M. Whicher: Elle est cruelle, mais vous n'êtes pas à blâmer. Cette situation a sans doute été créée par un autre gouvernement. Je ne vous accuse pas; je vous présente simplement les faits.

M. Knowles (Winnipeg-Nord-Centre): Par un autre gouvernement libéral.

M. Whicher: Ce ne fut certainement pas par un gouvernement N.P.D. en tous cas, Dieu soit loué.

M. Peters: Elle ne se serait pas produite sous . . .

M. Whicher: Je ne prétends pas que vous devriez, ainsi que vos fonctionnaires, vous souvenir de toutes les lettres que vous avez signées, mais il demeure que l'ancien combattant n'obtient aucune compensation pour la douleur et la souffrance.

M. Dubé: Nous nous proposons de corriger cette situation.

M. Whicher: Vous allez y remédier?

M. Dubé: Oui, certainement.

M. Whicher: Dans un cas comme celui que j'ai mentionné, si l'on suppose que l'intéressé vit encore 25 ans, est-ce que vous allez obliger ce pauvre type, qui paie depuis 1945, à continuer de payer, ou est-ce que ce sera rétroactif?

[*Texte*]

Mr. Dubé: Whether it can be made retroactive or not I would have to give some thought to.

Mr. Whicher: But would you mind making a note and giving it some thought I will provide you with the case.

Mr. Dubé: Perhaps I should explain exactly what is meant here. Let us say a pensioner is injured in a car collision at the present time. He has to take action against the responsible party. Having taken action, if the judgment is in his favour the amount of the judgment is capitalized. As you have explained, he either takes that, or he takes a reduced pension.

What we propose is that the only part of this type of judgment that would be capitalized would be loss of earning.

Mr. Whicher: Right.

Mr. Dubé: Apart from that, he could keep all of the amount for pain and suffering and special damages. There would be no need to turn that over to the Government of Canada. You are asking me if we can make that retroactive and pay him—?

Mr. Whicher: In this instance he has already paid $820 more into the fund than he originally received. If you cannot make it retroactive, because of some of the red tape that we have around here, could you not so arrange it that once the original amount is paid he would not have to pay any more?

Mr. Dubé: It does appear to make sense to me.

Mr. Whicher: It is the only instance I know of in government that if you live long enough you have to pay in more than you collected originally.

Mr. Dubé: It does appear to be a strange situation. We will certainly look into that case. It would be appreciated if you would send me a memo about your specific case.

Mr. Wicher: I certainly will.

Mr. Dubé: We might use that as an example when the legislation is drafted.

Mr. Whicher: This is certainly a good thing, as it relates to pain and suffering; although I can see, on the other hand, that for a fellow who loses his leg overseas be-

[*Interprétation*]

M. Dubé: Je devrai me pencher sur cette question avant de décider si cette disposition sera rétroactive ou non.

M. Whicher: Est-ce que vous pourriez en prendre note et y réfléchir? Je vous remettrai le dosier.

M. Dubé: Je devrais peut-être expliquer la teneur de ce paragraphe. Supposons qu'un pensionné est blessé dans un accident de la route aujourd'hui même. Il doit intenter une poursuite contre la personne responsable. Une fois le procès terminé, si le décision du tribunal est en sa faveur, le montant de la capitalisation est fixé. Comme vous l'avez expliqué, il accepte soit la somme d'argent ou une réduction de sa pension.

Ce que nous proposons, c'est que seules les pertes de rémunérations soient sujettes à capitalisation dans ce genre de procès.

M. Whicher: Exactement.

M. Dubé: A part ce montant, il pourra garder le reste en compensation de la douleur et de la souffrance ainsi que des autres dommages-intérêts. Il ne sera pas obligé de remettre cette somme au gouvernement du Canada. Vous me demandez si on peut rendre cette disposition rétroactive et lui verser . . .?

M. Whicher: Dans le cas que j'ai cité, il a déjà remboursé 820 dollars de plus qu'il n'en avait reçu. Si vous ne pouvez pas rendre cette disposition rétroactive, à cause de toute le bureaucratie qui nous entoure, est-ce que vous ne pourriez pas faire en sorte qu'une fois qu'il a remboursé la somme reçue il n'ait plus à payer?

M. Dubé: Il me semble que c'est très sensé.

M. Whicher: A ce que je sache, s'est le seul cas au gouvernement où, si l'on vit suffisamment longtemps, on doit rembourser plus que l'on a reçu.

M. Dubé: La situation me semble effectivement étrange. Nous ferons certainement une enquête à ce sujet. Je vous saurais gré de m'envoyer un mémorandum sur le cas que vous avez exposé.

M. Whicher: Je le ferai certainement.

M. Dubé: Nous pourrons le présenter à titre d'exemple lorsque nous rédigerons la loi.

M. Whicher: Ce serait certainement une bonne chose puisqu'il s'agit de douleur et de souffrance; par ailleurs, il est clair que le type qui perd une jambe outre-mer à la suite

[*Text*]

cause a bullet goes through it there is a lot of pain and suffering but there is no legal case and he does not get any money for it. Therefore, perhaps the government had an excuse for not paying it in the past. But here you had a man hit by a car while on duty. There was no bullet. There is a civil action and he gets so much money for the loss of his limb, which money is turned over to the government immediately so that he may be paid a pension for the rest of his life, but the award for pain and suffering—the government of the day also took.

Mr. Dubé: We propose to change that.

The Chairman: Do members of the Committee have any further questions at this point?

Mr. Peters: May I ask a question about the situation relative to the appeal board. This was of considerable interest to the Woods Commission. One of the problems was that the people who were involved were having coffee in the same room and having the same opinions—"You scratch my back and I will scratch yours." If they are in another building it is not quite so easy. Their hope was that they would be separated. Have you considered this? I think there is a certain amount of merit in it.

Mr. Dubé: I see your point. I do not know. We have no...

Mr. Peters: All of the people in the district office in a community—and this is what is wrong with the pension advocate—are all in the same building and they get to be real chummy.

Mr. Dubé: Yes.

Mr. Peters: And you appear to be appealing against the bureaucracy by the bureaucracy itself.

Mr. Dubé: They will not be in the same building as often as you may think because those on the entitlement board will be travelling across the country most of the time whereas the ones on the appeals will stay here in Ottawa. They will only meet when they come back to check their files, that is about all. The essence of the change we are proposing is that those who travel in groups of three across the country will only be back in Ottawa to examine the files. They will not stay here to hear appeals. They will be gone.

[*Interpretation*]

d'une blessure de guerre doit endurer beaucoup de douleur et de souffrance, mais comme il ne peut pas intenter de procès en justice, il n'obtient aucune compensation. Le gouvernement avait peut-être raison de ne pas verser de compensation par le passé. Mais il s'agit d'une personne qui est heurtée par une voiture alors qu'il est de service. Il n'a pas été blessé par une balle. Il intente une poursuite en justice, et on lui verse tant pour la perte de ce membre. Cette somme est versée directement au gouvernement de sorte qu'il puisse toucher une pension pour le reste de sa vie. Mais le gouvernement de l'époque a également pris la somme qui devait compenser pour la douleur et la souffrance.

M. Dubé: Nous nous proposons de corriger cette situation.

Le président: Est-ce que quelqu'un d'autre voudrait poser une question?

M. Peters: Puis-je poser une question sur la situation relative à la commission d'appel? Le Comité Woods s'est passablement intéressé à cette question. Un des problèmes qui se posait est que les gens se réunissaient pour prendre le café et échangeaient les mêmes idées. «Un service en attire un autre». S'ils étaient dans des locaux distincts ce ne serait pas aussi facile; c'est du moins l'espoir qu'ils ont exprimé. Est-ce que vous y avez songé? Je crois que l'idée n'est pas si mauvaise.

M. Dubé: Je comprends votre argument. Je ne sais pas. Nous n'avons pas...

M. Peters: Les critiques que l'on adresse à l'avocat des pensions viennent du fait que dans le bureau de district, toutes les personnes travaillent dans le même immeuble et qu'il se crée entre elles de vrais liens d'amitié.

M. Dubé: Oui.

M. Peters: Et vous semblez dénigrer la bureaucratie par la bureaucratie elle-même.

M. Dubé: Ils ne seront pas aussi souvent que vous puissiez le croire dans le même immeuble, car les membres de la Division de l'admissibilité se déplaceront à travers le pays la plupart du temps, tandis que les membres de la Division des appels resteront à Ottawa. Ils ne se rencontreront que lorsqu'ils reviendront pour vérifier leurs dossiers, c'est à peu près tout. En fait, le changement que nous proposons vise à ce que les personnes qui voyageront en groupes de trois dans le pays ne reviennent à Ottawa que pour vérifier

[*Texte*]

Mr. Peters: I have just been reading the Commission's report. It was not necessarily the fault of the people themselves that the persons did not think they were getting a fair hearing; it is this idea of justice, that if justice is to be done it must appear to be done.

Mr. Dubé: Yes.

Mr. Peters: It was the fact that the person hearing the appeal referred to the others by their first name and there was this close association that distance probably would have eliminated in the past. Looking back on cases that I know, distance between the people would have sufficed to have established some impartiality between the various decisions. If we appoint the appeal procedure you have now without this distance of being in another building or another office...

Mr. Dubé: You have to face that proposition in the Superior Courts of all provinces. The Superior Court has an Appeal Division, a Chancery Division and a Queen's Bench Division, and they stay in the same building. They may fight amongst themselves but they are the same courts...

Mr. Peters: Yes, but in the Superior Court of Ontario the parties usually come from out of town so they do not know this. However, I think everybody will agree that in the district office, for instance, where they all have coffee together and are all very chummy, it does not seem likely you will get one guy saying that the other guy is wrong. This was a major part, as I understood the Woods Committee, that there had to be some distance...

Mr. Dubé: Yes, but what I am trying to say is that this will not take place any more because those on the entitlement board will be like those who are in the Queen's Bench Division in most Superior Courts. They will be on circuit; they will be travelling. They will only come back to look at their files. They may meet somebody from the appeal board who is looking at the same file but we cannot very well spread out the files. It would be extremely expensive to have a duplication of files right across the country. However, those on the entitlement board will be very busy travelling across the country. They will not be here all the time, as you think, with those on the appeal division. They will be gone.

[*Interprétation*]

leurs dossiers. Ils ne resteront pas pour les appels. Ils seront déjà partis.

M. Peters: Je viens tout juste de lire le rapport de la Commission. Ce n'était pas nécessairement à cause des gens eux-mêmes que les personnes ne croyaient pas avoir fait l'objet d'un appel satisfaisant; c'est cette idée que l'on a de la justice à l'effet que si la justice doit être faite, on doit en voir la couleur.

M. Dubé: Oui.

M. Peters: Il est vrai que la personne qui entendait l'appel s'adressait aux autres par leur prénom et cette relation étroite aurait probablement disparu dans le passé avec la distance. Si je me rappelle bien certaines causes, la distance entre les gens aurait suffi pour créer une certaine impartialité à l'égard de divers jugements. Si nous appliquons la procédure d'appel, vous avez maintenant sans cette distance d'un autre immeuble ou d'un autre bureau...

M. Dubé: Dans les Cours supérieures de toutes les provinces, vous rencontrez cette situation. La Cour supérieure comprend une division d'appel, une division de la chancellerie et une division du Banc de la reine dans le même immeuble. Ils peuvent se battre entre eux, mais il s'agit de la même cour...

M. Peters: Oui, mais dans la Cour suprême de l'Ontario, les parties viennent généralement de l'extérieur de la ville et elles ne le savent donc pas. Toutefois, je pense que tout le monde sera d'avis que dans un bureau de district, par exemple, où les gens prennent leur café ensemble et où ils sont très amis, il ne semble pas que vous puissiez trouver une seule personne qui dise que l'autre n'a pas raison. Si j'ai bien compris, le Comité Woods traitait longuement de l'importance d'une certaine distance entre...

M. Dubé: Oui, mais j'essaie de dire que cela n'aura plus lieu dorénavant, parce que les membres de la Division de l'admissibilité seront comme ceux de la Division du Banc de la reine dans la plupart des Cours supérieures. Ils voyageront, ce seront des membres itinérants. Ils ne reviendront que pour consulter leurs dossiers. Ils peuvent rencontrer un membre de la commission des appels qui consulte le même dossier, mais nous ne pouvons pas multiplier facilement le nombre des dossiers. Il serait très dispendieux d'avoir une autre copie des dossiers au pays. Les membres de la Division de l'admissibilité seront très occupés par leurs voyages à travers le pays. Ils ne seront pas tout le temps à Ottawa, comme vous le croyez, avec les membres de la Division des appels. Ils seront partis.

[*Text*]

The Chairman: Are there any more questions, Mr. Peters?

On behalf of the Committee I would like to thank Mr. Dubé very much for his appearance this afternoon to answer questions.

Mr. Reynolds has a few comments on our agenda and the witnesses that he has been getting in touch with, and the order in which they will appear. Have you something to say at this time, Mr. Reynolds?

Mr. P. E. Reynolds (Special Adviser to the Committee on Veterans Affairs): Gentlemen, I contacted a number of the organizations today. I am afraid I cannot fill out the time you have allotted. The best I could do for this week was to have departmental officials, tomorrow morning and afternoon, and Thursday departmental officials again in the morning. At 2 o'clock Mr. Kohaly will lead the delegation of the nationally chartered veterans' organizations on Thursday afternoon.

The Chairman: That will be 2 o'clock on Thursday.

Mr. Reynolds: That is right. On Friday, September 19, at 9.30, Mr. Jack Lundberg will lead the delegation of the National Council of Veterans Organizations. At the moment I have not been able to line up anything for Friday afternoon. On Monday you have all

• 1655

day the War Amputations of Canada. Tuesday, September 23, you have all day the Hong Kong Veterans Association.

Now the other organizations I contacted all wish to come at the end of the month. There will be a few days next week on which I am afraid I will not be able to find anybody who can come. I think I will know more about that on Friday because the two groups that are coming have representatives from the organizations which will appear individually later. So I think on Friday we can find out when they can appear and fix the time definitely.

I would like to have some direction from you as to the latest date I can set for a veterans' organization to appear. I mentioned this morning that I thought October 4 was about as late as you could sit. However, I would like to have some direction.

The Chairman: If I could recapitulate just to make sure we understand what Mr. Rey-

[*Interpretation*]

Le président: Y a-t-il d'autres questions, monsieur Peters?

Au nom du Comité, j'aimerais remercier M. Dubé d'être venu témoigner cet après-midi et d'avoir répondu à nos questions.

M. Reynolds aurait quelques commentaires à faire à propos de l'ordre du jour et des témoins avec lesquels il est entré en communication et au sujet de l'ordre dans lequel ils viendront témoigner. Auriez-vous quelques précisions à nous donner cette fois, monsieur Reynolds?

M. P. E. Reynolds (Conseiller spécial du comité des affaires des anciens combattants): Messieurs, aujourd'hui, je suis entré en contact avec un certain nombre d'organismes, mais je crains de ne pouvoir remplir les périodes de temps qui nous sont allouées. Le mieux que j'ai pu faire cette semaine, c'est de faire venir des agents ministériels demain matin et demain après-midi ainsi que jeudi matin. A 14 heures jeudi après-midi, M. Kohaly viendra à la tête de la délégation des organismes d'anciens combattants à charte nationale.

Le président: Jeudi à 14 heures.

M. Reynolds: C'est cela. Le vendredi 19 septembre, à 9h.30, M. Jack Lundberg présidera la délégation du Conseil national des organismes des anciens combattants. Pour l'instant, j'ai été incapable d'arranger quoi que ce soit pour vendredi après-midi. Lundi, il y aura toute la journée, les Amputés de guerre du Canada; le mardi 23 septembre, l'Association des anciens combattants de Hong Kong.

Les autres organismes avec lesquels j'ai communiqué désirent tous venir à la fin du mois. La semaine prochaine, il y aura quelques jours où j'ai bien peur de ne trouver personne. Je crois que j'en saurai davantage à ce sujet vendredi, parce que les deux groupes qui vont venir sont composés de représentants des organismes qui viendront séparément à une date ultérieure. Ainsi, je pense que vendredi, nous pourrons savoir quand ces organismes pourront venir témoigner et fixer une date définitive.

J'aimerais que vous m'indiquiez la date ultime pour faire témoigner un organisme d'anciens combattants. Ce matin, j'ai mentionné le 4 octobre, mais j'aimerais connaître votre opinion à ce sujet.

Le président: Je récapitule ce que monsieur Reynolds vient de dire pour être certain qu'il

[*Texte*]

nolds has said, there will be a session tomorrow morning at 9.30 lasting until 12. There will be one at 2 o'clock tomorrow afternoon until 4.30 and there will be one Thursday morning at 9.30 until 12. These will be with departmental officials. There will be a session Thursday afternoon with Mr. Kohaly at 2 o'clock until 4.30. There will be no session Thursday night although we had made tentative plans for one but there is no witness lined up. There will be one Friday morning but there is nothing Friday afternoon.

Mr. Reynolds: At the moment.

The Chairman: Then there is Monday all day and Tuesday all day.

Mr. Reynolds: That is correct.

The Chairman: Does everyone understand this? So we have no misunderstanding here. The problem of what we do after Monday—which is your problem, Mr. Reynolds—

Mr. Reynolds: Yes.

The Chairman: I wonder if we could defer that and deal with it tomorrow afternoon. Would that suit the convenience of the Committee? Mr. De Bané, I interrupted you but I wanted to set this straight.

Mr. De Bané: No, I was just going to suggest that the matter be referred to the steering committee.

The Chairman: Yes. I think we will deal with this and review the matter tomorrow afternoon. We will adjourn until tomorrow morning at 9.30. Thank you.

[*Interprétation*]

ne se crée pas de malentendu. Il y aura donc une séance demain matin de 9h.30 à midi et demain après-midi, de 14h. à 16h.30.

Il y en aura une jeudi matin, de 9h.30 à midi. Nous recevrons des fonctionnaires du ministère. Il y en aura une autre jeudi après-midi, de 14h. à 16h.30. Nous recevrons M. Kohaly. Il n'y aura pas de séance jeudi soir, malgré tous nos efforts, car il n'y a pas de témoin. Vendredi, il y aura une séance le matin, mais pas l'après-midi.

M. Reynolds: Pour l'instant.

Le président: Ensuite, il y aura séance lundi et mardi toute la journée.

M. Reynolds: En effet.

Le président: Tout le monde comprend? Donc, il n'y a pas de malentendu. Monsieur Reynolds, votre problème c'est de savoir ce que nous allons faire après lundi.

M. Reynolds: Oui.

Le président: Je me demande si on ne pourrait pas reporter cette question à demain. Cela siérait-il au Comité? Monsieur De Bané, je vous ai interrompu, mais je voulais que cela soit bien clair.

M. De Bané: J'allais seulement proposer de soumettre cette question au comité de direction.

Le président: D'accord. Je crois que nous allons revoir la question demain après-midi. La séance est levée et reprendra demain matin, à 9h.30. Merci.

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STANDING COMMITTEE

ON

VETERANS AFFAIRS

COMITÉ PERMANENT

DES

AFFAIRES DES ANCIENS COMBATTANTS

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MINUTES OF PROCEEDINGS

AND EVIDENCE

PROCÈS-VERBAUX ET

TÉMOIGNAGES

No. 13

WEDNESDAY, SEPTEMBER 17, 1969

LE MERCREDI 17 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir Procès-verbaux)

20748—1

STANDING COMMITTEE ON
VETERANS AFFAIRS

COMITÉ PERMANENT
DES
AFFAIRES
DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*
Vice-Chairman Mr. Carl Legault *Vice-président*

and Messrs. et Messieurs

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—20.

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

(*Text*)

MINUTES OF PROCEEDINGS

WEDNESDAY, September 17, 1969.
(15)

The Standing Committee on Veterans Affairs met this day at 9:40 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Bigg, Francis, Groos, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Latulippe, Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London East*), Weatherhead, Whicher—(16).

Other Members present: Messrs. Winch and Knowles (*Winnipeg North Centre*).

Witnesses: From the Department of Veterans Affairs: Dr. J. S. Hodgson, Deputy Minister, Mr. D. K. Ward, Chief Pensions Advocate and Mr. E. J. Rider, Director General of Welfare Services.

The Chairman introduced the witnesses. Dr. Hodgson read a statement and the Committee proceeded to the questioning of the witnesses.

At 12 o'clock noon the examination of the witnesses continuing the Committee recessed until 2:00 p.m.

AFTERNOON MEETING
(16)

The Committee resumed sitting at 2:10 p.m.

Members present: Badanai, Bigg, Francis, Groos, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Latulippe, Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London East*), Weatherhead, Whicher—(16).

Other Members present: Messrs. Winch, M.P., Knowles, M.P. (*Winnipeg North Centre*).

Witness: From the Department of Veterans Affairs: Mr. D. K. Ward, Chief Pensions Advocate.

(*Traduction*)

PROCÈS-VERBAUX

Le MERCREDI 17 septembre 1969
(15)

Le Comité permanent des affaires des anciens combattants se réunit ce matin à 9 h 40, sous la présidence de M. Lloyd Francis, président.

Présents: MM. Badanai, Bigg, Francis, Groos, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Latulippe, Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London-Est*), Weatherhead et Whicher—(16).

Également présents: MM. Winch et Knowles (*Winnipeg-Nord-Centre*), députés.

Témoins: Du ministère des Affaires des anciens combattants: M. J. S. Hodgson, sous-ministre, M. D. K. Ward, avocat en chef des pensions, et M. E. J. Rider, directeur général des services du bien-être.

Le président présente les témoins. M. Hodgson donne lecture d'une déclaration, puis les membres du Comité interrogent les témoins.

A midi, l'interrogatoire est interrompu et la séance est suspendue jusqu'à 2 heures cet après-midi.

SÉANCE DE L'APRÈS-MIDI
(16)

Le Comité reprend ses travaux à 2 h 10 de l'après-midi.

Présents: MM. Badanai, Bigg, Francis, Groos, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Latulippe, Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London-Est*), Weatherhead et Whicher—(16).

Aussi présents: MM. Winch et Knowles (*Winnipeg-Nord-Centre*), députés.

Témoin: Du ministère des Affaires des anciens combattants: M. D. K. Ward, avocat en chef des pensions.

20748—1½

The Committee continued the review of the "Woods Committee" recommendations.

Mr. Ward answered questions posed by the Members.

At 4:00 p.m., the questioning of the witness continuing, the Committee adjourned to Thursday, September 18, 1969, at 9:30 a.m.

Le Comité poursuit l'étude des recommandations formulées par le «Comité Woods».

M. Ward répond aux questions des membres du Comité.

A 4 heures de l'après-midi, l'interrogatoire du témoin est interrompu et le Comité s'ajourne jusqu'au jeudi 18 septembre 1969, à 9 h 30 du matin.

Le greffier du Comité,
D. E. Lévesque
Clerk of the Committee.

[*Texte*]

EVIDENCE

(*Recorded by electronic apparatus*)

Wednesday, September 17, 1969.

• 0939

The Chairman: I see that a number of members are present, so I will call the Committee to order.

As a result of speaking with Mr. Levesque, I understand the transcript for Monday and yesterday is going to the printer's this morning. We will endeavour to get this transcript for you as soon as possible.

Our first witness this morning is the Deputy Minister of the Department, Mr. Hodgson.

Mr. J. S. Hodgson (Deputy Minister, Department of Veterans Affairs): Mr. Chairman and members of the Committee, this is the first time I have had the pleasure and privilege of giving evidence before this Committee. Let me say at the outset that I am appearing here as a manager or administrative officer rather than as an expert on pension matters, since as you know the administration of the Pension Act is the responsibility of the Canadian Pension Commission and not of the Department of Veterans Affairs. I thought it might be useful if I described the organizational changes that would be involved in the implementation of the White Paper and in the related legislative proposals. My Minister has referred to some of these and they were discussed further in the period that followed yesterday, but I shall try to cover them in slightly greater detail.

The largest organizational change is the recasting of the adjudication machinery, for the reasons which the Minister has explained. He pointed out that the government is proposing to establish a Pension Branch or a Directorate of Pensions within the Department of Veterans Affairs and to transfer most of the present staff of the Canadian Pension Commission to this new branch. The branch would, therefore, be responsible for the day-to-day administration of the pension program including the initial awards on pension applications.

Le ministre a ajouté que la Commission canadienne des pensions deviendrait un organisme quasi judiciaire comportant trois divisions. La division administrative se composerait du président de la Commission, du

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le mercredi 17 septembre 1969.

Le président: Je vois que nous sommes assez nombreux. Nous allons donc commencer.

Après avoir parlé avec M. Lévesque, je crois comprendre que le compte rendu des séances de lundi et d'hier sera envoyé à l'imprimerie ce matin. Nous nous efforcerons de l'obtenir le plut tôt possible.

Notre premier témoin ce matin est le sous-ministre du Ministère, M. Hodgson.

M. J. S. Hodgson (sous-ministre, ministère des Affaires des anciens combattants): Monsieur le président, messieurs les députés, c'est la première fois que j'ai le plaisir de prendre la parole devant votre Comité. Je tiens à dire dès le départ que je le fais en ma qualité de gestionnaire ou d'agent d'administration plutôt qu'à titre d'expert en pensions puisque, vous le savez, l'application de la Loi sur les pensions relève de la Commission canadienne des pensions et non du ministère des Affaires des anciens combattants.

Je crois utile de vous décrire les changements qu'entraînera, au niveau de l'organisation, la mise en œuvre des recommandations que contient le Livre blanc et des modifications législatives qui suivront. Le ministre a donné un aperçu de ces changements et la discussion a porté sur eux hier, mais je voudrais en traiter un peu plus en détail.

Le remaniement du régime d'étude des demandes et de décisions en matière de pensions constitue le principal changement du point de vue de l'organisation. Le ministre en a donné les raisons et il a signalé que le gouvernement entend créer une Direction des pensions au sein du ministère des Affaires des anciens combattants et y muter la majeure partie du personnel actuel de la Commission canadienne des pensions. Cette Direction serait donc chargée de l'administration routinière des programmes de pension; elle sera notamment chargée de se prononcer sur les demandes initiales de pension.

The Minister added that the Canadian Pension Commission would become a quasi-judicial body having three divisions. The Administrative Division would consist of the Chairman of the Commission, the Secretary

[*Text*]

secrétaire et de l'actuel service administratif des appels. Elle serait chargée des affaires administratives et internes de la Commission et fournirait de l'aide et des services aux deux autres divisions.

The Entitlement Hearing Division would consist of 10 Commissioners and their immediate secretarial staff. Groups of three Commissioners would hold entitlement hearings in different parts of Canada and applicants would have the opportunity of appearing in person at these hearings.

The Appeal Division would consist of up to five Commissioners and their immediate secretarial staff. I say up to five Commissioners because the number of Commissioners at any particular period would depend presumably upon the load of work to be carried at the level of the Appeal Division. It would function as a final court of appeal for pension claims. The establishment of this separate Appeal Division will ensure that final appeals will in no case be handled by the same Commissioners who participated at the entitlement hearing. The Appeal Division would also deal with requests for leave to reopen claims on which final decisions have been rendered. In addition it would have final interpretation of the Pension Act and other related statutes.

The intention is that the Pension Branch of the Department and the various divisions of the CPC would be accommodated near to each other, not necessarily in the same building, but near to each other in order to facilitate general liaison and passage of files. You will appreciate that they would be using the same files basically containing the history of the veteran concerned.

• 0945

A further important change will be the creation of an independent Bureau of Pension Advocates. Under the Pension Act as it now stands, for many years there has been a Veterans' Bureau which is a branch of the Department of Veterans Affairs. The Pension Act provides that the Bureau shall be primarily concerned with preparing and presenting pension claims. Nevertheless there has been considerable misunderstanding of the purpose of the Veterans' Bureau. For example, some applicants seem to believe that the Bureau is a part of the Canadian Pension Commission and a few others seem to fear that the Pensions Advocates may work against rather than for their interests.

In order to remove all uncertainty on this score the government has accepted the recom-

[*Interpretation*]

and the present Appeal Administrative Service. It would be in effect the administrative management and housekeeping part of the Commission, and would provide support and services to the other two divisions.

La Division de l'admissibilité serait formée de dix commissaires et de leur secrétariat immédiat. Des groupes de trois commissaires tiendraient des audiences d'admissibilté dans différentes parties du Canada, et les requérants auraient l'occasion d'y comparaître.

La Division des appels se composerait d'au plus cinq commissaires et de leur secrétariat immédiat. Je dis d'au plus cinq commissaires car le nombre de commissaires à un moment donné dépendra vraisemblablement de la quantité de travail dont la Division des appels devra s'acquitter. Elle fonctionnerait comme un tribunal de dernière instance chargé d'entendre les appels découlant du refus des demandes de pension. La création d'une Division des appels distincte évitera de confier aux commissaires ayant participé à l'audition d'admissibilité le soin de statuer sur les appels en dernier ressort. La Division des appels serait également chargée d'autoriser une nouvelle étude des demandes de pension au sujet desquelles la décision finale a été rendue. En outre, l'interprétation de la Loi sur les pensions et des autres lois connexes lui incomberait en dernier ressort. Afin de faciliter la liaison en général et l'acheminement des dossiers, les bureaux de la Direction des pensions du ministère et ceux des différentes divisions de la CCP seraient à faible distance les uns des autres, mais pas nécessairement dans le même édifice. Vous comprendrez qu'ils se serviront des mêmes dossiers, auxquels sont consignés les antécédents des anciens combattants en cause.

Autre changement important: la création d'un bureau indépendant des avocats des pensions. Aux termes de la Loi sur les pensions dans sa forme actuelle, il existe, depuis des années, un Bureau des vétérans qui forme une division du ministère des Affaires des anciens combattants. La Loi sur les pensions prévoit que le Bureau a principalement pour mission de préparer et de présenter les demandes de pension. Néanmoins, les malentendus au sujet du rôle du Bureau des vétérans ont été nombreux. Par exemple, certains requérants semblent croire qu'il fait partie de la Commission canadienne des pensions, d'autres semblent craindre que les avocats des pensions ne travaillent à leur détriment.

Pour éviter toute confusion à ce sujet, le gouvernement a accepté la recommandation

[*Texte*]

mendation of the Woods Committee that a new and independent body be established. It is proposed that this be done through a separate part of the Pension Act which will redefine the function of the Bureau of Pension Advocates, making it clear that the Bureau represents the pension applicants only and that, therefore, the relationship between applicant and advocate shall be the same as between client and solicitor in general practice. This will mean, for example, that communications between the applicant and his advocate will be considered privileged. Functionally, the new Bureau will be completely independent of both the Department of Veterans Affairs and the Canadian Pension Commission and will report directly to the Minister of Veterans Affairs.

The legislative amendment will also include formal recognition of the Bureau's responsibility to provide a counselling service to pensioners and applicants. If it appears that an applicant's claim is unlikely to succeed, the Bureau will be required to so inform him; but then if the applicant so wishes, the Bureau will proceed to present the claim in its most favourable light and try to win it for him.

The third organizational change is of less direct interest to the public, but is not without some importance. The Woods Committee recommended the establishment of a Standing Advisory Committee of the Canadian Armed Forces, the Canadian Pension Commission and the Veterans' Bureau to consider pension matters that may arise from time to time. This proposal was agreed to and the Standing Advisory Committee has already been established under the authority of the Chairman of the Canadian Pension Commission. In view of the proposals relating to the creation of a Pensions Branch or a Directorate of Pensions it will also be necessary later, of course, to add membership from the Department of Veterans Affairs.

These are the chief structural changes involved in giving effect to the Woods Report and the White Paper and this ends my submission. As my Minister has stated yesterday, officials of the Department and the Commission having expert knowledge of the subject matter, will, of course, be available to this Committee at any time.

The Chairman: Thank you, Mr. Hodgson. I have seen two members who want to ask questions, Mr. Groos and Mr. Turner, but I am sure there are others. Mr. Groos.

Mr. Groos: Thank you, Mr. Chairman. Mr. Hodgson I just would like to put on record

[*Interprétation*]

du Comité Woods relative à la création d'un organisme nouveau et indépendant. A cette fin, une partie distincte de la Loi sur les pensions redéfinirait la fonction du Bureau des avocats des pensions et préciserait qu'il représente uniquement les requérants de pensions; par suite, les rapports entre le requérant et l'avocat seront identiques à ceux qui existent entre les avocats et leurs clients dans l'exercice ordinaire du droit. Ainsi, les communications entre le requérant et son avocat seront de nature strictement confidentielle. A toute fin pratique, le Bureau sera complètement indépendant du ministère des Affaires des anciens combattants et de la Commission canadienne des pensions, et c'est au ministre des Affaires des anciens combattants qu'il fera directement rapport.

La modification législative comportera également la reconnaissance officielle de la responsabilité qui incomberait au Bureau d'assurer des services de consultation aux pensionnés et aux requérants. S'il appert que la demande d'un requérant a peu de chance d'être agréée, le Bureau sera tenu de lui en faire part, mais si le requérant le désire, le Bureau présentera sa demande sous le jour le plus favorable et tentera de gagner sa cause.

Le troisième changement au niveau de l'organisation intéresse moins directement le public, mais revêt néanmoins une certaine importance. Le Comité Woods a proposé la création d'un comité consultatif permanent des forces armées canadiennes, de la Commission canadienne des pensions et du Bureau des vétérans afin d'étudier les questions de pension qui peuvent surgir de temps à autre. Cette proposition a été agréée et le Comité consultatif permanent a déjà été établi sous l'autorité du président de la Commission canadienne des pensions. Les propositions relatives à la création d'une Direction des pensions obligeront à ajouter ultérieurement à son effectif des membres du ministère des Affaires des anciens combattants.

Voilà donc les principaux changements de structure qu'entraînera l'application du rapport Woods et du Livre blanc, et j'en arrive ainsi au terme de mon exposé. Le Ministre l'a déclaré hier, les fonctionnaires du Ministère et de la Commission qui connaissent le sujet à fond demeurent à l'entière disposition de votre Comité.

Le président: Merci, M. Hodgson. Je vois que deux députés désirent poser des questions, M. Groos et M. Turner, mais je suis certain qu'il y en aura d'autres. Monsieur Groos?

M. Groos: Merci, monsieur le président. Monsieur Hodgson, je voudrais simplement

[*Text*]

that I am very pleased to find we are to have an Appeal Division and that the members of that Appeal Division will be Commissioners, persons who have not participated at any stage in the investigations up until that point. It always seemed to me that it did not look right in the previous appeals that the people who heard the appeals with the consent of the applicants were persons who had already heard an application and had turned it down. That just did not seem right and I am pleased to see this change, but I think you said this Appeal Division would consist of five Commissioners and staff, plus the Chairman, did you not?

Mr. Hodgson: The Appeal Division of the Commission would consist of up to five Commissioners and just their immediate personal staff.

Mr. Groos: Up to five?

Mr. Hodgson: Yes, up to five. I also might point out that the separation would not only be absolute as between the Appeal Division and the Entitlement Hearing Division, but there also would be an equally absolute separation between the Entitlement Hearing Division and the Directorate of Pensions...

• 0950

Mr. Groos: Oh, yes.

Mr. Hodgson: ...so that at all three levels there would be different people involved.

Mr. Groos: I understand that and I think that is good. This is something that has been brought up previously from time to time over the years before this Committee. I also understand that people who have already been through the process and who have been turned down will be entitled to apply again to this new Appeal Division.

Mr. Hodgson: As the Minister said yesterday, we are hoping that people will not be coming forward if they do not have some *prima facie* evidence in support of their claim. If they do, or if they have new evidence, they could seek for leave to reopen and they would seek this authority from the Appeal Division.

Mr. Groos: So the Appeal Division will have to decide whether they will allow the case to be reopened?

Mr. Hodgson: That is correct.

Mr. Groos: I suggest it is rather a pious hope that only a few people will be asking to have their cases reopened. I think the majori-

[*Interpretation*]

consigner au compte rendu que je suis très heureux d'apprendre que nous aurons une Division des appels dont les membres seront des commissaires qui n'auront, jusque là, participé aux enquêtes à aucun stade. Il m'a toujours semblé injuste, dans l'ancienne procédure d'appel, que ceux qui devaient se prononcer sur l'appel avec le consentement des requérants soient ceux-là mêmes qui avaient déjà rejeté la demande initiale. Il me semblait qu'il y avait quelque chose d'anormal dans cette procédure, et je suis heureux de cette modification. Vous avez dit, je crois, que cette Division des appels serait composée de cinq commissaires et de leur secrétariat, en plus du président, n'est-ce pas?

M. Hodgson: La Division des appels de la Commission serait composée d'au plus cinq commissaires et de leur secrétariat immédiat.

M. Groos: D'au plus cinq commissaires?

M. Hodgson: Oui, d'au plus cinq commissaires. Je pourrais peut-être faire remarquer aussi que la séparation entre la Division des appels et la Division de l'admissibilité sera totale, de même que la séparation entre la Division de l'admissibilité et la Direction des pensions ...

M. Groos: Évidemment.

M. Hodgson: ... de sorte qu'on fera appel à des personnes différentes aux trois niveaux.

M. Groos: Je m'en rends compte et je crois que c'est une bonne chose. C'est une question dont le Comité a déjà été saisi de temps à autre par le passé. Je crois comprendre aussi que les personnes dont la demande a déjà été étudiée et rejetée auront le droit de présenter une nouvelle demande auprès de cette Division des appels.

M. Hodgson: Comme l'a dit le Ministre hier, nous espérons que les gens ne se présenteront pas à moins d'avoir des preuves à l'appui qui, de prime abord, paraissent bien fondées. Si c'est le cas, ou s'ils ont de nouvelles preuves, ils peuvent demander la permission de se faire entendre de nouveau. Ils doivent pour cela s'adresser à la Division des appels.

M. Groos: Ce sera donc la Division des appels qui décidera si la cause sera réentendue ou non?

M. Hodgson: C'est exact.

M. Groos: Permettez-moi de dire qu'il est assez vain d'espérer que quelques personnes seulement voudront faire réentendre leur

[*Texte*]

ty of veterans who have been turned down, who have been up the tree and have tried to have their cases heard satisfactorily, or to their own satisfaction, will certainly try this new avenue. After all, they will take the attitude of having nothing to lose and everything to gain. They were not believed in their case the first time, therefore, they will try it again.

Mr. Hodgson: We think there will be a considerable number.

Mr. Groos: I suggest to you that five commissioners is not going to be enough in the opening stages. I would like to get some idea from you about how you would proceed if it turned out that there was a great wave of reapplications. We certainly do not want to hold up new applications for this higher tribunal.

It seems to me you will have to have a plan ready so that you can have a very quick reaction time if you are faced with a sudden flood. It is not your Commission that is blamed for any delay; it is the Members of Parliament and this Committee. I certainly would like to hear how you would plan to deal with a wave; although I think it would only be for about two or three years that there would be a wave of applications for the Commission to reopen at this higher tribunal.

Mr. Hodgson: Mr. Groos, I think it is expected that there will be a considerable flurry in the first months, or perhaps even years, and that perhaps some years after that one might be able to get along with four, or perhaps even three, commissioners in the Appeal Division.

The act as it now stands does provide for the appointment of ad hoc commissioners apart from the regular commissioners. The question of what provision will be in the draft bill when it is prepared some months from now I could only speculate on, but this would be one mechanism that could be used to maintain this provision for the appointment of ad hoc commissioners and to appoint the necessary number of ad hoc commissioners during periods of peak load.

Mr. Groos: How would an ad hoc commissioner be able to interpret the new law?

Mr. Hodgson: We have them now, interpreting the present law.

Mr. Groos: Would it be satisfactory to you that an interpretation, which would presumably set the pattern for the future, could be

[*Interprétation*]

cause. Je crois que la majorité des anciens combattants dont la demande a été rejetée, alors qu'ils avaient tout fait pour obtenir gain de cause, tenteront cette nouvelle chance. Après tout, ils n'auront rien à perdre, et tout à gagner. On n'a pas accepté leur cause la première fois, et ils essaieront donc de nouveau.

M. Hodgson: Nous estimons que leur nombre sera fort élevé.

M. Groos: Je pense que les cinq commissaires ne suffiront pas à la tâche au début. Je voudrais que vous me donniez une idée de ce que vous allez faire si vous recevez une montagne de nouvelles demandes. Nous ne voulons assurément pas retarder les nouvelles demandes qui parviendraient à ce tribunal de dernière instance.

Il me semble que vous devriez élaborer d'avance un programme d'action de façon à pouvoir réagir très rapidement si le besoin s'en fait sentir. Ce n'est pas votre Commission que l'on blâmera pour les retards, mais bien les députés et le Comité. J'aimerais que vous nous disiez comment vous vous y prendriez si une telle montagne de demandes vous parvenait; par ailleurs, je pense que ce n'est qu'au cours des deux ou trois premières années que la Commission risque de recevoir un tel nombre de demandes en vue de faire entendre de nouveau une cause par ce tribunal de dernière instance.

M. Hodgson: Monsieur Groos, je crois que nous nous attendons à recevoir un nombre considérable de demandes au cours des premiers mois, ou des premières années, et que, par la suite, quatre ou même trois commissaires pourront suffire à la tâche dans la Division des appels.

Sous sa forme actuelle, la Loi prévoit la nomination de commissaires temporaires en plus des commissaires permanents, selon les besoins. Quant à savoir quelles dispositions seront englobées dans le projet de loi qui sera rédigé d'ici quelques mois, je ne saurais le dire, mais c'est là une disposition qui pourrait encore servir à cet égard, en permettant la nomination de commissaires à titre temporaire, selon les besoins, au cours des périodes de pointe.

M. Groos: Comment un commissaire temporaire pourrait-il interpréter la nouvelle loi?

M. Hodgson: Nous en avons déjà à l'heure actuelle qui interprètent la présente loi.

M. Groos: Est-ce que vous accepteriez qu'une interprétation qui constituerait vraisemblablement un précédent, soit donnée par

[*Text*]

done by ad hoc as opposed to permanent commissioners?

Mr. Hodgson: I cannot speak directly for the Canadian Pension Commission but I believe their experience is that people who are appointed ad hoc commissioners do gain skill and proficiency fairly quickly. After all, they are occupied on a full-time basis with their work.

Perhaps Mr. Ward could add to that?

Mr. D. K. Ward (Deputy Chief Pensions Advocate, Department of Veterans Affairs): I would anticipate, sir, that if it were necessary to appoint ad hoc commissioners because of the anticipated volume of work, these men that may not have had experience and a lengthy background in pension affairs would primarily sit on the leave-to-reopen applica-

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tions which generally would be much like straightforward and simpler than engaging in complex matters of interpretation. The latter, I would expect, would be left to the more experienced of the commissioners. I would anticipate that the initial interpretations would be very important because they might be precedent-setting to some extent. I would like to leave that to the experienced people.

Mr. Groos: I suggest, Mr. Chairman, that when this legislation is prepared you bear this in mind and that some provision be made in the legislation for these ad hoc commissioners.

Secondly, I suggest that we have available across the country retired persons who have been pensions advocates at various levels, who have a wealth of experience, and who are highly respected by the veterans for the work they have done in the past. They would be a pool from which you could draw quite quickly and indeed satisfactorily for this type of work. Thank you, Mr. Chairman.

The Chairman: I understand Mr. Turner is back, and Mr. Bigg has turned up.

Mr. Turner (London East): Mr. Chairman, Mr. Groos has asked my questions. Thank you.

[*Interpretation*]

un commissaire temporaire par opposition à un commissaire permanent?

M. Hodgson: Je ne saurais parler au nom de la Commission canadienne des pensions, mais je crois que d'après l'expérience passée, les commissaires qui sont nommés à titre temporaire acquièrent rapidement la compétence voulue. Après tout, ils travaillent à cette tâche à plein temps.

M. Ward pourrait peut-être faire quelques observations à ce sujet?

M. D. K. Ward (avocat en chef adjoint des pensions, ministère des Affaires des anciens combattants): Je serais porté à croire, monsieur, que s'il était nécessaire de nommer des commissaires spéciaux à cause du surcroît de travail prévu, ces personnes qui n'aurait peut-être pas l'expérience voulue ni des antécédents assez considérables en ce qui touche aux questions de pensions s'occuperaient avant tout des demandes d'autorisation de réexaminer les causes qui, en général, seraient beaucoup plus directes et plus simples que si elles entreprenaient de résoudre des questions très difficiles à interpréter à cause de leur complexité. Ces dernières questions, je suppose, seraient laissées aux commissaires qui possèdent plus d'expérience. Je crois que les premières interprétations seraient d'une grande importance car elles pourraient créer, dans une certaine mesures des précédents. J'aimerais laisser ces questions aux personnes expérimentées.

M. Groos: Je propose, monsieur le président, que lorsque cette législation sera en voie d'élaboration, vous vous souveniez de ces propos et que la législation prévoie des dispositions pour ces commissaires spéciaux.

En second lieu, je suis d'avis que dans l'ensemble du pays, nous avons à notre disposition des personnes qui sont à la retraite et qui ont déjà joué le rôle d'avocat des pensions à divers niveaux, qui possèdent une riche expérience et qui jouissent d'une grande estime auprès des anciens combattants à cause de leurs états de services passés. Ces personnes constituent une sorte de réserve où vous pourriez puiser à la fois très vite et très avantageusement pour ce genre de travail. Merci, monsieur le président.

Le président: Je crois comprendre que M. Turner est de retour et que M. Bigg est arrivé.

M. Turner (London-Est): Monsieur le président, M. Groos a posé la question que je me proposais de poser moi-même. Je vous remercie.

[*Texte*]

The Chairman: Mr. Bigg.

Mr. Bigg: I wish to put on the record that I think a lot of the difficulty, both with the Canadian Pension Commission and with the applicants, has been the lack of records. I hope the departments from now on will see to it that people coming into the Armed Forces are very carefully examined, that thorough records are kept and that during service men who actually suffered from that sort of thing are better informed on how important it is for them to have properly documented evidence of their injuries and, if necessary, witnesses. It seems to me preposterous, and always has, that a serving member should have to find buddies who knew that he was sick or in hospital, and so on. I know it is very difficult—and I do not know why—to prove that you were even in hospital, although you had a serious operation. There is very little documentary evidence.

You may say that you did in fact attend the first general hospital in Europe and had a hemorrhoid operation, or a gastric ulcer, or something like this, but it is not always easy to prove it. It seems to me that in future we could at least keep better records of this type of thing. The "benefit of the doubt" rule would not be necessary at all if we had proper documentation available.

Mr. Hodgson: Mr. Chairman, this is just the kind of question that I think might suitably be gone into further by the new standing advisory committee that has just been established, which includes representation from the Department of National Defence. Such a committee could indicate in specific terms what improvements might usefully be made in the records.

Mr. Laniel: To come back to the point that was made by Mr. Groos, my interpretation is that the Appeal Division would not get from the beginning so many appeals because in the normal process everything has to start at the beginning, whether it be an old or a new case, through the adjudicator. The application would be looked at at that level, and in adjudicating the pension I imagine the new approach would be taken into consideration; and there is a chance that many of the files will stop there because the claim will be

[*Interprétation*]

Le président: A vous, maintenant, monsieur Bigg.

M. Bigg: Je désire que figure au compte rendu que d'après moi, beaucoup de difficultés que rencontrent tant la Commission canadienne des pensions que les requérants eux-mêmes proviennent du manque de dossiers. J'espère qu'à l'avenir, les ministères verront à ce que les personnes qui entrent dans les forces armées fassent l'objet d'examens minutieux, à ce que des dossiers complets soeint conservés et qu'au cours de leur service, les soldats qui ont eu à faire face à telles difficultés soient mieux renseignés sur l'importance d'avoir les preuves documentaires pertinentes de leurs blessures, et, au besoin, même des témoins. Il me semble et il m'a toujours semblé absurde qu'un membre actif des forces armées se voie dans l'obligation de découvrir des compagnons qui ont été au courant de sa maladie ou de son séjour à l'hôpital. Je sais qu'il est très difficile, sans en savoir la raison, de prouver qu'on a séjourné à l'hôpital, même s'il s'agissait d'une grave opération. Il y a très peu de preuves documentaires. Il est bien possible de dire que l'on a été hospitalisé dans un hôpital général d'Europe et qu'on y a subi l'opération des hémorroïdes, ou pour cause d'ulcère d'estomac et d'autres opérations du genre, mais il n'est pas toujours facile de le prouver. Il me semble qu'à l'avenir, nous pourrions à tout le moins conserver des dossiers plus à point relativement à ce genre de choses. Le principe du «bénéfice du doute» serait tout à fait inutile si nous avions à notre disposition tous les documents pertinents.

M. Hodgson: Monsieur le président, c'est précisément le genre de questions qui, à mon avis, devraient être étudiées plus à fond par le nouveau comité permanent consultatif qui vient d'être mis sur pied et qui compte des représentants du ministère de la Défense nationale. Un comité de cette sorte pourrait indiquer en termes précis les améliorations utiles qui pourraient être apportées aux dossiers.

M. Laniel: Je reviens à la question dont a parlé M. Groos; je suis d'avis que la Division des appels ne recevrait pas, au début, tellement d'appels puisque, suivant le cours normal des choses, il faut commencer par le commencement, qu'il s'agisse d'une ancienne ou d'une nouvelle cause, et qu'il faut passer par l'arbitre. C'est à ce niveau que la demande serait examinée, et en accordant la pension, j'imagine que la nouvelle méthode entrerait en ligne de compte; et il est bien possible que de nombreux dossiers n'aillent pas plus loin

[*Text*]

allowed and the veteran will get the pension. Do you agree with that?

Mr. Hodgson: Mr. Chairman, as we see it, the load will hit at two places simultaneously. Both statements are really correct. Completely new applications will begin at the Directorate of Pensions within the Department of Veterans Affairs, and we expect that to be a very heavy load. At the same time, those who have had their claims previously disposed of may be seeking leave to reopen, and that request for leave to reopen is considered at the Appeal Division before the claim begins to go through the process of consideration by the various levels.

Therefore, there will be a peak load, as we see it, in two places at the Department and at the Appeal Division; but the Appeal Division peak load will be confined to requests, "May we please reopen our cases".

Mr. Laniel: Yes, but will they not need authorization from the department's adjudication board before it goes to appeal?

Mr. Hodgson: Old cases where the applicant is seeking leave to reopen his case, would go straight to the Appeal Division for that leave and then if leave were given the case would be considered at the various levels.

Mr. Laniel: What priority will you give though to the new applications or to the appeals following new application? Will they get priority over the old ones? I ask that because I imagine you will be getting so many cases reopened at the Appeal Division that you will be flooded and will have to establish some kind of priority?

Mr. Hodgson: The new cases of course do not need to go to the Appeal Division for leave to reopen.

Mr. Laniel: And would those new cases which need to go and have not been allowed by the department get a priority over the others?

Mr. Hodgson: Well the matter of the administrative arrangements has not really been worked out in detail yet nor, for that matter, have the precise provisions of the bill itself. We do contemplate that during the early years it will be necessary to have some

[*Interpretation*]

puisque la réclamation sera accordée et que l'ancien combattant recevra la pension. Êtes-vous d'accord là-dessus?

M. Hodgson: Monsieur le président, d'après notre façon de voir les choses, le surcroît de travail échoira à deux endroits en même temps. Les deux déclarations sont exactes. Les demandes qui sont faites pour la première fois arriveront à la Direction des pensions, au sein du ministère des Affaires des anciens combattants, et nous nous attendons à des demandes très nombreuses. De même, ceux dont les réclamations ont déjà été rejetées demanderont peut-être qu'elles soient examinées de nouveau, et ces demandes seront étudiées à la Division des appels avant que la réclamation passe par les divers niveaux pour y être étudiée de nouveau.

Il y aura donc, d'après nous, un surcroît de travail à deux endroits, soit au ministère et à la Division des appels; mais le surcroît de travail, à ce dernier endroit, se limitera à la requête suivante: «Pourrions-nous faire examiner de nouveau notre cause?».

M. Laniel: Oui, mais ne leur faudra-t-il pas l'autorisation du conseil d'arbitrage du ministère avant de passer à la Division des appels?

M. Hodgson: Les anciennes causes où le requérant demande la permission de faire examiner sa cause de nouveau iraient directement à la Division des appels en vue d'une telle permission et, si la permission est accordée, la cause serait ensuite étudiée aux divers niveaux.

M. Laniel: Toutefois, quelle priorité accorderez-vous aux nouvelles demandes ou aux appels qui suivront les nouvelles demandes? Passeront-elles avant les anciennes? Si je vous pose cette question, c'est que j'imagine que vous serez inondés de causes examinées de nouveau à la Division des appels et que vous devrez donc établir quelque ordre de priorité.

M. Hodgson: Il va de soi que les nouvelles causes n'ont pas besoin d'aller à la Division des appels en vue de la permission d'être examinées de nouveau.

M. Laniel: Les nouvelles causes qui doivent y aller et qui n'ont pas été autorisées par le ministère jouiront-elles d'une priorité par rapport aux autres?

M. Hodgson: La question des dispositions d'ordre administratif n'a pas encore été élaborée dans tous les détails, ni même les dispositions bien précises du projet de loi lui-même. Nous songeons vraiment qu'au cours des premières années, il faudra des principes direc-

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guidelines as to which kinds of cases should be treated first, second and third.

Mr. Laniel: This may be political but what will be the authority of the Minister over the Directorate of Pensions? Will it be mainly an administrative authority or will cases be referred to him?

Mr. Hodgson: Of course the Minister is responsible.....

Mr. Laniel: But it may be different now under the present system.

Mr. Hodgson: The Minister of course is responsible for the operation of his department, that is a firm and inescapable responsibility, however with the two systems of higher adjudication provided by legislation I would speculate that a minister probably would not become too involved with the actual substance of a particular application.

Mr. Laniel: I hope not. Thank you.

The Chairman: Mr. Peters.

Mr. Peters: Mr. Chairman, I am interested in the question Mr. Groos raised. I agree with him in that if, in changing this legislation, we have changed the fundamental position of the Pension Commission itself then there will be an immense number of appeals. If we in fact have said, for instance, that the "benefit of the doubt" clause is now applied in a different way than it was previously, there again could be a lot of appeals come through the departmental structure. In other words there would be a rehearing because of a change in interpretation.

Mr. Hodgson: There would only be a rehearing if leave to reopen was given in such cases.

Mr. Peters: Frankly, I do not see that leave would need to be given in this particular case because you have changed the criterion. The decision was not made on this criteria, it was made on former criteria, and as the criteria changes then obviously the case is changed and your adjudication should be different. Now if we use the appeal procedure to allow this change in interpretation we will get one heck of a flood and every one of these people

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are going to say that the benefit of the doubt as it applied before is different than the bene-

[*Interprétation*]

teurs pour déterminer quelles causes passeront en premier, en deuxième et en troisième lieu.

M. Laniel: Il s'agit peut-être d'une question de caractère politique, mais quelle autorité le ministre aura-t-il sur la Direction des pensions? Son autorité sera-t-elle avant tout de caractère administratif, ou bien si des causes lui seront soumises?

M. Hodgson: Naturellement, le ministre est responsable...

M. Laniel: Mais ce sera peut-être différent en vertu du régime actuel.

M. Hodgson: Naturellement, le ministre est responsable du fonctionnement de son ministère: c'est là un principe absolu, mais toutefois, étant donné les deux régimes d'arbitrage supérieur que prévoit la législation, je serais porté à croire que le ministre n'aurait pas à s'occuper trop à fond du contenu de telle ou telle demande en particulier.

M. Laniel: J'espère que ce sera tel que vous le dites. Je vous remercie.

Le président: Vous avez la parole, monsieur Peters.

M. Peters: Monsieur le président, la question qu'a posée M. Groos m'intéresse. Je suis d'accord avec lui quand il dit que si les modifications apportées à la législation modifient l'attitude fondamentale de la Commission des pensions elle-même, il en résultera un nombre d'appels très, très élevé. Si, de fait, nous disons, par exemple, que la clause relative au «bénéfice du doute» s'applique maintenant de façon différente du passé, il est bien possible qu'un grand nombre d'appels soient adressés au ministère. Autrement dit, le changement d'interprétation susciterait des demandes de nouvel examen.

M. Hodgson: Il n'y aurait de nouveaux examens que si la permission était accordée dans des causes de ce genre.

M. Peters: Je ne vois vraiment pas qu'il faudrait accorder une permission dans ces cas en particulier du fait que le critère a été modifié. La décision n'a pas été prise d'après ce critère mais plutôt d'après un critère antérieur, et puisque le critère change, la cause elle-même change elle aussi, évidemment, et l'arbitration devrait être différente. Si nous employons la procédure d'appel pour permettre ce changement d'interprétation, nous

serons inondés de demandes, et chaque requérant dira que le principe du «bénéfice du

[*Text*]

fit of the doubt now, that their case is different and therefore we should have a look at it again.

Now in respect of compensation in Ontario —a disease that they are playing with now is emphysema—as more is learned about a disease and its relation to certain types of work and certain hazards a decision is made to review such cases and they are all sent back and looked at again under a kind of a review. This does not need an appeal because there is a new interpretation placed on it. Occasionally a new chemical or a new washing process not used before will create new forms of dermatitis and they look at the industries that are using this type of process and reprocess such cases automatically. When they do this it eliminates all this business of everybody going through an appeal. If we are not going to do that I see no justification for the Commission turning down every appeal based on the benefit of the doubt. If we do that then it seems we are asking for one hell of a lot of work. I agree with Mr. Groos, that it is going to take a lot of people. Maybe we should be looking at this in a totally different way. If we have really changed our thinking in respect of the benefit of the doubt then we should review the cases that were based on that. A question was asked yesterday, on how many cases were decided on the benefit of the doubt and if the whole appeal structure had applied the benefit of the doubt. That was a good question. I think we really should have some kind of an answer as to how many of the cases this would apply to directly, because it seems to me we would be foolish to set up a new type of machinery, its only purpose being to do what we apparently are doing in the proposed legislation, that is changing some of the criteria. We should not be setting up appeal machinery to go back into that, we should be able to do that interdepartmentally.

Mr. Ward: Mr. Chairman, the course obviously is that, theoretically, every person who has had an adverse Appeal Board decision in the past can appear before the new appellate division seeking leave to reopen. He would not require such leave, as you know, in cases of new conditions or in cases where his claim may be affected by some of the substantive changes in the law in the nature of presump-

[*Interpretation*]

doute», comme on l'appliquait auparavant, est différent du principe et de l'application actuels, que leur cas est différent et qu'on devrait donc procéder à l'examiner de nouveau.

Quant aux indemnités versées en Ontario, une maladie dont il est beaucoup question, en ce moment, c'est l'emphysème; au fur et à mesure que l'on en connaît davantage sur une maladie, et comment elle se rattache à certains genres de travaux et à certains dangers, on décide de revoir de tels cas, qui sont retournés et font l'objet d'un nouvel examen. Il n'est pas nécessaire de faire appel du fait qu'il y a une nouvelle interprétation. Il peut arriver, à l'occasion, qu'un nouveau produit chimique ou qu'une nouvelle méthode de lavage qui n'avait pas encore été utilisée puissent engendrer de nouvelles formes de dermatite; on étudie alors les industries qui utilisent ces méthodes, et automatiquement, les cas sont étudiés de nouveau. En agissant de la sorte, on élimine tous les appels. Si nous ne faisons pas de même, je ne vois pas pourquoi la Commission rejetterait tous les appels qui reposent sur le «bénéfice du doute». Si nous agissons de la sorte, il me semble que nous allons demander une somme de travail énorme. Je conviens avec M. Groos qu'il faudra un personnel très nombreux. Il nous faudrait peut-être adopter une optique tout à fait différente. Si nous avons vraiment changé d'idée au sujet du bénéfice du doute, nous devrions alors revoir les causes qui reposaient sur ce principe. On a demandé, hier, combien de causes étaient jugées d'après le bénéfice du doute et si toute la structure elle-même des appels avait tenu compte de ce principe. C'était une bonne question à poser. J'estime qu'il nous faudrait une réponse quelconque à la question de savoir à combien de causes ce principe s'appliquera car, me semble-t-il, il serait peu intelligent de mettre sur pied un nouveau genre d'organisme dont le seul but serait de faire ce que nous faisons apparemment dans la législation proposée, soit de changer certains critères. Il ne faudrait pas prévoir de nouvelles dispositions d'appels pour arriver à cette fin puisque nous devrions être capables de le faire entre les départements.

M. Ward: Monsieur le président, la tendance évidente est qu'en théorie, toute personne dont l'appel a été rejeté par le passé peut se présenter devant la nouvelle Division des appels et demander l'autorisation de faire examiner de nouveau sa cause. Une telle autorisation, comme vous le savez, ne serait pas nécessaire dans les causes où de nouvelles conditions interviennent ou dans les causes où les réclamations peuvent être touchées par

[*Texte*]

tions. I do not see the benefit of the doubt and I might be going a little out on a limb on this—in the same light as a basic change in the grounds for pension in the substantive law, I see it more as a clarification or a crystalizing of the present benefit of the doubt system. As I mentioned, everybody can seek leave but we do not anticipate this. In the past it has by and large been traditional that when there has been a change in legislation you still must seek leave to reopen if you are now seeking reconsideration of a claim previously dealt with by the final adjudicating authority. Again, there may be a flood, on the other hand there may not be too many.

Of course the Veterans Bureau will have the role, and it is not always a pleasant one, of telling people the facts, that in our opinion they have a case or do not have a case and stating quite clearly why, in our opinion, they do not have one. If a man does not in fact have a case there is no reason that he should not be told so. I would like to believe that many of the applicants will accept our view and, of course, having the advantage in the new system of some aura of independence they may be more willing to accept our unbiased view. I think that would tend to sift

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out some of these completely hopeless things. We are going to get them, but if we left the door wide open and said that everyone now has the right to claim for anything that had been previously turned down at the appeal level then of course you might be in the same situation of again being flooded.

Mr. Peters: Mr. Chairman, could I ask another question? I presume you are at the departmental level; you are not on the Canadian Pension Commission?

Mr. Hodgson: Mr. Ward is Chief Pensions Advocate within the Department.

Mr. Peters: I never could understand what the devil the advocate department did, or how it really fitted in. I do not say that unkindly. It appears to me that the departmental people are rather divorced fom the commission. I gathered from the discussion

[*Interprétation*]

certaines modifications importantes apportées à la loi et donnant lieu à des présomptions. Je ne vois pas le bénéfice du doute—et je m'aventure peut-être un peu loin en parlant ainsi —comme un changement fondamental apporté aux raisons des pensions que comporte la loi elle-même, mais plutôt comme un éclaircissement ou une cristallisation de notre régime actuel du bénéfice du doute. Comme je l'ai déjà dit, tout le monde peut demander l'autorisation, mais nous ne nous y attendons pas. Par le passé, ce qui s'est produit le plus souvent et dans la plupart des cas, c'est que, quand les lois ont été modifiées, il fallait quand même l'autorisation pour obtenir un nouvel examen si l'on voulait faire étudier de nouveau une réclamation qui avait déjà fait l'objet d'une décision de l'arbitre de dernière instance. Je répète qu'il est possible que l'on soit inondé de demandes, mais, par ailleurs, il est bien possible également qu'il n'y en ait pas trop.

Évidemment, c'est le Bureau des vétérans qui aura le rôle de dire aux gens les faits tels qu'ils sont, rôle qui n'est pas toujours agréable: il faudra leur dire qu'ils ont matière à cause ou qu'ils n'en ont pas et leur dire clairement pourquoi ils n'en ont pas. Si un individu n'a pas vraiment matière à cause, il n'y a pas de raison de ne pas le lui dire. J'aime à croire que plusieurs requérants accepteront nos idées et, cela va de soi, comme ils pourront bénéficier, grâce au nouveau régime, d'un certain degré d'indépendance, ils consentiront peut-être à adopter nos idées qui sont libres de tout préjugé. Je crois que ce procédé contribuera à éliminer les cas désespérés, mais il s'en présentera quand même; toutefois, si nous laissons la porte grande ouverte et si nous proclamons que tout le monde a maintenant le droit de faire toutes les réclamations qui avaient déjà été rejetées au niveau des appels, ce sera, encore une fois, le déluge.

M. Peters: Monsieur le président, puis-je poser une autre question? Je suppose que vous êtes au niveau du ministère et que vous ne faites pas partie de la Commission canadienne des pensions?

M. Hodgson: M. Ward est l'avocat en chef des pensions au sein du ministère.

M. Peters: Je n'ai jamais trop bien compris ce que diable peut faire le Bureau des avocats ou comment il s'insère dans l'ensemble. Je le dis sans malice. Il me semble que les fonctionnaires du ministère se trouvent isolés de la Commission.

[*Text*]

we had with the Minister yesterday that there were certain changes that would have a bearing on a number of cases. It is difficult to say how many, but can some of these cases not be reassessed? Let me use an example. I do not know much about the army, but they use this Pulhems system, I believe it is, as their criteria. A man goes into the army with an A-1 category in Pulhems. During the period he is rated 4-F, which I understand is pretty bad. He wants to get out, and to get out he has to be rated A-1 again; so he goes out with an A-1 rating again, but this 4-F is still in existence. I understood from yesterday's discussion that the situation has now changed and that he does not have to prove that he was 4-F. You have to prove that he was not 4-F; and obviously from his army record he was. The benefit of the doubt now is going to be in his favour; previously it was not. Why did he get out A-1? He got out A-1 because he wanted to go home. Is this not changed, and will the Department not review some of these?

Mr. Ward: Mr. Chairman, under the proposal it is anticipated that leave to reopen will not be required in the type of case you have illustrated because it is one in which there has been the introduction in the new bill, of a presumption in favour of the applicant, I expect. The presumption will be in the nature of acceptance of fitness on enlistment as the documents on enlistment indicate.

Because that is a new presumption leave to reopen would not be required and I would think that when such a person's claim was examined for the first time by the new Directorate of Pensions the mere fact that the man had a condition which, by its very nature, was pre-enlistment in origin, may, without any further evidence, result in that type of case and many others getting rather instant entitlement.

Mr. Peters: Can we have an estimate of how efficient our records would be to sort this out? Will the Department be able to handle some of this without going through the Appeal Division?

[*Interpretation*]

La conversation que j'ai eue, hier, avec le ministre m'a laissé l'impression que certaines modifications pourraient affecter un certain nombre de causes. Il n'est pas facile de dire combien, mais ne serait-il pas possible d'évaluer un certain nombre de ces causes? Par exemple, même si je ne connais pas grand-chose au sujet de l'armée, je sais qu'on y emploie le système Pulhems comme critère. Un individu entre dans l'armée, dans la catégorie A-1 d'après le système Pulhems. Pendant qu'il y est, il tombe dans la catégorie 4-F, qui, si je comprends bien, est très basse. Il désire sortir de l'armée mais, pour ce faire, il lui faut être réadmis dans la catégorie A-1; il quitte donc l'armée avec la catégorie A-1, encore une fois, mais la catégorie 4-F est toujours là. J'ai cru comprendre, à la suite de la discussion d'hier, que la situation a été modifiée et qu'il n'a pas à prouver qu'il était dans la catégorie 4-F. Il faut prouver qu'il n'était pas dans cette catégorie même si son dossier militaire ne laisse aucun doute là-dessus. Le bénéfice du doute va jouer, à l'avenir, en sa faveur, ce qui n'était pas le cas auparavant. Pourquoi est-il sorti avec la catégorie A-1? Parce qu'il voulait s'en aller chez lui. Cela n'a-t-il pas été modifié et le ministère ne reverra-t-il pas certaines de ces causes-là?

M. Ward: Monsieur le président, grâce à la proposition qui a été mise de l'avant, on prévoit que l'autorisation d'un nouvel examen ne sera pas nécessaire dans le genre de causes que vous avez mentionnées, car le nouveau projet de loi, pour ce genre de causes, renferme une clause en faveur du requérant, je l'espère du moins. Cette présomption sera sous forme d'acceptation de la bonne santé physique au moment de l'enrôlement, comme en font foi les documents relatifs à ce moment-là.

Parce qu'il s'agit d'une nouvelle présomption, l'autorisation d'un nouvel examen ne sera pas nécessaire et je suis porté à croire que lorsque la réclamation de cet individu sera étudiée pour la première fois par la nouvelle Direction des pensions, le simple fait qu'il souffrait d'une maladie dont la nature remontait à la période antérieure à son enrôlement lui permettrait, sans autre preuve, d'être admissible immédiatement, et la même situation s'appliquerait à beaucoup d'autres causes.

M. Peters: Pourriez-vous nous dire quelle pourrait être l'efficacité de nos dossiers pour faire un tel triage? Le ministère sera-t-il en mesure de régler certaines de ces affaires sans avoir à s'en remettre à la Division des appels?

[*Texte*]

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Mr. Ward: The Department, of course, will have assigned to it the present staff of the Canadian Pension Commission, excluding those mentioned in the White Paper—the Commissioners and a few others. Certainly, in my opinion, they are highly competent to deal with this sort of thing. Part of their daily existence is looking through medical records and service documents. They are quite proficient at this sort of assessment.

The Chairman: A number of others have indicated they have questions, Mr. Peters. Mr. Groos again.

Mr. Guay (St. Boniface): On the same subject Mr. Chairman, may I ask a supplementary question? May it not be that we are creating a great deal of false hope amongst certain applicants who have been turned down? They may believe that they can add to the evidence they already have produced on previous applications only to have their reapplication turned down at the Department level.

Mr. Ward: Mr. Chairman, of course, hope springs eternal and I dare say that when the veteran population becomes aware of the presumption they may very well become hopeful. It is not advanced with the idea of creating false hopes and I hope they will understand this. Some of them will be bitterly disappointed, I dare say, and others possibly pleasantly surprised.

At least it is a step forward in acceptance of the principle that you are fit on enlistment if your documents so indicate. This presumption is surrounded by various ways of rebutting it, as mentioned in the White Paper. I dare say in many cases the presumption will be rebutted and the applicant will be no farther ahead than he is now; but there will be a fair number, I should expect, who will benefit from the provision.

Mr. Bigg: I have a supplementary question on this point. Is it not true that over the years the Canadian Pension Commission has in fact generally used Section 70 in what we consider to be the proper way, and that the cases where they have not been given the benefit of the doubt are not as numerous as the present conversation would tend to imply? Personally, from the experiences I have had—and I have had complaints, too, as have other Members of Parliament—has not the Canadian Pension Commission generally used Section 70 in the

[*Interprétation*]

M. Ward: Le ministère s'adjoindra le personnel actuel de la Commission canadienne des pensions, à l'exclusion des individus mentionnés dans le Livre blanc, des commissaires et de quelques autres. Je suis d'avis qu'ils possèdent certainement toute la compétence voulue pour ce genre de travail. Ils passent une partie de leurs journées à examiner les dossiers médicaux et les documents relatifs au service. Ils sont très bien qualifés pour ce genre d'évaluation.

Le président: Plusieurs autres personnes ont laissé entendre qu'elles avaient des questions à poser, monsieur Peters. Vous avez la parole de nouveau, Monsieur Groos.

M. Guay (Saint-Boniface): Sur le même sujet, monsieur le président, puis-je poser une question complémentaire? Ne pensez-vous pas que nous sommes peut-être à susciter beaucoup de faux espoirs chez certains requérants dont les demandes ont été rejetées? Ils croiront peut-être qu'ils n'auront qu'à ajouter de nouvelles prevues à leurs demandes soumises précédemment, mais ils devront constater que leurs nouvelles demandes sont de nouveau rejetées, cette fois-ci, au niveau du ministère.

M. Ward: Monsieur le président, l'espoir est intarissable et j'ose dire que lorsque les anciens combattants prendront connaissance de la présomption, ils déborderont d'espoir. Notre but n'est pas de susciter de faux espoirs et j'espère que tous le comprendront. Certains seront amèrement déçus tandis que d'autres auront peut-être d'agréables surprises.

Du moins, il s'agit d'un pas de plus en vue de l'acceptation du principe qu'un individu est en bonne santé lors de l'enrôlement si les documents l'attestent. Cette présomption s'accompagne de divers moyens d'être réfutée, comme l'indique le Livre blanc. J'ose dire que, dans plusieurs cas, la présomption sera réfutée et que le requérant ne sera pas plus avancé qu'il ne l'est présentement; d'autre part, il y en aura un bon nombre, j'imagine, qui profiteront de la nouvelle disposition.

M. Bigg: J'ai une question complémentaire à poser à ce sujet. N'est-il pas vrai qu'au cours des années passées, la Commission canadienne des pensions a vraiment utilisé l'article 70, en général, de la façon que nous estimons être la bonne et que les causes qui n'ont pas joui du bénéfice du doute ne sont pas aussi nombreuses que notre discussion actuelle pourrait le laisser entendre? Quant à moi, d'après ma propre expérience, et j'ai reçu des plaintes, moi aussi, tout comme d'autres députés, je me demande si la Commission

[*Text*]

broadest sense in favour of the veteran? It is only where there has been a narrow interpretation of Section 70 that any clarification has been considered necessary. I think perhaps we are exaggerating the case at the present time.

Mr. Ward: Mr. Chairman, many people would disagree with my opinion, but I have been professionally involved in presenting many hundreds of cases over the years, and certainly in my view the benefit of the doubt has been very generously applied; that is, when you consider what is required by way of proving a case in a normal court of law. Then you enter into the quasi-judicial pension system and you find that you are unable to prove conclusively that one medical condition is related to another and so forth. The Commission, as I see it, has generously applied this provision. But there are always cases...

Mr. Bigg: Yes; I know.

Mr. Ward: ...that become notorious, and mistakes are made.

The Chairman: I have allowed two supplementary questions on this point and I have the names of four others on my list—Mr. Groos, Mr. MacRae, Mr. Weatherhead and Mr. Laniel. Mr. Groos.

Mr. Groos: I have already asked a set of questions, Mr. Chairman. I will defer the rest until others have had their turn.

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The Chairman: Mr. MacRae?

Mr. MacRae: I would like to make a suggestion at this point, Mr. Chairman. I have been especially interested in the Appeal Division which would seem to be the major area of interest to most of the members of the Committee.

Mr. Groos suggested a little earlier that there would be a flood of applicants before the Appeal Division. I would think not. I think the great bulk of work in this area will fall on two people—Mr. Ward in the Veterans' Bureau and Mr. MacFarlane of the Royal Canadian Legion and the other service bureaus that operate in this area. Before they can present the case, as the Deputy has pointed out, there must be, for the most part, additional evidence produced which would be up to Mr. Ward, Mr. MacFarlane and whoever else is the veteran's advocate who are, of

[*Interprétation*]

canadienne des pensions n'a pas, en général, utilisé l'article 70, pris dans son sens le plus large, en faveur des anciens combattants. Ce n'est que lorsque l'article 70 a fait l'objet d'une interprétation étroite que des éclaircissements ont été jugés nécessaires. Je crois que nous exagérons peut-être quelque peu en ce moment.

M. Ward: Monsieur le président, plusieurs seront en désaccord avec moi, mais, au cours des ans, j'ai eu l'occasion d'être mêlé à la présentation de plusieurs centaines de causes, de par ma profession, et je suis convaincu que le bénéfice du doute a été appliqué avec une grande générosité; surtout si l'on examine les exigences d'une cour ordinaire de justice en matière de preuve. Quand il s'agit du régime de pension qui est un régime quasi judiciaire, on découvre qu'on est incapable de prouver de façon concluante qu'un état de santé se rattache à un autre, et ainsi de suite. La Commission, à mon avis, a fait preuve de générosité en appliquant cette disposition. Mais il se présente toujours des cas...

M. Bigg: Oui, je sais.

M. Ward: ...qui deviennent bien connus, et il se commet des erreurs.

Le président: J'ai autorisé deux autres questions sur ce sujet, et j'ai quatre autres noms sur ma liste, soit les noms de MM. Groos, MacRae, Weatherhead et Laniel. Vous avez la parole, monsieur Groos.

M. Groos: J'ai déjà posé plusieurs questions, monsieur le président. Je poserai celles qui restent après que les autres auront eu leur tour.

Le président: Monsieur MacRae?

M. MacRae: Monsieur le président, j'aimerais en ce moment faire une suggestion. La Division des appels m'intéresse tout spécialement et il semble que ce soit elle qui intéresse le plus aussi la plupart des membres du Comité.

Il y a quelques instants, M. Groos a laissé entendre qu'il y aurait une pléthore de requérants devant la Division des appels. Je ne suis pas du même avis. Je crois plutôt que le plus gros de la tâche échoira à M. Ward, au Bureau des vétérans, et à M. MacFarlane, de la Légion canadienne et aux autres bureaux qui s'occupent de ces questions. Avant qu'ils puissent présenter leur cause, comme l'a souligné l'avocat adjoint, il faut qu'ils produisent surtout des preuves supplémentaires, qui incomberont à M. Ward, à M. MacFarlane et à quiconque se trouve être l'avocat des anciens

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course, the best two people to do this type of thing. This is where the great burden of work will fall right at the start and certainly for some considerable period. I wanted to make that observation.

Secondly, I wanted to agree with Mr. Ward on the last point he brought up a few moments ago. My own experience in the area of the benefit of the doubt has been that for the most part the Commission has been fair and generous in this particular section. I know that this will not be agreed with by a great many people, especially those whose cases have been denied, but I would repeat that in the cases I have taken—I have had a great many over the years as I have been deeply interested for 24 years in this particular area—I cannot complain about that particular section. Thank you.

The Chairman: Mr. Weatherhead.

Mr. Weatherhead: Yes, Mr. Chairman, I apologize for being late. I was tied up in my office for a while and I think a couple of these things may have been covered previously, but since I gather we may not get the transcripts for a couple of days or so perhaps you could bear with me for a moment. I believe Mr. Hodgson may have made some reference to my question yesterday on what the estimated cost would be for a separate pension's appeal board. I wonder if that is the case and if not, could you briefly bring me up to date.

Mr. Hodgson: Yes, Mr. Chairman, I pointed out, as the Minister said yesterday, that cost was not the only consideration and as the Minister also said if one can achieve the objective without making an expenditure so much the better. But that being said, we have estimated that the additional cost involved in an independent pension's appeal board would be of the order of $500,000 a year.

Mr. Weatherhead: Mr. Chairman, following up the recent discussion this morning on the benefit of the doubt clause, as mentioned, I think, by most of our members who have been speaking in the last half hour or so, I wonder, Mr. Ward, if in the reasons for judgment of the present appeal system there is ever any mention of the benefit of doubt as being applied, as not being applied or this sort of thing?

Mr. Ward: Mr. Chairman, many years ago there was not a great deal of mention in reasons for decision about benefit of the

[*Interprétation*]

combattant: ce sont les gens les mieux qualifiés pour ce genre de travail. C'est sur eux que retombera la plus lourde tâche dès le début et même durant un temps assez considérable. C'est la remarque que je voulais faire.

En second lieu, je désirais manifester mon accord avec M. Ward au sujet de la question qu'il a soulevée, il y a quelques instants. D'après ma propre expérience en matière de bénéfice du doute, j'estime qu'en général, la Commission a été juste et généreuse à cet égard. Je sais que bien des gens ne seront pas de notre avis, surtout ceux dont les causes ont été refusées, mais je répète que dans les causes dont je me suis occupé, et elles sont nombreuses, car la question m'intéresse depuis 24 ans, je répète donc que je n'ai rien à dire contre cet article en particulier. Je vous remercie.

Le président: Monsieur Weatherhead.

M. Weatherhead: Oui, monsieur le président, je vous prie d'excuser mon retard. J'ai été retenu à mon bureau pendant un certain temps et je crois qu'une ou deux de ces questions ont peut-être été déjà traitées, mais puisque j'ai l'impression que le compte rendu ne nous parviendra pas avant un jour ou deux, je vous demande de bien vouloir m'endurer un instant. M. Hodgson a peut-être fait allusion à la question que j'ai posée, hier, au sujet du coût prévu d'un Bureau des pensions distinct. Je me demande s'il a répondu à cette question et s'il ne l'a pas fait, pourriez-vous me donner les derniers renseignements en quelques mots?

M. Hodgson: Oui, monsieur le président, j'ai signalé, comme l'a dit, hier, le ministre, que le coût n'était pas la seule chose à considérer, et comme le ministre l'a également dit, si l'objectif peut être atteint sans qu'il y ait des dépenses à faire, tant mieux. Cela dit, nous avons évalué le coût supplémentaire d'un Bureau autonome des pensions à environ 500,000 dollars par an.

M. Weatherhead: Monsieur le président, pour faire suite à la discussion de ce matin au sujet de l'article relatif au bénéfice du doute, tel que l'ont mentionné, je crois, la plupart des membres qui ont pris la parole au cours de la dernière demi-heure, je me demande, monsieur Ward, si, dans les raisons invoquées pour juger le régime d'appels actuel, il est fait mention que le bénéfice du doute s'applique ou ne s'applique pas, ou de choses semblables?

M. Ward: Monsieur le président, il y a plusieurs années, il n'était pas beaucoup question, dans les décisions rendues, du bénéfice

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doubt, but in the last few years I think it is safe to say that the vast majority of decisions indicate whether the benefit of the doubt is being invoked in order to award entitlement in any particular case. There is a great deal of reference to the benefit of the doubt in Commission decisions at all levels currently and there has been for quite a number of years in the past.

Mr. Weatherhead: Mr. Ward, if in the recent decisions that do grant awards they mention more frequently the benefit of the doubt being applied in favour of the veteran, in cases where the appeal was denied would they mention the benefit of the doubt in those cases also?

Mr. Ward: Mr. Chairman, they might and have mentioned in cases that have been declined at Appeal Board level also that notwithstanding the provisions of Section 70, which is the benefit of the doubt clause, as you know, they are unable to find their way clear to awarding entitlement. So it is men-

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tioned often when they award and very often when they decline.

Mr. Weatherhead: I would think, following up Mr. Peters' earlier questions, that surely in the appeals that have been declined that have mentioned benefit of the doubt as being taken into consideration, but not being sufficient still to let the appeal stand or be successful, we would have some record of those cases then that perhaps could be reviewed and in the light of the new guidelines see whether there might be some way that the leave to appeal might be suggested or that the veterans might be encouraged to appeal these particular cases.

Mr. Ward: Mr. Chairman, it may be very difficult to do what you suggest, sir. It is not impossible, but by and large—certainly the records of the Veterans' Bureau which we keep—we keep favourable decisions for the obvious reason that we want to refer to these when we have a similar case we are having difficulty with. We do not keep records of unfavourable cases because they are of no use or value to us and I would think that this would be true to a large extent with veterans organizations as well, although I cannot speak for them. One can search through every single file to produce this sort of information. There would be difficulties, as you can appreciate, in that approach, but it would not be impossible.

[*Interpretation*]

du doute, mais, ces dernières années, je crois qu'on peut dire avec certitude que la vaste majorité des décisions rendues mentionnent si oui ou non le bénéfice du doute entre en ligne de compte en vue d'accorder l'admissibilité à tel ou tel cas en particulier. Il y a actuellement beaucoup d'allusions au bénéfice du doute dans les décisions rendues par la Commission, à tous les paliers, et cela se fait depuis plusieurs années.

M. Weatherhead: Monsieur Ward, si, dans les décisions récentes qui ont été rendues et qui accordaient l'admissibilité, il est mentionné plus souvent que le bénéfice du doute s'appliquait en faveur des anciens combattants, dans les causes où l'appel a été refusé, le bénéfice du doute est-il mentionné dans celles-là aussi?

M. Ward: Monsieur le président, il est possible qu'on ait mentionné aussi, dans les causes qui ont été rejetées au niveau du Bureau des appels, que, nonobstant les dispositions de l'article 70 qui a trait au bénéfice du doute, comme vous le savez, on ne peut trouver de raisons de justifier l'admissibilité. L'admissibilité est donc souvent mentionnée, de même que, très souvent, le refus.

M. Weatherhead: Pour faire suite à une question antérieure de M. Peters, je serais porté à croire que si, dans les appels qui ont été rejetés, il est mentionné que le bénéfice du doute est entré en ligne de compte mais que ce n'était pas suffisant pour faire accepter l'appel, je serais donc porté à croire, dis-je, que nous devrions certainement posséder des dossiers sur ces causes-là, qui pourraient être revues et, à la lumière des nouveaux principes directeurs, nous devrions voir s'il n'y aurait pas moyen de proposer l'autorisation d'en appeler ou d'encourager les anciens combattants à porter leurs causes en appel.

M. Ward: Monsieur le président, votre suggestion serait peut-être très difficile à réaliser. Elle n'est pas impossible à réaliser, mais il est indubitable que, dans la très grande majorité des dossiers que nous gardons au Bureau des vétérans, les décisions rendues ont été favorables pour la raison, évidente par elle-même, que nous voulons nous y reporter lorsque se présentent des difficultés du même genre. Nous ne conservons pas de dossiers des décisions contraires car ils n'ont aucune valeur ou utilité pour nous, et je serais porté à croire que cela s'applique aussi, dans une large mesure, aux associations d'anciens combattants, bien que je ne puisse parler en leur nom. On peut fouiller dans tous les classeurs pour trouver ce genre de renseignements. Il y

[*Texte*]

Mr. Weatherhead: Would the veteran have a copy of the reasons for judgment?

Mr. Ward: Yes, sir.

Mr. Weatherhead: If it were made public or semi-public and if in looking over his reasons for judgment there is some reference to the benefit of the doubt not being sufficient to award the appeal, could it not be suggested publicly that he might see the local pensions' advocate to ask for some advice?

Mr. Ward: Mr. Chairman, I am not exactly a PR man, but I have found from experience that when there is new legislation introduced in the pension field there is some publicity given and undoubtedly there would be some reference in the Legion's organ and other publications. I believe that generally the new provisions will be reasonably well publicized and veterans will have no difficulty by and large of becoming aware of these changes and where to go to seek advice and assistance.

Mr. Weatherhead: I suppose, Mr. Chairman, as Mr. MacRae and Mr. Bigg, I believe, have stated it may be more to the point to ask Mr. Ward whether there is any real difference in his opinion in the suggested guidelines that have been suggested be written into a new act from the present practice as far as benefit of the doubt is concerned. In your opinion are we making a real improvement here or are we just putting down in writing what is presently the case?

Mr. Ward: Mr. Chairman, as you know, sir, there were many people who appeared before the Woods Committee who including some of the members present gave their interpretation of Section 70. There was a large variety of interpretation and yet many people in positions of authority have said in the past that Section 70 was crystal clear. I like to think the proposal will help the adjudicating authority and certainly the applicant's representative to clarify his approach in the case and be almost a step-by-step system to help him really to implement the spirit and intent of that particular section. But, again,

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who is to say whether many members and others will have their own interpretation.

[*Interprétation*]

aurait des problèmes, comme vous le comprenez bien, dans cette manière de faire, mais ce ne serait pas impossible.

M. Weatherhead: L'ancien combattant reçoit-il une copie des raisons qui ont motivé le jugement?

M. Ward: Oui, monsieur.

M. Weatherhead: Si le jugement était rendu public ou semi-public, et si, en examinant les raisons du jugement, l'ancien combattant découvre une allusion au bénéfice du doute qui n'aurait pas été suffisant pour accorder l'admissibilité, ne pourrait-il pas être proposé publiquement qu'il pourrait consulter l'avocat local des pensions et lui demander conseil?

M. Ward: Je ne suis pas exactement ce qu'on appelle agent des relations publiques, mais l'expérience m'a appris que lorsque de nouvelles mesures législatives sont présentées en matière de pensions, on leur fait de la publicité et il n'y a pas de doute qu'on en ferait mention dans le journal de la Légion, de même que dans les autres publications. Je pense qu'en général, les nouvelles mesures feront l'objet d'une assez grande publicité et que les anciens combattants n'auront pas de difficultés, dans l'ensemble, à prendre connaissance de ces modifications et à savoir où aller pour obtenir conseils et aide.

M. Weatherhead: Je suppose, monsieur le président, comme M. MacRae et M. Bigg l'ont déclaré, je crois, qu'il serait peut-être plus pertinent de demander à M. Ward s'il existe vraiment une différence, à son avis, entre, d'une part, les principes directeurs qu'on a proposé d'insérer dans la nouvelle loi et, d'autre part, la pratique actuelle en ce qui a trait au bénéfice du doute. D'après vous, s'agit-il d'une véritable amélioration, ou bien ne faisons-nous que mettre par écrit dans la loi ce que nous faisons présentement?

M. Ward: Monsieur le président, comme vous le savez, bien des personnes ont comparu devant le Comité Woods, y compris certains des membres ici présents, pour donner leur interprétation de l'article 70. Les interprétations ont beaucoup varié, même si des personnes haut placées ont dit, par le passé, que l'article 70 est clair comme de l'eau de roche. J'aime à croire que la proposition contribuera à aider l'arbitre et certainement aussi le représentant du requérant en vue d'éclaircir sa façon d'aborder la cause; j'aime à croire également qu'elle constituera un régime qui l'aidera presque pas à pas à mettre en pratique l'esprit et la lettre de cet article en particulier. Mais, encore une fois, qui pourrait dire

[*Text*]

There is always this chance, but I think it will help to clarify it.

Mr. Weatherhead: In your extensive experience, Mr. Ward, is it not your opinion that the benefit of the doubt clause has been interpreted by and large in the way that we are suggesting that it be written into new guidelines in a new act.

Mr. Ward: I am not sure, Mr. Chairman, that I could say it has been interpreted in that manner. Perhaps it has been applied on a rough rule of thumb system, but the effect has been, I think, rather good, However as you know, you do get cases where you need more than a general effect that has been created by implementation of this provision. You have to get down to specifics in an individual case and that may be where you have to give an interpretation. Certainly in my opinion the new proposal does clarify matters.

Mr. Weatherhead: Mr. Chairman, I do not know whether we are going to have the time later on to go into detail on the present situation with respect to appeal proceedings.

The Chairman: I think it is our intention to examine this in more detail. Mr. Ward is to be called formally as a witness to give some detail on this aspect. I think we are anticipating a little bit if you could just postpone your question.

Mr. Weatherhead: I will delay my question till then, thank you, Mr. Chairman.

Mr. Marshall: We have been meeting for two days now Mr. Chairman, are the different departmental heads going to be called on these questions?

The Chairman: The Committee is the master of its own agenda and decides what witnesses it wants to call.

Mr. Marshall: They say in the clause itself that the section is going to be rewritten and incorporated into guidelines and we cannot anticipate now what . .

The Chairman: Mr. Ward, I believe, has a statement which he is prepared to give later. I think he will provide more detail on just this aspect if you could defer.

[*Interprétation*]

si les membres, et d'autres encore, verront s'appliquer leur propre interprétation? Cela est toujours possible, mais je crois que la proposition aidera à éclaircir l'article.

M. Weatherhead: Étant donné votre grande expérience, monsieur Ward, n'êtes-vous pas d'avis que l'article relatif au bénéfice du doute à été interprété, dans une très grande mesure, de la façon suggérée, à savoir, l'insertion dans la nouvelle loi sous forme de nouveaux principes directeurs?

M. Ward: Je ne suis pas certain, monsieur le président, de pouvoir affirmer qu'il a été interprété de cette manière-là. Il a peut-être été appliqué de façon plus ou moins automatique ou routinière, mais je crois que l'effet en a été bon. Toutefois, comme vous le savez, il se présente des causes qui exigent plus qu'un effet général de l'application de cette disposition. Il faut descendre dans les détails des causes individuelles et c'est là qu'une interprétation peut devenir nécessaire. A mon avis, la nouvelle proposition contribue certainement à éclaircir les questions.

M. Weatherhead: Monsieur le président, je ne sais pas si nous aurons le temps par la suite d'entrer dans les détails relatifs à la situation actuelle des procésures d'appels.

Le président: Je crois que nous en avons l'intention. M. Ward sera officiellement convoqué comme témoin pour donner des détails à cet égard. Je pense que nous devançons un peu trop les événements, et je vous prierais de bien vouloir remettre votre question à un peu plus tard.

M. Weatherhead: J'attendrai donc que le moment opportun soit arrivé. Je vous remercie, monsieur le président.

M. Marshall: Il y a déjà deux jours que nous siégeons, monsieur le président, et j'aimerais savoir si les chefs de départements vont être convoqués pour discuter de ces questions?

Le président: C'est le Comité qui décide de son propre ordre du jour et des témoins qu'il désire convoquer.

M. Marshall: Il est écrit dans la clause elle-même que l'article sera rédigé de nouveau pour être inséré sous forme de principes directeurs; pourquoi ne pourrions-nous pas devancer quelque peu. . .

Le président: M. Ward, je crois, a une déclaration qu'il est disposé à faire un peu plus tard. Je pense qu'il fournira plus de détails sur cet aspect si vous voulez bien attendre encore un peu.

[*Texte*]

Mr. Laniel: Mr. Chairman, my question is more a point of clarification and it follows what Mr. MacRae said about the load that will be put on the pension advocates. If I am correct a claim will be referred to the Department, to the Directorate of Pensions for initial adjudication and after that, if it is not granted, it will go to the Entitlement Hearing Division.

My first question is: does a veteran need to be accompanied by an advocate of the Bureau of Pension Advocates to go before the Entitlement Hearing Division?

Mr. Hodgson: No, Mr. Chairman, he is at liberty to be represented by a member of the Veterans' Bureau, or he may be represented by someone from the bureaus that are in organizations such as the Canadian Legion, or he may elect to represent himself. He may, of course, have a private solicitor if he wants to.

Mr. Laniel: He may.

Mr. Bigg: Is he given any help for a private solicitor. Are there any fees at all for the private solicitors? Is he given any help?

Mr. Hodgson: The Department offers these services from the Department in the form of the Veterans' Bureau, but if people wish to use other facilities that is at their own expense.

Mr. Bigg: They do not supply any help whatever financially, say, on a scale of $10 a day or any nominal sum?

Mr Hodgson: Not if the veteran does not elect to use the free services that are already available within the Department.

Mr. Laniel: In the amendments that are to be put forward it is said that the role and function of the advocate would be redefined in the way that he would become more like a civilian solicitor, or normal solicitor, and his

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relation with the advocate would be the same as if it were a solicitor in general practice. In that case, what happens if a veteran goes to the Bureau of Pension Advocates and the advocate feels that he does not have a case. Can the Bureau refuse to take the case if the veteran insists?

[*Interprétation*]

M. Laniel: Monsieur le président, ma question porte surtout sur un éclaircissement et elle fait suite à ce qu'a dit M. MacRae du surcroît de travail qui incombera aux avocats des pensions. Si je comprends bien, une réclamation sera soumise au ministère, à la Direction des pensions, pour une première évaluation, et elle sera ensuite envoyée, si elle n'est pas accordée, à la Division de l'admissibilité.

Voici ma première question: un ancien combattant doit-il se faire accompagner d'un avocat faisant partie du Bureau des avocats des pensions pour se présenter devant la Division de l'admissibilité?

M. Hodgson: Monsieur le président, non, il n'y est pas obligé, puisqu'il est libre de se faire représenter par un membre du Bureau des vétérans, ou encore par quelqu'un qui fait partie des bureaux d'organismes tels que la Légion canadienne; il peut aussi choisir de se représenter lui-même; il peut enfin recourir à un avocat privé.

M. Laniel: Cela lui est permis.

M. Bigg: Reçoit-il de l'aide dans ce dernier cas? Cela comporte-t-il des frais quand il a recours à un avocat privé? L'ancien combattant reçoit-il de l'aide?

M. Hodgson: Le ministère offre ces services ministériels sous forme de Bureau des vétérans, mais si des gens désirent recourir à d'autres services, c'est à leurs propres frais.

M. Bigg: Aucune aide financière n'est accordée, par exemple, d'après un barème de 10 dollars par jour ou de toute autre somme symbolique?

M. Hodgson: L'ancien combattant ne reçoit pas d'aide financière s'il décide de ne pas avoir recours aux services gratuits que le ministère met à sa disposition.

M. Laniel: Les modifications proposées mentionnent que le rôle et la fonction de l'avocat feront l'objet d'une nouvelle définition qui rendra l'avocat plus semblable à l'avocat de la vie civile ou de la vie privée, et que les rapports de l'ancien combattant avec l'avocat seront les mêmes que si ce dernier était un avocat de pratique générale. Dans ce cas-là, qu'arrivera-t-il si un ancien combattant se présente au Bureau des avocats des pensions et que l'avocat estime qu'il n'y a pas matière à cause? Le Bureau peut-il refuser de se charger de la cause si l'ancien combattant insiste?

[*Text*]

Mr. Hodgson: The proposed act provides that the Bureau would give counselling service; that is to say, would advise the veteran whether in its judgment he had a good chance or a poor chance. After he has done that, if the veteran asks them to represent him notwithstanding, they would be obliged to represent him and to do the very best they could to win the case for him.

Mr. Bigg: I have a supplementary. Is there any chance to change your advocate? This is rare, but in one or two cases I have known there was a personality difference between the veteran and the advocate. This is rare, but I have known this case where the advocate obviously from the start perhaps feels that the veteran is shamming and so forth. Of course this is an impossible situation and if he does not have a choice between him and another advocate, he is lost before he gets to the Pension Board.

Mr. Ward: Mr. Chairman, unfortunately personality clashes do occur; fortunately not too often. We have been rather lucky in this field.

Mr. Bigg: I agree with that.

Mr. Ward: You would expect more than really exist. In cases where there is more than one advocate in a particular district, there is no problem. It is a matter for the District Pensions Advocate then to assign another one of his advocates, or take the case himself. In districts where there is only one advocate, of course there is a problem.

The solution is not always easy, but the man may very well seek advice from a veterans' organization, that may very well convince him, saying, "You have had a little trouble with your advocate. He is not a bad sort really. He has your interest at heart". Sometimes it is resolved in that manner, and sometimes it cannot be resolved. We have sent in another advocate in very, very special cases but there is no general rule or answer.

Mr. Bigg: I suggest that is not quite the situation when you are hiring your own lawyer. When you are hiring your own lawyer, he does not get paid or he does not get hired tomorrow if he does not satisfy you. I would like to see—I put it on the record—a little more flexibility in this line. Perhaps there should be some choice from a board of three. It may be a little more difficult, but it is very,

[*Interpretation*]

M. Hodgson: Le projet de loi dont il est question prévoira que le Bureau devra fournir un service de conseillers; c'est-à-dire qu'il dira à l'ancien combattant si, d'après le Bureau, il a de bonnes chances ou peu de chances. Cela fait, si l'ancien combattant demande quand même à être représenté par le Bureau, ce dernier y sera obligé et devra faire tout son possible pour gagner sa cause.

M. Bigg: Une autre question. Est-il possible de changer d'avocat? Cela est peu fréquent, mais dans une ou deux causes, j'ai su qu'il y avait conflit de personnalité entre l'ancien combattant et l'avocat. Cela arrive rarement, mais j'ai eu connaissance d'une cause où l'avocat, dès le début, estimait évident que l'ancien combattant usait de feintes. La situation devient alors impossible et si l'ancien combattant ne peut choisir entre cet avocat et un autre, sa cause est perdue avant même d'atteindre le Bureau des pensions.

M. Ward: Monsieur le président, il est regrettable que des conflits de personnalité se produisent, mais, heureusement, il ne s'en produit pas trop souvent. Nous avons été plutôt chanceux à ce propos.

M. Bigg: Je suis d'accord là-dessus.

M. Ward: On s'attendrait à ce qu'il y ait plus de conflits. Là où il se trouve plus d'un avocat dans un district en particulier, aucun problème ne se pose. Il incombe alors à l'avocat des pensions pour le district de nommer un autre de ses avocats ou de s'occuper de la cause personnellement. Dans les districts qui ne comptent qu'un seul avocat, cela pose évidemment des problèmes, dont la solution n'est pas toujours facile; l'individu peut toujours demander conseil à une association d'anciens combattants qui pourra peut-être le convaincre par ces mots: «Vous avez eu des difficultés à vous entendre avec votre avocat. Il n'est vraiment pas mauvais, et ne vous veut que du bien». Les choses s'arrangent parfois de cette façon-là mais, parfois, elles ne peuvent s'arranger. Nous avons délégué un autre avocat dans des cas très, très spéciaux, mais on ne saurait établir de règle générale ou donner une réponse qui vaut pour tous les cas.

M. Bigg: Je suis d'avis que la situation n'est pas tout à fait la même lorsqu'un individu a recours à son propre avocat. Dans ce cas-là, l'avocat ne reçoit pas d'honoraires ou n'est pas réengagé, le lendemain, s'il ne donne pas satisfaction. J'aimerais qu'il y ait plus de souplesse, à cet égard, et je désire que mes paroles figurent au compte rendu. On devrait peut-être choisir entre trois avocats. Ce sera

[*Texte*]

very serious to the individual veteran concerned that he is represented by a man of mutual co-operation. It is very distressing for the veteran to find himself in this situation.

The Chairman: Are there any comments? Mr. Legault, I think, has some questions.

Mr. Laniel: I am not quite finished.

The Chairman: Will you allow a supplementary?

M. Legault: Monsieur le président, ma question s'adresse au docteur Hodgson. Pour éclairer un peu un doute qui existe, est-ce que le docteur pourrait restructurer la nouvelle procédure de demande de pension pour un ancien combattant dont le cas fut déjà rejeté? D'après la nouvelle procédure, un ancien combattant veut représenter son cas. Est-ce que vous pourriez expliquer la nouvelle procédure et quand le cas est soit accepté pour être envoyé à la cour d'appel ou soit entièrement rejeté?

M. Hodgson: Oui. Si on a déjà rejeté son cas, il a le droit de faire une demande à la division des appels pour avoir la permission de représenter son cas. Si la division des appels est d'accord, il recommence dans le ministère, au plus bas niveau.

M. Legault: Il recommence à la direction des pensions.

M. Hodgson: Des pensions dans le ministère, c'est exact. Et ensuite, son cas peut être considéré d'abord par les trois commissaires et après, par la division des appels, si nécessaire.

M. Legault: La décision d'accepter ou de rejeter son cas est faite simplement encore au niveau du ministère ou...

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M. Hodgson: De la division des appels.

M. Legault: La division des appels. Et la division des appels n'a rien de relatif avec la direction des pensions?

M. Hodgson: Non, rien.

M. Legault: Merci.

Mr. Laniel: My last question is just for information. There is no counselling at all or representation in front of the Appeal Division. Am I correct in saying that? A veteran is represented and can go to the Entitlement

[*Interprétation*]

peut-être un peu plus difficile, mais il est d'une souveraine importance pour l'ancien combattant en cause qu'il soit représenté par un avocat qui collabore volontiers. Un ancien combattant qui se trouve dans une situation semblable ne peut que se sentir très déprimé.

Le président: Avez-vous des observations à faire? Je crois que M. Legault a des questions à poser.

M. Laniel: Je n'ai pas encore tout à fait terminé.

Le président: Permettez-vous de poser une question complémentaire?

Mr. Legault: Mr. Chairman, my question will be to Dr. Hodgson to clear up the doubt existing about the new appeal procedure. Could he explain for us the new procedure in a case where a veteran's application for pension has been turned down? According to the new procedure a veteran can reopen his case. Could you explain the new procedure and tell us when the case is either accepted for forwarding to the Appeal Court, or is completely rejected?

Mr. Hodgson: Yes. If the case was already turned down, he is entitled to bring his case to the Appeal Division to get leave to reopen the case. If the Appeal Division is agreeable, he starts all over again within the Department at the lowest level.

Mr. Legault: Does he begin at the Pension branch?

Mr. Hodgson: Pensions, in the Department, that's right. After that, his case can be considered first by the three Commissioners, and then by the Appeal Division, if necessary.

Mr. Legault: The decision, to accept or not accept the case is made at the level of the Department, or...

Mr. Hodgson: At the Appeal Division level.

Mr. Legault: The Appeal Division. And the Appeal Division bears no relationship to the Pension Branch?

Mr. Hodgson: No, none.

Mr. Legault: Thank you.

M. Laniel: Ma dernière question est pour ma propre gouverne. Il n'est pas question d'avocat ni de représentant devant la Division des appels. Ai-je raison? Un ancien combattant peut se faire représenter et aller à l'au-

[*Text*]

Hearing but the task of the Appeal Division is only to look at the file and look at the decision and interpret the law and make a final decision.

Mr. Hodgson: The veteran himself appears only once. He does not appear at all if his case is resolved in his favour by the Directorate of Pensions within the Department. That is done on the record. He does appear at the Entitlement Hearing stage if he has been refused at the lower stage. At that middle stage he may be represented by a member of the Veterans Bureau or by some other advocate. The Appeal Division does not hold hearings in the normal sense. The veteran does not appear before the Appeal Division. His advocate may however appear during the consideration of his case at the Appeal Division.

Mr. Laniel: But as in the case that was raised by Mr. Bigg perhaps some veterans would like to be there and say that they were not quite satisfied with the work of the Pension Advocate which might have a bearing on the final decision, because that decision is final.

Mr. Hodgson: Well, you will appreciate that he would have already had his case considered by a group of people within the Department, he would then have had his case considered in his presence by three Commissioners at the Entitlement Hearing so he would have had every opportunity to make all shades of his case known to those considering it. It was considered that the only thing necessary after that was to make certain that the whole record could be reviewed by people of the highest repute and complete impartiality rather than to have another case.

Mr. Laniel: I admit that from your point of view, but what about the personal feelings of an individual who cannot afford to hire a private solicitor, is told which solicitor will be appointed on his case and finds that he is not quite pleased with that solicitor? What choice does he have? Is it to go to another town, make a new application, ask for his case to be looked at again and get the chance to get a new solicitor, a new advocate from the Bureau of Pension Advocates?

Mr. Hodgson: Mr. Chairman, again I am relying on my experience of what is, projecting that hoping that will be true under the new system. However, by and large our clients are satisfied with the pensions advocates. If they are dissatisfied, they have many opportunities to do something about it. There

[*Interpretation*]

dience de l'admissibilité, mais la Division des appels n'a d'autre tâche que d'examiner le dossier et la décision, d'interpréter la loi et de rendre une décision finale.

M. Hodgson: L'ancien combattant lui-même ne comparaît qu'une seule fois. Il ne sera même pas cité si la Direction des pensions lui accorde gain de cause au Ministère même. La décision ne sera basée que sur la preuve documentaire. Il comparaîtra à l'audience de l'admissibilité si sa demande a été rejetée à un palier inférieur. Aux stades intermédiaires, il pourra se faire représenter par un membre du Bureau des vétérans ou par un autre avocat. La Division des appels ne tient pas d'audiences au sens habituel du mot. L'ancien combattant ne comparaît pas devant elle. L'avocat peut toutefois comparaître au cours de l'examen de la cause par la Division des appels.

M. Laniel: Mais comme M. Bigg l'a démontré, certains anciens combattants aimeraient peut-être être présents pour exprimer de vive voix leur mécontentement à l'égard du travail des avocats des pensions, ce qui pourrait influer sur la décision finale, car il s'agit bien d'une décision finale.

M. Hodgson: N'oubliez pas qu'un groupe de fonctionnaires du Ministère a déjà étudié son cas, que trois commissaires à l'audience de l'admissibilité ont également étudié en sa présence son dossier et qu'il aurait pu à ce moment préciser tous les détails de son cas. On a jugé qu'il suffisait par la suite d'assurer que tout le dossier puisse être réexaminé par des personnes de la plus haute réputation et d'une impartialité absolue plutôt que d'être saisi d'une nouvelle cause.

M. Laniel: J'admets que vous avez raison de ce point de vue, mais que faites-vous des sentiments personnels d'un ancien combattant qui ne peut se payer les services d'un avocat privé, à qui on dit quel avocat sera chargé de défendre sa cause, et qui n'est pas satisfait de cet avocat? Que lui reste-t-il à faire, si ce n'est de présenter une autre demande dans une ville différente et demander qu'on revoie à nouveau son cas pour avoir la chance d'obtenir un autre avocat, un autre avocat des pensions?

M. Hodgson: Monsieur le président, je me reporte encore une fois à ce que je connais du système actuel pour espérer qu'il en sera encore, ainsi en vertu du nouveau système. Toutefois, en général, nos clients se déclarent satisfaits des avocats des pensions. S'ils ont raison d'en être mécontents, ils ont à leur

[*Texte*]

is the initial application, a second application, a renewal application as of right, further renewal applications in discretion, Entitlement Board Hearing and then the Appellate Division. Surely the dissatisfaction or the grounds for the dissatisfaction if it is complete incompetence, which ground I would not accept with the present corps we have, but surely the ground would have shown up in one of these preceding stages and something could then be done.

Mr. Laniel: Yes, I know, but the meaning of the word "incompatibilité" is that people do not go together, people do not communicate sometimes.

Mr. Hodgson: Yes.

Mr. Laniel: "Incompatibilité", if the case, at all these stages is always referred to the same advocate; this is a problem that is sometimes raised and brought to us.

Mr. Hodgson: You see, there will not be the same advocate presenting the final appeal. There may not be the same advocate in multiple advocate districts presenting the Entitlement Board presentation as prepared and presented the case at earlier stages. The applicant, as you say, may not be able to afford a private solicitor, but on the other hand, I cannot imagine that the government and the taxpayers could afford to provide such a choice of advocates that any person with a personality disorder or something could then start picking and choosing.

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Mr. Laniel: Oh, that is a problem.

Mr. Hodgson: There has to be some limitation.

Mr. Laniel: Thank you.

Mr. Groos: Mr. Chairman, this White Paper which we are studying now states that there were 945,000 veterans; that of these, 136,800 receive pensions and 29,000 survivors or dependents receive pensions and on page 3 it refers to war veterans allowance. Are these pensions we are speaking of here of 136,800 and so on disability pensions plus war veterans allowances?

[*Interprétation*]

disposition bien des moyens d'y remédier. Après la demande initiale, il y a une deuxième demande, le renouvellement de plein droit de leur demande, un autre renouvellement discrétionnaire, l'audience de la Division de l'admissibilité, et, enfin, le recours à la Division des appels. Il y a tout lieu de croire que si mécontentement il y a, ou motifs de mécontentement pour incompétence totale, ce qui n'est pas probable étant donné l'excellence de notre personnel, ces motifs auraient certainement été soulevés au cours des étapes précédentes et des mesures correctives auraient alors été prises.

M. Laniel: Oui, mais le terme «incompatibilité» signifie qu'on ne s'entend pas, qu'il y a parfois un manque de communication.

M. Hodgson: Oui.

M. Laniel: Incompatibilité, si la cause, à toutes ces étapes, est toujours renvoyée au même avocat; c'est un problème que l'on soulève parfois et sur lequel on attire notre attention.

M. Hodgson: Voyez-vous, ce n'est pas le même avocat qui présentera la cause en dernière instance. Ce ne sera peut-être pas le même avocat, dans les districts qui en comptent plus d'un, qui présentera la cause devant la Division de l'admissibilité. Le requérant, comme vous le mentionnez, n'aura peut-être pas les moyens de retenir les services d'un avocat particulier, mais d'autre part, je ne peux concevoir que le gouvernement et que les contribuables soient obligés d'assurer un tel choix d'avocats que toute personne affligée d'un problème de personnalité ou de quelque chose du genre puisse choisir celui-ci ou celui-là.

M. Laniel: C'est un problème, j'en conviens.

M. Hodgson: Il doit y avoir des limites.

M. Laniel: Merci.

M. Groos: Monsieur le président, le Livre blanc à l'étude mentionne qu'il existe quelque 945,000 anciens combattants dont 136,800 touchent une pension et que 29,000 personnes, qui survivent à ces anciens combattants ou qui sont à leur charge, reçoivent une pension. A la page 3, il est question de l'allocation des anciens combattants. Les pensions dont il est question ici, au nombre de 136,800 et plus, sont-elles des pensions d'invalidité qui s'ajoutent aux allocations des anciens combattants?

[*Text*]

Mr. Hodgson: No, these are pensions under the Pensions Act. There is a completely different statute that deals with war veterans allowances and this paper has no bearing on the matter of war veterans allowances.

Mr. Groos: Well, I wonder whether that is true because it says on page 3 in paragraph 3:

> In addition, an award of pension also makes the recipient or his family eligible for other benefits.

Then it goes on to list those benefits and says:

> The veteran himself becomes eligible for medical treatment for his pensioned condition,...

which I agree with,

> ..special re-employment training if he needs it, war veterans allowance...

What is the connection there?

Mr. Hodgson: War veterans allowance is given to veterans who have qualified by service to be eligible and who can pass a means test which is imposed. For example, you could have a person who is slightly disabled and who, therefore, receives, shall we say, only 10 per cent pension under the Pension Act but he may be unemployed and have no other means at all. He therefore would be eligible for war veterans allowance up to a specified threshold and so he would be receiving both a pension for the small disability and a war veterans allowance.

Mr. Groos: Oh, I see that, but it is not necessary for him to have a disability pension before he can get a war veterans allowance.

Some hon. Members: No, no.

Mr. Groos: Well, I know, but I was just wondering why it is put in here like this. We do not get a chance very often as a Committee to have the representatives from the Department before us and when we do we have to make the most of it. Quite often, the only time we get the officials before us is when we are going through the estimates and by that time it is too late to make any changes. I am trying, Mr. Chairman, to take advantage of this opportunity to put the Department on notice of a couple of matters. It may be a sneaky way of doing it but we do not have any other way. I want to put them on notice about a couple of matters which I

[*Interpretation*]

M. Hodgson: Non, ces pensions sont prévues par la Loi sur les pensions. Une loi entièrement distincte porte sur les allocations des anciens combattants avec lesquelles le présent Livre blanc n'a aucun rapport.

M. Groos: Est-ce bien vrai, étant donné qu'on lit à la page 3, au troisième paragraphe:

> De plus, l'ancien combattant ou sa famille sont habilités à recevoir d'autres prestations dès qu'on a reconnu leur droit à la pension.

On énumère ensuite ces prestations:

> traitement médical de l'affection ouvrant droit à pension...

et je suis d'accord là-dessus,

> ...stage spécial de formation en vue d'un nouvel emploi, s'il en a besoin, allocations aux anciens combattants.

Quel est le rapport ici?

M. Hodgson: L'allocation des anciens combattants est accordée aux anciens combattants dont le service militaire donne droit à ces avantages et qui sont encore admissibles après constatation des besoins. Par exemple, une personne peut souffrir d'une légère incapacité et recevoir, à cause de cette incapacité, mettons, une pension de 10 p. 100 en vertu de la Loi sur les pensions, mais elle peut aussi être en chômage et n'avoir aucune autre ressource. Elle devient alors admissible à l'allocation des anciens combattants jusqu'à un certain seuil établi, et peut recevoir à la fois la pension à laquelle lui donne droit cette légère incapacité et l'allocation des anciens combattants.

M. Groos: Je vois, mais il n'est pas nécessaire qu'il touche une pension d'invalidité pour recevoir l'allocation des anciens combattants.

Des voix: Non, non.

M. Groos: Je sais, mais je me demandais pourquoi cette disposition se retrouve ici en ces termes. Le Comité n'a pas souvent l'occasion d'entendre des représentants du Ministère et le cas échéant, nous voulons en tirer le meilleur parti possible. Assez souvent, ce n'est que lors de l'examen des prévisions budgétaires que nous entendons les hauts fonctionnaires du Ministère et à ce moment-là, il est trop tard pour y apporter des changements. J'essaie, monsieur le président, de profiter de cette occasion pour mettre le Ministère en garde sur certaines questions. C'est peut-être s'y prendre sournoisement, mais nous n'avons pas le choix. Je voudrais poser des questions

[*Texte*]

think should be brought to their attention and I hope I can have your indulgence inasmuch as we have come back here especially to deal with this point in the middle of the recess. Perhaps, Mr. Chairman, you will permit me and other members to say things on this...

The Chairman: The Chair has taken, I think you will agree, a fairly lenient view on all questions.

Mr. Groos: That is why I am going on this way.

The Chairman: I think this is the wish of the Committee.

Mr. Groos: All right, I will ask my question. Mr. Hodgson wanted to say something.

Mr. Hodgson: Mr. Chairman, may I amplify the reply that I just made? There is one further set of circumstances I should mention. A veteran who had service only in Canada would not normally be eligible for war veterans allowance. However, if he has a disability and is pensioned under the Pension Act the very fact that he is getting this pension makes him eligible for war veterans allowance.

Mr. MacRae: It is five per cent, a minimum of five per cent.

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Mr. Groos: Yes, a minimum of five per cent. Perhaps I could bring to your attention, Mr. Hodgson, something urgent and which is in the interests of veterans generally. I am sure other members also have heard what I am going to relate. It concerns a matter of people who have a house drawing war veterans allowances. They are allowed to own and keep the house and still draw a full war veterans allowance provided the house is valued at a certain figure. I think that figure now is about $8,000. However, in my part of the country you cannot buy much of a house for $8,000 these days. The particular case that worries me and which I am sure is going to be repeated many, many times—I would like your Department to look into this—is that of a man who had an $8,000 house. This is what happened to a veteran in my area. This house had two stories and because his wife had a heart condition he had to get a one-story house. What he did really amounted to a swap: he sold one house and bought another one. He sold the house which hitherto had been valued at around $6,000 or so and was able to get just under $12,000 for it and he

[*Interprétation*]

sur des sujets qu'il faut, à mon avis, porter à leur attention, et j'espère que vous aurez l'indulgence de m'écouter, vu que nous sommes revenus ici avant la fin de la pause, particulièrement pour étudier cette question. Monsieur le président, vous me permettrez, j'espère, et aux autres membres du Comité, de dire quelques mots sur ce...

Le président: Le président s'est montré, vous en conviendrez, passablement indulgent à l'égard de toutes les questions.

M. Goos: C'est pourquoi je poursuis dans la même veine.

Le président: C'est ce que veut le Comité, je crois.

M. Groos: Très bien, je pose donc ma question. M. Hodgson a quelque chose à dire.

M. Hodgson: Monsieur le président, permettez-moi d'élaborer la réponse que je viens de donner. Je devrais mentionner un autre concours de circonstances. Un ancien combattant qui a fait son service militaire uniquement au Canada n'est normalement pas admissible à l'allocation des anciens combattants. Toutefois, s'il souffre d'une incapacité et s'il touche une pension en vertu de la Loi sur les pensions, il est, par le fait même, admissible à l'allocation des anciens combattants.

M. MacRae: Il s'agit d'une pension de cinq pour cent, un minimum de cinq pour cent.

M. Groos: Oui, un minimum de cinq pour cent. J'attire votre attention, monsieur Hodgson, sur un sujet urgent qui intéresse les anciens combattants en général. Je suis sûr que les autres membres du Comité ont aussi entendu parler de cela. Il s'agit des propriétaires de maison qui touchent des allocations d'anciens combattants. Ces gens peuvent posséder et garder la maison et toucher l'allocation intégrale pourvu que la maison soit d'une certaine valeur, de $8,000, je crois. Toutefois, dans la région du pays où je vis, il est impossible, de nos pours, d'acheter une maison convenable pour $8,000. Le cas particulier qui me préoccupe et qui va certainement se répéter très souvent, et j'aimerais que le Ministère examine la question, est celui d'un homme qui était propriétaire d'une maison de $8,000, un ancien combattant de ma région. Sa maison avait deux étages et comme sa femme souffrait de troubles cardiaques, il a dû acheter une maison de plain-pied. En somme, il s'agissait d'un simple échange. Il a vendu la première maison et en a acheté une autre. Il a vendu la maison qui avait jusque là été évaluée à environ $6,000 et a pu en obtenir un

[*Text*]

turned around and spent slightly less than that to buy a new one with one floor, which is what he wanted. Now because the sale had taken place and it was over the $8,000 figure he got his war veterans allowance reduced.

I cannot give you the exact reduction because it is difficult to keep these figures in your head. This seemed to me to be very unfair inasmuch as it was merely an exchange of houses. It seems to me that under the third act you administer, which is the Veterans' Land Act, there should be some means whereby an official from the Veterans' Land Act should be able to take over that man's problem and arrange for this exchange of houses without this $8,000, $11,000, $12,000, or whatever it is entering into it, provided the man is not going to make money on it—he is not really getting any better living conditions—to tide us over this troublesome period.

The Chairman: I think I would have to say that the terms of reference of the Committee are essentially the White Paper

Mr. Groos: I agree with that.

The Chairman: That would come under the other operations of the Department.

Mr. Groos: Mr. Chairman, on a point of order, as I say, they did bring war veterans allowances into their own Paper and I am using that as leverage. Secondly, I am just pointing out the obvious. We do not get a chance very often to bring up such matters. I hope I am not taking up anyone else's time on a more interesting question.

I have one other question as well.

Mr. Laniel: You feel guilty now.

Mr. Groos: No I am not. What are we here for? We are really here to try and look after the veterans.

The Chairman: May I simply say that we have a number of witnesses lined up and we have a program. Now if we go into war veterans allowances and other aspects of departmental administration it is going to create some major problems with the agenda. If it is a short question of a few minutes duration I certainly will be as lenient as possible, but if you intend opening up major new questions which are going to cause a re-assessment of the agenda then I do have some concern.

[*Interpretation*]

peu moins de $12,000. Il a immédiatement acheté une autre maison de plain-pied à un prix légèrement inférieur, exactement ce qu'il voulait. Étant donné que le prix de vente était supérieur à $8,000, on a réduit son allocation d'ancien combattant.

Je ne puis vous dire de combien exactement car ces chiffres se retiennent difficilement. La situation, à mon avis, était injuste puisqu'il ne s'agissait que d'un échange. En vertu de la troisième loi que vous appliquez, la Loi sur les terres destinées aux anciens combattants, il devrait exister un moyen de régler le problème de cet homme et d'accepter cet échange de maisons sans tenir compte du prix de $8,000, $11,000 ou $12,000 qu'il doit débourser, pourvu qu'il n'en tire aucun bénéfice. Son niveau de vie n'augmente pas pour autant. Il faudrait trouver au moins une solution temporaire.

Le président: Je crains que le mandat du Comité vise essentiellement le Livre blanc...

M. Groos: C'est vrai.

Le président: Cette question se rattache à d'autres services du Ministère.

M. Groos: Monsieur le président, j'invoque le règlement. Ils ont parlé des allocations des anciens combattants dans leur propre Livre blanc et c'est sur ce fait que je me fonde. En deuxième lieu, je ne fais que signaler ce qui est évident. Nous n'avons pas souvent l'occasion de discuter de ces questions. j'espère ne pas avoir empiété sur le temps d'un autre membre du Comité qui aurait eu des choses plus intéressantes à dire. J'ai encore une autre question.

M. Laniel: Vous vous sentez coupable?

M. Groos: Pas du tout. Nous somme ici pour cela, pour essayer de protéger les intérêts des anciens combattants.

Le président: Puis-je vous rappeler qu'un certain nombre de témoins attendent leur tour et que nous devons nous conformer à un programme déterminé. Si nous nous arrêtons aux allocations des anciens combattants et à d'autres aspects de l'administration du Ministère, nous nous heurterons à de graves difficultés en ce qui concerne notre ordre du jour. S'il s'agit d'une question qui ne prendra que quelques minutes, j'essaierai de me montrer aussi indulgent que possible, mais si vous avec l'intention d'aborder de nouvelles questions importantes, qui nécessiteront une modification de l'ordre du jour, je dois dire que j'hésite à vous accorder cette autorisation.

[*Texte*]

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, could the witness be permitted to give at least a brief answer to the question, bearing in mind the fact that Mr. Groos' case, and I have one too, probably involves a veteran who, first of all, is on a disability pension, then is on a war veterans allowance and gets into this housing situation. Is it being reviewed?

Mr. Hodgson: Mr. Chairman, in reply I would say that I would be only too pleased to make certain that both within the Department and within the War Veterans' Allowance Board this particular case that is mentioned is looked at again. This type of problem will also be examined to ascertain whether it is of such a nature to warrant a change in the present regime.

Mr. Knowles (Winnipeg North Centre): Mine too.

Mr. Hodgson: Yours too.

Mr. Groos: This gives me great encouragement, Mr. Chairman.

Mr. Peters: Mr. Chairman, has it not been the policy of the Department to consider only the difference that became income in respect

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of the reduction in the war veterans allowance and that the whole amount was not considered? As I understand it, we originally valued these houses not on the market value but on the lowest possible factor and it usually was the cost of building them, the assessment value or some factor that was considerably less than the market value. In the case that was raised would you not consider only the difference between the accommodation that was sold and the accommodation that was purchased, the profit that was made, as a reduction rather than the whole amount? In other words $12,000 should not enter into it. As I understand the case, if it was a $1,000 profit I would think that would be the amount that should be deducted from war veterans allowances.

Mr. Hodgson: Mr. Chairman, you will appreciate that I am not personally involved in the handling of these cases. I know that the attitude that is taken is as generous as it can be, since we have a particular client, relationship to the veteran group. It is possible that Mr. Rider, the Director General of Welfare Services, would be able to give a more specific reply to this question.

[*Interprétation*]

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, le témoin pourrait répondre brièvement à la question, étant donné que le cas que cite M. Groos, de même que le cas qui m'intéresse particulièrement, mettent probablement en cause un ancien combattant qui, en premier lieu, reçoit une pension d'invalidité et une allocation d'ancien combattant et veut changer de maison. Étudie-t-on cette situation?

M. Hodgson: Monsieur le président, je vous répondrai que je serais heureux de m'assurer auprès du Ministère et de la Commission des allocations aux anciens combattants qu'on étudie de nouveau le cas en question, pour déterminer si ce genre de problème justifie la modification du régime actuel.

M. Knowles (Winnipeg-Nord-Centre): Le cas qui m'intéresse aussi?

M. Hodgson: Oui.

M. Gross: Vous m'en voyez réconforté, monsieur le président.

M. Peters: Monsieur le président, le Ministère n'a-t-il pas l'habitude de se borner à considérer la différence qu'on tient pour un revenu avant de réduire l'allocation aux anciens combattants, abstraction faite du montant global? Sauf erreur, nous avions autrefois l'habitude d'évaluer ces maisons non en fonction de leur valeur marchande mais du plus bas facteur possible, qui était ordinairement le prix de la construction, la valeur imposable ou quelque autre facteur qui était considérablement moins élevé que la valeur marchande. Dans le cas qu'on a soulevé, ne considéreriez-vous pas uniquement la différence entre la maison vendue et la maison achetée, c'est-à-dire le bénéfice réalisé, comme une réduction plutôt que le montant global? Autrement dit, le prix de $12,000 ne devrait pas entrer en jeu. Si je comprends bien, s'il s'agit d'un bénéfice de $1,000, c'est ce dernier montant que l'on déduit des allocations aux anciens combattants.

M. Hodgson: Monsieur le président, vous comprendrez que je ne m'occupe pas personnellement de règler ces cas. Je sais qu'on s'efforce de se montrer aussi généreux que possible, puisque les anciens combattants sont en somme nos clients. Le directeur général des services de bien-être, M. Rider serait sans doute en mesure de répondre avec plus de précision à cette question.

[*Text*]

The Chairman: It is fine to call Mr. Rider and other witnesses but I think the Committee should realize that if we enter into a prolonged discussion it is very difficult to justify this in terms of the Committee's agenda. But with this caution, Mr. Rider, I am sure the Committee would be pleased to hear your comments.

Mr. E. J. Rider, M.B.E., B.A. (Director General, Welfare Services, Department of Veterans Affairs): Mr. Chairman, under the War Veterans' Allowance Act the recipient is allowed to own a home and the Act allows a certain value, I think it is $9,000 now, as the maximum equity he may have in that home. This is a real asset and has to do with a means test program. The Act stipulates the equity the individual may have in his home. If he sells one home and buys another one, in which case he exceeds this equity, then the War Veterans' Allowance Board is required to treat five per cent per annum of the excess over the amount of equity as income. Now I think it would be rather unusual, Mr. Groos, for a person with an $8,000 home on war veterans allowance to be able to buy a $12,000 home because it would have meant that he would have had more liquid assets than the Act allows him to have in the first place. It would be more likely that if that occurred he would invest the amount from his $8,000 home in the new home and take a mortgage for the balance, which means his equity would still stay at $8,000.

Mr. Groos: This was just a straight swap. However, I will leave that point and explain it to you afterwards in more detail. Mr. Chairman, if I could just say, amongst other things, I think the man in this particular case I am thinking of is also drawing a disability pension, although I cannot swear to that.

This is something that I do not think many people know about because I do not believe there are very many people with a similar case. However, it is the principle involved here that we are all interested in. This concerns a World War I veteran who joined in Canada, went overseas by direction, and served his four years overseas. He remained after World War I on the reserve list, available for recall, and he is now back in Canada. But because he took his discharge in the United Kingdom and not in Canada he is not allowed to count that time that he spent in Europe fighting for Canada as Canadian time for old age security. Now, darn it all, Mr.

[*Interpretation*]

Le président: Il serait utile d'entendre M. Rider et certains autre témoins là-dessus, mais je crois que le Comité doit bien comprendre que s'il se lance dans une discussion prolongée de cette affaire, il lui sera très difficile d'en faire reconnaître le bien-fondé par rapport à son ordre du jour. Avec cette mise en garde, monsieur Rider, je sais que le Comité vous écoutera avec intérêt.

M. E. J. Rider, M.B.E., B.A. (directeur général des Services de bien-être, ministère des Affaires des anciens combattants): Monsieur le président, en vertu de la Loi sur les allocations aux anciens combattants, le bénéficiaire peut être propriétaire d'une maison qui représente un investissement maximal qui est de $9,000 actuellement, sauf erreur. Il s'agit d'un bien immeuble qui entre en jeu lors d'une constatation des besoins. La Loi précise le montant de l'investissement que la maison peut représenter pour un particulier. S'il vend une maison pour en acheter une autre, et ce faisant dépasse ce montant, la Commission des allocations aux anciens combattants se voit dans l'obligation de considérer cinq pour cent par année de cet excédent comme un revenu. Il serait assez extraordinaire, monsieur Groos, qu'une personne possédant une maison de $8,000 et touchant une allocation aux anciens combattants puisse s'acheter une maison de $12,000 car elle devrait alors avoir un actif plus élevé que ne le lui permet la Loi en premier lieu. Vraisemblablement, il investira le montant de $8,000 qu'il retire de sa première maison dans la nouvelle et empruntera le reste. Son capital, dans ce cas, demeure toujours de $8,000.

M. Groos: Il s'agit d'un échange direct. Toutefois, je laisse la question de côté et j'y reviendrai plus tard de façon plus détaillée. Monsieur le président, permettez-moi de dire, pour terminer, que la personne en question, sauf erreur, retire aussi une pension d'invalidité, bien que je ne puisse l'affirmer.

C'est une chose dont peu de personnes sont au courant, car peu de gens sont dans un situation semblable. Toutefois, c'est le principe en cause qui nous intéresse. Il s'agit d'un ancien combattant de la Première Guerre mondiale que s'est enrôlé au Canada, a été envoyé outre-mer et a servi sous les drapeaux pendant quatre ans à l'étranger. Il est demeuré sur la liste de réserve après la guerre, susceptible d'être rappelé, et vit maintenant au Canada. Mais parce qu'il a été démobilisé au Royaume-Uni et non au Canada, il ne peut faire compter le temps qu'il a combattu en Europe pour le Canada comme service militaire canadien aux fins de

[*Texte*]

Dubé, he went over there by direction. If he had not served at all...

The Chairman: I really have to rule that the old age security program is under the Department of National Health and Welfare.

Mr. Groos: I think this fellow receives a disability pension.

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The Chairman: Yes, but unfortunately, Mr. Groos, this is not the forum for this problem and I think you should direct your question to the Minister of National Health and Welfare, who administers the Old Age Security program.

Mr. Laniel: I completely agree with you, Mr. Chairman. I try to stay friends with Mr. Groos, but I think this should not be pursued.

The Chairman: Are there any further questions by the members of the Committee? Mr. Winch.

Mr. Winch: Mr. Chairman, I apologize for being so late but it was the only opportunity I had to meet a minister to discuss certain problems in my riding. I only got here 35 minutes ago and I wonder if it would be in order for me to ask a question on what was being discussed when I came in with respect to the "benefit of doubt", provision.

The Chairman: I will answer your question in this way, Mr. Winch. The Minister and the Deputy Minister's Department have both made opening statements. It is their intention to call a witness who will review in detail, as we indicated, the present situation with respect to the Woods Committee recommendations and the White Paper recommendations where they both deal with the same points. This would be one of the points and I think there would be an opportunity to ask very careful questions on the application of the "benefit of doubt" provision. It seems to me that we have done a bit of this.

Mr. Winch: You were discussing it when I came in.

The Chairman: Yes, we have done a fair amount and I would like to avoid repetition of this, Mr. Winch, if we could do so, sir. As soon as Mr. Hodgson's testimony is included we will be calling Mr. Ward and you will have every opportunity to ask some questions.

[*Interprétation*]

la pension de vieillesse. Et pourtant, monsieur Dubé, il a été envoyé outre-mer par ses supérieurs. S'il n'avait pas fait de service militaire...

Le président: Je dois vous rappeler que le programme de la pension de vieillesse relève du ministère de la Santé nationale et du Bien-être social.

M. Groos: Je pense que cette personne reçoit une pension d'invalidité.

Le président: Oui, mais malheureusement, monsieur Groos, ce n'est pas ici qu'il convient de débattre ce problème, et j'estime que vous devriez plutôt poser la question au ministre de la Santé nationale et du Bien-être social, qui administre le programme des pensions de vieillesse.

M. Laniel: Je suis entièrement d'accord avec vous, monsieur le président. Je voudrais bien conserver l'amitié de M. Groos, mais je crois qu'il faut arrêter là la discussion.

Le président: Les membres du Comité désirent-ils poser d'autres questions? Monsieur Winch.

M. Winch: Monsieur le président, je m'excuse d'être arrivé si tard, mais c'est la seule occasion que j'avais de rencontrer un ministre pour m'entretenir avec lui de questions touchant ma circonscription. Je ne suis arrivé qu'il y a 35 minutes et je me demande s'il conviendrait que je pose une question sur ce dont on parlait à ce moment-là, à savoir la clause du «bénéfice du doute».

Le président: Je vous répondrai ceci, monsieur Winch: le ministre et le sous-ministre ont tous deux fait une déclaration d'ouverture. Ils ont l'intention de faire comparaître un témoin qui fera la revue détaillée de la situation actuelle en ce qui a trait aux recommandations du Comité Woods et à celles du Livre blanc qui traitent toutes deux des mêmes sujets. Le bénéfice du doute est l'un de ces sujets, et l'on aura l'occasion de poser des questions très précises sur l'application de cette clause. Il me semble d'ailleurs que nous en avons déjà parlé un peu.

M. Winch: Vous le faisiez quand je suis arrivé.

Le président: C'est juste, nous en avons parlé assez longuement et je voudrais, si possible, monsieur Winch, éviter les répétitions. Dès que M. Hodgson aura fini son témoignage, nous inviterons M. Ward à comparaître et vous aurez tout loisir de lui poser des ques-

[*Text*]

Are there other questions that members of the Committee would like to ask Mr. Hodgson at this point?

Mr. Bigg: I gather these gentlemen will be back later on in the proceedings.

The Chairman: I am sure these gentlemen are available. If the committee wish them to come back, I am sure they would be delighted to do so.

Mr. Hodgson: At any time, Mr. Chairman.

The Chairman: Thank you. I understand, according to schedule, that these witnesses will be here all day today and tomorrow morning, so they can be recalled.

Mr. Peters: Mr. Chairman, may I ask a question? Perhaps I should know this, but when a person is launching an appeal under the new criteria what is the practice in terms of the veteran and the information supplied to him on which he bases his appeal? The Ontario Workmen's Compensation Board has a pretty good appeal system now in that the Board supplies the appellant with a total summary of the information which they have, and this includes the decisions that have been made up to his appeal procedure. They indicate the medical grounds, the argument that is made against the medical grounds and the supporting evidence for the medical grounds. They also make available the witness reports and the investigation reports, and this is included in a summary with which the claimant is provided if he indicates he wishes to make an appeal. If an appeal was going to be entered by a veteran who believes that under the proposed change it will allow him to establish, unless there is evidence against it, his physical fitness on enlistment, does the Department supply him from their files with a summary of adverse medical reports for a condition that he may have? Suppose a fellow says that he has had a number of colds and subsequently it shows on his service record that he developed pneumonia on a number of occasions or kept getting pleurisy, do they supply him with enough of a summary that it would indicate that he had said he had had a number of colds, not necessarily, that he had

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had pneumonia or pleurisy, but is it going to be broad enough that he can make a decision on whether or not that appeal is...

The Chairman: Mr. Peters, I think we are going to get into a fair amount of detail on the points which are specifically covered in

[*Interpretation*]

tions. Les membres du Comité désirent-ils poser d'autres questions à M. Hodgson?

M. Bigg: Je crois comprendre que ces messieurs nous reviendront plus tard, n'est-ce pas?

Le président: Ces messieurs sont disponibles, je n'en doute pas. Si le Comité désire qu'ils reviennent, je suis sûr qu'ils seront heureux de le faire.

M. Hodgson: N'importe quand, monsieur le président.

Le président: Merci. Je vois au calendrier que ces témoins seront ici toute la journée aujourd'hui, ainsi que demain matin, de sorte qu'on pourra les rappeler.

M. Peters: Monsieur le président, puis-je poser une question? Je devrais peut-être le savoir, mais lorsqu'on interjette appel aux termes des nouvelles normes, quelle est la procédure en ce qui concerne l'ancien combattant et les renseignements qu'on lui fournit pour qu'il fonde son appel? La Commission des accidents du travail de l'Ontario possède aujourd'hui un excellent régime d'appel: la Commission fournit à l'appelant un résumé complet des données dont elle dispose, y compris les décisions rendues jusqu'au moment de l'appel. Ces données comprennent les raisons médicales, les objections apportées à ces raisons médicales et les éléments de preuve à leur appui. Elles comprennent aussi le compte rendu des témoignages et les rapports d'enquête, le tout consigné dans un résumé remis au requérant s'il exprime le désir d'interjeter appel. Dans le cas d'un appel qui serait interjeté par un ancien combattant qui croit que les modifications proposées lui permettront d'établir, à moins de preuves contraires, qu'il était en bonne santé à l'enrôlement, le ministère lui fournit-il, à même ses dossiers, un résumé des rapports médicaux défavorables à cause d'une affection qu'il peut avoir? Disons qu'un ancien combattant déclare qu'il a eu plusieurs rhumes et que l'on voit par la suite dans son dossier militaire qu'il a fait des pneumonies à plusieurs reprises, ou plusieurs attaques de pleurésie; lui fournit-on un résumé suffisamment détaillé qui indiquerait qu'il aurait déclaré avoir eu plusieurs rhumes, non pas nécessairement qu'il a eu la pneumonie ou la pleurésie, mais le résumé sera-t-il assez complet pour lui permettre de décider si son appel est...

Le président: Monsieur Peters, je crois que nous allons tout à l'heure entrer dans le détail des points traités dans le Livre blanc, et la

[*Texte*]

the White Paper and this is one of them, the appeal procedure. I wonder if you want to pursue your questions of the Deputy Minister now or would you like to hold some of these questions and ask Mr. Ward and possibly some other officers of the Department later?

Mr. Peters: We have to ask some questions. It is only 11 o'clock.

The Chairman: I think we are doing very well and I think we have quite a bit ahead of us. I am concerned that we may feel we are going rather quickly over some important aspects later. With your permission, Mr. Peters, may we defer that question? Are there any other members of the Committee who want to put questions to the Deputy Minister now? If not, Mr. Hodgson, I would like to thank you. You will be here with us today and tomorrow morning?

Mr. Hodgson: Yes, Mr. Chairman.

The Chairman: Mr. Ward, who is the Chief Pensions Advocate of the Department, in reply to our suggestion prepared some background material for briefing the members which would assist them in examining the witnesses from the veterans' organizations. No doubt the Committee may want to come back and forth with witnesses in the period ahead, and I think he has had very short notice for this kind of thing. Mr. Ward.

Mr. Ward: Mr. Chairman, to digress for a minute, I was alarmed when the Deputy Minister referred to me as an expert because some experts have a great deal of knowledge about very little and other experts have very little knowledge about a great deal, and I am not sure where I fit into this pattern. However, the terms that I was given to assist the Committee, which I hope to do as much as possible, was to briefly outline—commencing with recommendation No. 1 and up to recommendation No. 148—in a nutshell what the current situation is and what the Woods Committee Report recommended and perhaps give some indication of that part of the White Paper iceberg that is not presently visible.

I do not have a prepared statement. I will be referring to some documents but it is not in the nature of a statement. If it is agreeable with you, Mr. Chairman, I will proceed on that basis.

First, recommendation No. 1. The Woods Committee recommended that final interpretation of the Pension Act be vested in the Pension Appeal Board. As all the members of

[*Interprétation*]

procédure d'appel dont vous parlez est l'un de ceux-là. Voulez-vous toujours poser vos questions maintenant au sous-ministre, ou préféreriez-vous en réserver certaines pour les poser plus tard à M. Ward et peut-être à d'autres fonctionnaires du ministère?

M. Peters: Il nous faut bien poser des questions. Il est seulement 11 heures.

Le président: Je crois que nous abattons de la très bonne besogne et qu'il nous reste encore beaucoup à faire. Je crains même que nous n'estimions plus tard être passés un peu trop rapidement sur certains aspects importants. Avec votre permission, monsieur Peters, pouvons-nous remettre cette question à plus tard? D'autres membres du Comité désirent-ils poser maintenant des questions au sous-ministre? Sinon, monsieur Hodgson, je désire vous remercier. Vous serez ici aujourd'hui et demain matin?

M. Hodgson: Oui, monsieur le président.

Le président: M. Ward, qui est au ministère l'avocat en chef des pensions, a prépré à notre demande des documents d'information à l'intention des membres du Comité, pour les aider à interroger les témoins des associations d'anciens combattants. Sans doute le Comité voudra-t-il interroger de nombreux témoins à plusieurs reprises dans les séances qui viennent, et M. Ward, je pense, n'a eu que très peu de temps pour se préparer. Monsieur Ward.

M. Ward: Monsieur le président, si vous voulez bien me permettre une petite digression, je me suis ému d'entendre le sous-ministre me qualifier d'expert, car certains experts savent beaucoup de choses sur un très petit nombre de sujets et d'autres en savent très peu sur un grand nombre de sujets, et je ne saurais trop dire à quelle catégorie j'appartiens. Quoi qu'il en soit, on m'a confié la tâche, que je compte bien exécuter le mieux possible, d'aider le Comité en lui donnant un bref aperçu—à partir de la recommandation n° 1 jusqu'à la recommandation no 148—de la situation actuelle et des recommandations du Comité Woods, et en lui donnant peut-être une idée de la partie de l'iceberg du Livre blanc qui est encore submergée.

Je n'ai pas rédigé d'exposé dans les formes. Je me reporterai à certains documents, mais ils ne constituent pas un exposé rédigé d'avance. Si cela vous convient, monsieur le président, c'est ainsi que pe procéderai.

En premier lieu, la recommandation n° 1. Le Comité Woods recommande que l'interprétation définitive de la Loi sur les pensions soit confiée au Bureau d'appel des pensions. Tous

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this Committee know, the current situation is that the Canadian Pension Commission is vested with sole and exclusive jurisdiction not only to administer the Pension Act but to interpret every section of the entire Act. This recommendation has been modified. It is accepted in principle that the final interpretation rest with an independent body, but rather than this vehicle being the Pension Appeal Board, as the White Paper indicates, it will be the appellate division of the Canadian Pension Commission.

Recommendation No. 2. The Woods Committee recommended that the Canadian Pension Commission decide initial interpretations of the Pension Act. Under the existing system the Commission has sole jurisdiction to interpret, as I previously mentioned, and under the new proposals the initial interpretation will rest with the Directorate of Pensions.

Recommendation 3: The Woods Committee recommended that any commissioner may request interpretation. This recommendation has been accepted unchanged under the current situation. The present policy of the Commission, as I understand it, is that any commissioner may seek an interpretation and may very well bring up such questions at their general meetings. The Commission as a whole then may decide on interpretation initiated by an individual commissioner. This is unchanged.

Recommendation 4: The Woods Committee recommended that the Pension Appeal Board initiate procedure whereby the Chief Pensions Advocate, veterans organizations and the Canadian Pension Commission in its new role may request interpretations. This recommendation has been accepted in principle, that is to say, the principle of access to an appellate body on questions of interpretations has been accepted, but as outlined in the White Paper, the appellate body will be the Appeal Division of the Canadian Pension Commission rather than the Pension Appeal Board.

Under the current situation the Commission has a policy, not contained in the Act, but through this policy the Veterans Bureau and other representatives are unable to appear before special committees of the Commission to deal with questions of interpretation. The vehicle is there, but it has not been used a great deal.

Recommendation 5: The Woods Committee recommended publication of pension law directives. This recommendation has been

[*Interpretation*]

les membres du Comité le savent, à l'heure actuelle, la Commission canadienne des pensions a seule et entière compétence non seulement pour ce qui est d'appliquer la Loi sur les pensions mais aussi pour ce qui est d'interpréter chacun des articles de la Loi. Cette recommandation a été modifiée. On accepte en principe que l'interprétation définitive soit confiée à un organisme indépendant, mais au lieu d'être le Bureau d'appel des pensions, comme le laisse entendre le Livre blanc, cet organisme sera la Division des appels de la Commission canadienne des pensions.

Recommandation nº 2. Le Comité Woods recommande que la Commission canadienne des pensions fasse les premières interprétations de la Loi sur les pensions. Sous le régime actuel, la Commission seule a compétence en matière d'interprétation, comme je viens de le dire, tandis qu'en vertu des nouvelles propositions, l'interprétation première sera confiée à la Direction des pensions.

Recommandation nº 3. Le Comité Woods recommande que tout commissaire puisse demander une interprétation. Cette recommandation a été adoptée sans modifications, étant donné la situation actuelle. L'usage actuel de la Commission, à ce que je crois savoir, est que tout commissaire peut demander une interprétation et peut fort bien présenter des questions d'interprétation aux réunions générales. La Commission en tant que telle peut alors donner une interprétation d'une question présentée par l'un des commissaires. Rien n'est changé.

Recommandation nº 4. Le Comité Woods recommande que le Bureau d'appel des pensions institue une procédure en vertu de laquelle l'avocat en chef des pensions, les associations d'anciens combattants et la Commission canadienne des pensions, dans son nouveau rôle, pourront demander des interprétations. Cette recommandation a été adoptée en principe, c'est-à-dire que l'on accepte le principe de l'accès à un organisme d'appel pour les questions d'interprétation, mais comme le précise le Livre blanc, l'organisation d'appel sera la Division des appels de la Commission canadienne des pensions plutôt que le Bureau d'appel des pensions.

La ligne de conduite actuelle de la Commission, qui n'est pas précisée par la Loi, veut que le Bureau des vétérans et autres représentants ne puissent comparaître devant des comités spéciaux de la Commission pour des questions d'interprétation. L'organe existe, mais l'on ne s'en est pas beaucoup servi.

Recommandation nº 5. Le Comité Woods recommande la publication de directives concernant l'interprétation à donner aux divers

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accepted unchanged—the principle has been accepted—and under the proposed system there will be publication of pension law directives by the Directorate of Pensions. Under the current situation the present policy of the Commission is to publish some directives, but, perhaps, not to the extent envisaged by the Woods recommendations.

Mr. Bigg: I wonder if you could clarify some of these technical points. Would this be in order to maintain, let us say, the standard of adjudication and that sort of thing? What would be the necessity for this type of a directive?

Mr. Ward: Mr. Chairman, I think primarily so that all interested parties, particularly pension applicants and their representatives, may know what the rules are. The adjudicating body may have established on various points such as guidelines, matters of procedure and interpretations of the Act that have evolved from particular cases. Everyone has a right surely to...

Mr. Bigg: I understand that perhaps an applicant in Nova Scotia might get entirely different treatment under the Pension Act than he might get say, in Alberta or somewhere else because of the lack of uniformity in either directives or adjudications.

Mr. Ward: Of course, it is desirable to have uniformity, but it is difficult to achieve. I do not think this is directed primarily for that purpose, that is to say, as an audit of the adjudicating authority's decision, but rather to disseminate information to all interested parties concerning the ground rules.

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Recommendation 6: The Woods Committee recommended a formal system of personal hearings under the existing authority of Section 7(3).

The Chairman: Could I interrupt for a moment? The summary of recommendations is generally available. I hope a number of members have them—they may not have them here. The Clerk is checking to see which members do have copies. If you would like to use one that the Clerk has available it might assist you at this point. We have a limited number of copies which may be of some assistance. I am sorry to interrupt you, Mr. Ward.

[*Interprétation*]

articles de la loi. Cette recommandation a été adoptée sans modifications—le principe en est accepté—et dans le régime proposé, la Direction des pnesions publiera des directives concernant la Loi sur les pensions. Dans le régime actuel, la ligne de conduite de la Commission est de publier certaines directives, mais peut-être pas autant que ne l'entrevoient les recommandations du Comité Woods.

M. Bigg: Peut-être pourriez-vous éclairer certains points obscurs. Serait-ce afin, disons, de maintenir les normes de jugement et autres raisons de cet ordre? Pourquoi des directives de ce genre seraient-elles nécessaires?

M. Ward: Monsiur le président, je crois que c'est surtout afin que tous les intéressés, en particulier les requérants et leurs représentants, puissent prendre connaissance des règles que l'organisme chargé de rendre décision aura établies sur divers points, tels que principes directeurs, questions de procédure et interprétations de la loi auxquelles auront donné lieu des cas particuliers. Sûrement tout le monde a-t-il le droit de ...

M. Bigg: Je crois savoir qu'une demande présentée en Nouvelle-Écosse pourrait être traitée de façon bien différente, en vertu de la même Loi sur les pensions, qu'en Alberta, par exemple, ou ailleurs, en raison de l'absence d'uniformité, soit dans les directives, soit dans les jugements.

M. Ward: L'uniformité est évidemment souhaitable, mais on n'y atteint pas facilement. Je ne crois pas qu'il s'agisse surtout de cela, ici, c'est-à-dire d'une sorte de vérification de la décision des autorités. Il s'agit plutôt de renseigner tous les intéressés sur les règles de base.

Recommandation nº 6. Le Comité Woods recommande l'établissement d'un système d'auditions personnelles en vertu de l'article 7(3).

Le président: Puis-je vous interrompre un instant? Il existe nombre d'exemplaires du résumé des recommandations. J'espère que plusieurs membres ont le leur—mais ils ne l'ont peut-être pas ici. Le secrétaire fait la liste de ceux qui n'ont pas d'exemplaire. Vous trouverez sans doute utile de vous servir d'un de ceux dont dispose le secrétaire. Nous en avons un certain nombre, que l'on pourra distribuer. Je m'excuse de vous avoir interrompu, monsieur Ward.

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Mr. Ward: Not at all, sir.

Recommendation 6: The Woods Committee recommended a formal system of personal hearings under the existing authority of Section 7(3) of the Pension Act relating to all matters other than entitlement. For example, discretionary awards—degree of aggravation. Under the present system the procedural benefits of the Pension Act, that is to say, the right to initial decision, a first hearing, a second hearing, a renewal hearing and an appeal board hearing is restricted to those things which we call entitlement matters. For example, whether or not the person's injury or disease was incurred during service. There is no right to a hearing under the current legislation with respect to any discretionary awards such as compassionate pension under Section 25, such as dependent parent's pension, such as payment of burial expenses and many other discretionary areas. There is a modified form of a hearing under Section 7(3) of the Pension Act at the discretion of the Commission and while it does touch upon some of the discretionary award areas it is usually confined to disputes relating to the quantum of assessment. After a person has had a pension entitlement awarded if he is not satisfied with the amount of pension then he proceeds under Section 7(3) and that is the usual form of Section 7(3) hearings.

It has been felt that all persons seeking any benefit under the Pension Act should have a right to a hearing and full procedural benefits, that is to say, the right to have their case dealt with at first application, second application and right up through the hierarchy of the appeal system to the appellate division on all matters, be it entitlement matters or discretionary matters. Under the proposal referred to in the White Paper the new procedure, and I expect the Bill, will give this right to all pension applicants to take all manner of cases right up to the Appeal Division.

Recommendation 7: The Woods Committee recommended application forms be used for Section 7(3) proceedings. Under the current system there are no formal application forms for Section 7(3) applications. Currently the procedure is very simple and flexible. Anyone desiring a Section 7(3) appearance merely requests it in writing or his representative or

[*Interpretation*]

M. Ward: Je vous en prie, monsieur le président.

Recommandation n° 6: Le Comité Woods recommande un système officiel d'audiences personnelles en vertu de l'autorité actuelle de l'article 7(3) de la Loi sur les pensions touchant toutes les matières autres que l'admissibilité. Par exemple: prestations discrétionnaires—degré d'aggravation. En vertu du présent système, les avantages de la procédure contenus dans la Loi sur les pensions, c'est-à-dire le droit à la première décision, une première audience, une deuxième audience, un renouvellement d'audience et une audience du bureau d'appel, sont réduits aux objets dits questions relatives à l'admissibilité. Par exemple, à savoir si oui ou non la maladie ou la blessure d'une personne a été subie au cours du service. Il n'y a aucun droit à une audience en vertu de la loi actuelle en ce qui concerne toute prestation discrétionnaire telle que la pension de commisération, en vertu de l'article 25, la pension de dépendance, le paiement des frais funéraires et d'autres paiements discrétionnaires. Il existe une forme modifiée d'audience en vertu de l'article 7(3) de la Loi sur les pensions dont la Commission peut faire usage à sa discrétion. Si cet article permet de toucher à certains côtés des prestations discrétionnaires, on ne l'utilise d'habitude que pour régler des différends touchant aux montants de l'admissibilité. Après qu'un individu a reçu son admissibilité à pension, s'il n'est pas satisfait du montant de la pension, il peut alors, en vertu de l'article 7(3), demander une audience, et c'est habituellement le but des audiences tenues en vertu de l'article 7(3).

Nous avons cru bon que chaque personne demandant le bénéfice de la Loi sur les pensions possède le droit à l'audience et à tous les avantages de la procédure, c'est-à-dire le droit de voir son cas examiné lors de la première demande, de la deuxième demande et le droit de recourir à tous les échelons du système d'appel auprès de la Division des appels, qu'il s'agisse de l'admissibilité ou des prestations discrétionnaires. En vertu des propositions concernant la nouvelle procédure, incluses dans le Livre blanc, et je l'espère dans la Loi, on donnera le droit à tous les demandeurs de présenter tous les cas, de quelque nature qu'ils soient, jusqu'à la Division des appels.

Recommandation n° 7: Le Comité Woods recommande que des formules de demande soient utilisées pour les procédures en vertu de l'article 7(3). Selon le système actuel, il n'y a aucune formule officielle qui s'applique à l'article 7(3); la procédure est simple et flexible. Quiconque désire obtenir une audience en vertu de l'article 7(3) en fait la demande par

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even his Member of Parliament may do so on his behalf, it can be initiated in any manner. This recommendation of the Woods Committee has not adopted, that is to say, it was felt desirable to retain the simple and flexible system rather than enter into a formalized system of an approach for a hearing.

Recommendation 8: The Woods Committee recommended publications of directives governing Section 7(3)—personal appearances. This recommendation has been accepted in

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principle. It is modified to the extent that because persons seeking benefits under the Pension Act will now have the right to go through the whole procedural gamut in all matters we anticipate that Section 7(3) hearings will be limited and confined to disputes relating to quantum of pension after the right to pension has been given. Therefore, the quantum of pension will generally be the sole reason for Section 7(3) hearings. Although Mr. Justice Woods recommended an entirely different use of Section 7(3) hearings, he naturally desired publication of directives governing the procedures to be followed. This, of course, is not too essential in the simplified form that we will be introducing; therefore it will be modified to the extent that it will set out directives relating to this narrow field of assessment.

Recommendation No. 9—The Woods Committee recommended that applicants' costs be paid in Section 73 appearances. The principle of costs being paid to the applicant is accepted, but the recommendation is naturally modified in view of the proposed new system whereby all matters can be taken to an entitlement board hearing and the applicant will be reimbursed for all his costs when appearing before the entitlement board, to the same extent and in the same manner as are applicants now appearing before appeal boards.

The applicant appearing at a 7(3) hearing will, as I mentioned earlier, be limited to disputing only the quantum of pension. The payment of his costs will remain the same as it is under the current situation. That is to say, if he is successful in convincing the adjudicating authorities that his amount of pension should be raised, for example, from 20 to 40 per cent then his costs will be paid. But if he is unable to convince the adjudicating authorities and does not succeed, then he

[*Interprétation*]

écrit, ou son représentant, ou même son député, peut la présenter pour lui. Elle peut être faite sous n'importe quelle forme. Cette recommandation du rapport Woods n'a pas été acceptée, c'est-à-dire qu'il est apparu nécessaire de garder un système simple et flexible plutôt que d'adopter un système officiel de demande d'audience.

Recommandation nº 8: Le Comité Woods recommande la publication de directives au sujet de l'article 7(3), audiences personnelles. Cette recommandation a été acceptée en principe. Elle a été modifiée sur un certain point car les personnes dmandant des avantages en vertu de la Loi sur les pensions auront désormais le droit de faire appel à tout le mécanisme de la procédure, dans tous les domaines. Nous prévoyons que les audiences tenues en vertu de l'article 7(3) seront limitées et confinées aux différends relatifs au montant des pensions après que le droit de toucher une pension aura été accordé. Ainsi, le montant des pensions sera donc généralement la seule raison d'obtenir une audience en vertu de l'article 7(3). Puisque le juge Woods a recommandé une utilisation totalement différente des audiences prévues à l'article 7(3), il était naturel qu'il demande la publication de directives sur les procédures à suivre. Cela n'est évidemment pas essentiel, à cause de la formule simplifiée que nous voulons introduire; ainsi, la recommandation sera modifiée dans la mesure où des directives seront données au sujet de ce domaine restreint qu'est l'admissibilité.

Recommandation nº 9: Le Comité Woods recommande que les frais d'appel du demandeur soient payés lors des audiences tenues en vertu de l'article 7(3). Le principe de défrayer les dépenses du demandeur est accepté, mais la recommandation est naturellement modifiée, compte tenu du nouveau programme proposé, selon lequel toutes les causes peuvent être portées devant un bureau d'admissibilité; le demandeur sera donc remboursé de tous les frais engagés lorsqu'il se présentera devant le bureau d'admissibilité, de la même façon et jusqu'aux mêmes montants que les demandeurs qui se présentent actuellement devant un bureau d'appel.

Le demandeur qui se présente à une audience tenue en vertu de l'article 7(3) sera, comme je l'ai mentionné plus haut, restreint à discuter uniquement du montant de sa pension. Le paiement de ses frais restera le même que selon les présentes conditions. Ce qui veut dire que, s'il parvient à convaincre les autorités que le montant de sa pension devrait être augmenté, par exemple de 20 à 40 p. 100, ses frais seront alors remboursés. Mais s'il n'est pas capable de convaincre les autori-

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is responsible for his own costs. That is the current situation and that part will continue, as I understand.

Mr. Bigg: Mr. Chairman, there is a point there that I do not think is very fair. In the case where either a veteran or a widow is making an application, and where they naturally feel that they have good grounds for it, it seems to me that there could be quite a financial burden in calling medical experts, and so forth. They do not come for nothing these days. I know of a case where a man expected $100 a day to appear before a board on behalf of a veteran. If the case is *bona fide* a veteran or a widow, who is already in very difficult financial circumstances, is saddled with a bill for $200 or $300. They can only pay this bill by going to the army benevolent fund or some other charitable organization, and I would say this is very unfortunate. I would like to see some relief from that. Even if he does not get entitlement it seems to me there should be a rider in there to the effect that if it was a *prima facie* case it should be open for an officer to attack this bill in those circumstances. I know from personal experi-

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ence that this has occurred in cases that have come to my attention. Has this been given any consideration by the Department?

Mr. Ward: Mr. Chairman, it will be appreciated, of course, that in all matters of seeking entitlement, in discretionary matters, or in entitlement matters, costs will be paid and that they will include the medical fees for the applicant's expert witness appearing before the entitlement board.

In the case of assessment disputes, disputes over the quantum of pension, the current system of reimbursing an applicant who succeeds has been in effect for many years.

There is a very good reason that costs only be paid when the man succeeds, and that relates to trying to discourage frivolous claims. There is always a possibility—and I am not suggesting for one minute that this is universal—that people in remote areas may very well decide that they can have a trip down to Vancouver, or some other centre, by merely disputing the amount of pension that has been awarded to them, and that all expenses will be paid. To avoid this sort of thing and frivolous claims, it is fair to reimburse when they succeed. This is the normal thing in courts. When you succeed you are

[*Interpretation*]

tés et échoue, il devra alors payer ses propres frais. C'est la situation actuelle, et je crois qu'elle continuera à être appliquée.

M. Bigg: Monsieur le président, je pense qu'il y a un point ici qui n'est pas très juste. Lorsqu'un ancien combattant, ou une veuve, présente une demande parce qu'il pense réellement avoir des raisons solides pour ce faire, il me semble que cela pourrait représenter une charge financière très lourde en faisant appel à des médecins pour expertises, etc. Les gens, de nos jours, ne se présentent pas devant une commission pour rien. Je connais un cas où un expert demandait 100 dollars par jour pour venir témoigner devant une commission en faveur d'un ancien combattant. Si la demande est faite de bonne foi, un ancien combattant, ou une veuve, qui est déjà dans des conditions financières difficiles est désarçonné par une facture de 200 ou de 300 dollars. Il ne peut régler cette facture qu'en faisant appel à la Caisse de bienfaisance de l'armée ou à une autre organisation de bienfaisance, et je trouve cela très malencontreux. J'aimerais qu'on remédie à cela. Même si le demandeur n'est pas admissible, il me semble qu'il devrait y avoir une disposition qui permette à un fonctionnaire de contester cette facture, surtout si la demande est faite de bonne foi. Je sais d'expérience que cela est arrivé dans des cas qui ont été portés à mon attention. Est-ce que le ministère a étudié la question?

M. Ward: Monsieur le président, nous apprécierions, bien sûr, que dans toutes les causes d'admissibilité, de demandes d'admissibilité et de prestations discrétionnaires, l'on défraye les coûts, notamment les honoraires médicaux des experts du demandeur lorsqu'ils doivent témoigner devant le bureau d'admissibilité.

Dans les controverses au sujet de l'évaluation, du montant des pensions, le système actuel est en vigueur depuis plusieurs années, à savoir que l'on rembourse le demandeur qui gagne sa cause.

Il y a une bonne raison pour ce faire, c'est d'essayer d'éliminer les réclamations qui ne tiennent pas debout. Il y a toujours possibilité—je ne dis pas là qu'il s'agit d'un cas fréquent—qu'un individu demeurant dans un endroit reculé décide d'aller à Vancouver pour contester le montant de la pension qui lui a été attribuée, sachant bien que ses dépenses lui seront payées. Pour éviter ce genre de réclamations non fondées, il est juste que le demandeur soit remboursé lorsqu'il gagne sa cause. C'est un procédé normal devant les tribunaux. Si vous gagnez une cause, on vous alloue les dépenses. Mais je

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awarded costs. But I dare say there is no immutable position on any of these matters, as I understand it.

Mr. Bigg: I understand that, and I am as interested as anyone else in protecting the taxpayer's pocket, but it seems to me that in a great many administrative problems such as that there should always be a fairly simple procedure by which the type of justice I am thinking of could be done almost automatically.

As I have said, this board is deciding a great many things just as difficult as whether or not a claim is frivolous. Where the complaint is frivolous you are quite right—no reimbursement should be paid. Perhaps there should even be a fine attached to it, although I realize that that cannot be done. But there have been cases up to now, I am quite certain, where the application for entitlement was definitely *bona fide*—and as I say I hope this benefit of the doubt clause will remove some of these difficulties—where it was impossible for the veteran to prove his case. This is why we have the benefit of the doubt rule. If he has, in his own opinion, a *bona fide* case, or a *prima facie* case, and if the Commission itself says he has a *prima facie* case and they have a hearing and he gets through it, gets adjudication on it and still feels he is not getting enough, he brings in his witness, which is required. The man may look well, shall we say. He has to have an expert to prove that his physical condition belies his outward appearance. You cannot tell a man's blood pressure by his looks, and so on; therefore he has, at considerable expense, to call a person who knows his heart condition, and be loses his case. These cases may be rare, but there is nothing wrong with putting into the act a section or an escape procedure by which a person could get relief in paying such a claim if good faith has been shown. I would rule out frivolity, of course.

I know of several cases that I could bring to the attention of the Minister, but I do not want to take up the time of the Committee.

Mr. Ward: I dare say, as I mentioned, this is not an inflexible position. Undoubtedly this would be very carefully reviewed and the possibility of some exercise in discretion perhaps even might be very well considered. Of course, I cannot—

[*Interprétation*]

dois dire, par contre, qu'il ne s'agit pas là d'une position rigide envers toutes ces causes.

M. Bigg: Je comprends parfaitement cela, et je suis aussi intéressé que quiconque à protéger l'argent des contribuables. Mais il me semble que dans des cas d'administration tels que ceux-ci, il devrait toujours y avoir un moyen très simple de pouvoir satisfaire presque automatiquement le genre de justice à laquelle je pense.

Comme je l'ai déjà dit, la Division est amenée à porter un jugement sur bon nombre de choses tout aussi difficiles que de décider si une plainte est futile ou non. Lorsque la plainte est jugée futile, vous avez raison, il ne devrait y avoir aucun remboursement. Cela devrait peut-être même entraîner une amende, encore que, je le comprends, ce soit impossible. Mais il y a déjà eu, j'en suis certain, des cas où la demande était assurément faite de bonne foi; et, je le répète, j'espère que la clause du bénéfice du doute abolira quelques-unes des difficultés que rencontrait l'ancien combattant qui était dans l'impossibilité d'obtenir gain de cause. C'est pourquoi nous appliquons la règle du bénéfice du doute. Si l'ancien combattant estime avoir une cause authentique, ou bien fondée de prime abord, que la Division trouve aussi sa cause bien fondée, et qu'après l'audience, il ne soit toujours pas satisfait du jugement, il fait venir son témoin, comme c'est obligatoire. Il peut sembler en bonne santé, et il doit donc avoir recours à un spécialiste pour prouver que les apparences sont trompeuses. On ne peut pas juger de la tension artérielle d'une personne rien qu'en la regardant, et ainsi de suite. L'ancien combattant doit donc, en encourant d'énormes frais, retenir les services d'un spécialiste qui connaisse sa maladie cardiaque, et il peut arriver qu'il perde sa cause. Ces cas peuvent être rares, mais rien n'empêche d'insérer dans la loi un article ou une disposition échappatoire qui permette à une personne de se faire remourser quand sa demande semble avoir été faite de bonne foi. Naturellement, j'écarterais les demandes futiles.

Je pourrais porter plusieurs cas à l'attention du Ministre, mais je ne veux pas occaparer le temps du Comité.

M. Ward: J'ose dire, comme je l'ai déjà mentionné, que ce n'est pas un prise de position inébranlable. Il ne fait aucun doute que cela serait révisé très attentivement et que la possibilité d'un exercice de discernement pourrait même être fort bien accueillie. Je ne puis, naturellement...

[*Text*]

Mr. Bigg: The bare wording of it says that if he is successful in his case. You know, it is all or nothing at all. He gets all his expenses paid if he wins his pension and that is fine. We are not worried about the man who wins his pension, but in many cases, as I said, on a bona fide application he has lost both his pension and any possible hope of payment for what he thinks are legitimate expenses to make his case felt. I feel that with our sophisticated department we could put in an escape clause saying that in bringing down their adjudication they could say that this case was one, certainly not privileged, but one where unfortunately they could not give him the monetary payment over the period of years, but the Department thought the case was not frivolous and, therefore, it was a fair check on the government's purse to give this veteran, his widow or his dependents this relief from his expenses.

The Chairman: Mr. Bigg, I am thinking in terms of the document that is going to be produced in the transcript at this point. Mr. Ward is going to give me a quick summary of the present conditions, the recommendations and the changes. Then I will—

Mr. Bigg: Are we going—

The Chairman: Yes, there will be an opportunity to examine. If we proceed this way, you will have three or four days of testimony before you have one summary document on the different pages and we hope that we can—

Mr. Bigg: I will make a note then.

Mr. Ward: Mr. Chairman, Recommendation 10: The Woods Committee Report recommended that Section 7(3) be removed from the organizational portion of the Act where it is now found and be placed in the part dealing with adjudication. This recommendation has not been accepted. You will appreciate that matters such as the location of a particular section in an act would largely be a matter for the expert legal draughtsmen who, we would expect, would place the sections in the appropriate areas.

Recommendation 11: The Woods Committee Report recommended that existing Section 7 (3) hearings be expanded for benefits under discretionary sections of the Act and for assessment and degree of aggravation.

As I mentioned earlier, in the current situation Section 7 (3) hearings are, by and large,

[*Interpretation*]

M. Bigg: L'énoncé même prévoit cela, si la cause est gagnée. Vous savez c'est ou tout ou rien. Il est remboursé s'il obtient sa pension, très bien. Nous ne nous préoccupons pas de la personne qui gagne sa cause. Mais dans plusieurs cas, comme je l'ai dit, alors que la demande était faite de bonne foi, l'ancien combattant perd à la fois sa pension et tout espoir d'être remboursé des dépenses qui, d'après lui, étaient nécessaires pour faire comprendre sa cause. J'ai l'impression que la complexité de notre ministère nous permettrait d'insérer une clause échappatoire voulant qu'au moment du jugement, on puisse dire que la cause n'était assurément pas privilégiée, et que malheureusement on ne pouvait verser une pension à l'ancien combattant pendant des années, mais que le Ministère était d'avis que la demande était bien fondée, et que le gouvernement rembourserait donc ses dépenses à l'ancien combattant, à sa veuve ou aux personnes qui lui sont à charge.

Le président: Monsieur Bigg, je pense au document qui va être porté au compte rendu. M. Ward va me donner un bref résumé des conditions actuelles, des recommandations et des modifications. Je vais ensuite...

M. Bigg: Allous-nous...

Le président: Oui, nous aurons l'occasion de nous livrer à un examen. Si nous continuons ainsi, il y aura trois ou quatre jours de témoignages avant que nous n'obtenions un résumé des différentes pages, et nous espérons pouvoir...

M. Bigg: J'en prendrai note.

M. Ward: Monsieur le président, dans la Recommandation 10 de son rapport, le Comité Woods recommande que le paragraphe 3 de l'article 7 soit retiré de la partie de la loi qui porte sur l'organisation pour le placer dans la partie qui a trait au jugement. La recommandation a été rejetée. Vous comprendrez sans peine que des questions comme celle de placer une disposition précise d'une loi à tel endroit relèvent des rédacteurs des textes juridiques qui, nous oserions le croire, les mettraient au bon endroit.

Dans la recommandation 11 du Rapport du Comité Woods, on commande que les dispositions du paragraphe 3 de l'article 7 sur les comparutions personnelles soient étendues aux avantages prévus aux termes des dispositions discrétionnaires de la Loi, l'évaluation et le degré d'aggravation d'une invalidité.

Comme je l'ai déjà mentionné, à l'heure actuelle, le régime des comparutions person-

[*Texte*]

used mainly for assessment disputes and, until recently, disputes relating to degree of aggravation and in a few cases some disputes relating to discretionary awards. This has been modified, of course, by the new procedure which for the first time in our entire pension history gives the right to a hearing in all matters rather than a right which exists in entitlement matters and at the discretion of the present adjudicating authority, a hearing in some other matters. So that recommendation has been modified as outlined previously in the recommendation where I mentioned that the veteran now will have the right to appear right up to the appellate division level in all matters. However, it is anticipated that the vehicle for dealing with assessment disputes will continue to be Section 7 (3) of the Pension Act and it is further anticipated that appearances before the adjudicating authorities under that section will continue to be at the discretion of the Commission.

Recommendation 12: The Woods Committee report recommended a three-stage application

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procedure. This recommendation has been accepted in principle and it is proposed to have a three-stage application procedure regardless of the type of service.

Under the current situation we have a somewhat complex procedural system in which there is a different procedure for those persons whose claims are based on World War I from those persons whose claims are based on World War II. Under claims based on World War I and regular force service, there may be a first hearing, a second hearing and an Appeal Board hearing with certain time limits applying and with certain forms to sign.

In cases relating to World War II, service in Korea and in designated special duty areas, there may be an initial decision, a first renewal decision, further renewal decisions at the discretion of the Canadian Pension Commission and then an Appeal Board hearing with no time limits, but with certain forms to sign.

Under the proposal outlined in the White Paper this procedure will be streamlined, simplified and made common to all periods of service so that in all cases an applicant would have a first application dealt with by the Directorate of Pension. If he does not succeed he then can have a second application. If he

[*Interprétation*]

nelles établi en vertu du paragraphe 3 de l'article 7 sert, en général, à contester l'évaluation et, jusqu'à très récemment, le degré d'aggravation et, dans quelques cas, les décisions discrétionnaires. Cet état de chose a naturellement été modifié par la nouvelle procédure qui, pour la première fois dans toute l'histoire des pensions, accorde une audience pour toutes les questions, non seulement pour les questions d'admissibilité, et, à la discrétion des autorités actuelles en matière de décisions, pour quelques autres questions. La recommandation a donc été modifiée et les anciens combattants auront dorénavant le droit de comparaître au niveau de la division d'appel pour toutes les questions contentieuses. Toutefois, on estime que la contestation des évaluations sera toujours étudiée en vertu du paragraphe 3 de l'article 7 de la Loi sur les pensions, et que les témoignages présentés devant les autorités de décision, prévus par article, seront toujours laissés à la discrétion de la Commission.

Recommandation 12: Le rapport du comité Woods a recommandé une procédure de demande en trois étapes. La recommandation a été acceptée en principe et on propose d'avoir une procédure de demande en trois étapes, sans tenir compte du genre de service.

En ce moment, le système de procédure est quelque peu complexe. Les personnes dont la plainte a trait à la Seconde Guerre mondiale et d'autres, à la Première Guerre mondiale emploient différentes procédures. Pour les plaintes adressées par les anciens combattants de la Première Guerre mondiale et le personnel des Forces régulières il peut y avoir une première audience, une deuxième audience et une audience du bureau d'appel, dans une certaine limite de temps et avec certaines formules à signer.

Pour les cas rattachés à la Deuxième Guerre mondiale, au service en Corée et aux régions désignés pour un service spécial, il peut y avoir une décision initiale, un premier renouvellement de la décision, d'autres renouvellements des décisions laissés à la discrétion de la Commission des pensions du Canada et ensuite une audience du Bureau d'appel sans limite de temps, mais avec certaines formules à signer.

D'après la proposition expliquée dans le Livre blanc, cette procédure sera rationalisée, simplifiée et sera la même pour toutes périodes de service afin que, dans tous les cas, la première demande du requérant soit étudiée par la Direction des pensions. Si la première demande est refusée, il pourra alors en pré-

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still does not succeed he can have a renewal application. Failing to succeed there he can have further renewal applications in the discretion of the Directorate and then he can advance to the Entitlement board hearings. If he fails to succeed after all those previous decisions, he then can appeal finally to the appellate division level.

Mr. Knowles (Winnipeg North Centre): Mr. Ward, would you spell that out again. In other words, there are not just three kicks at the cat, but as the Minister said the other day, there are several kicks at the first cat.

Mr. Ward: There are three major kicks at three acts, but one of the cats has several kittens and you can kick those also. I believe the Minister for purposes of illustration simplified and combined all of the first three stages generally lumping them under the Department of Veterans Affairs adjudicating authority, but that is subdivided into first application, second application, renewal application and further renewals. It is substantially the same system that is now in effect for cases of World War II and Korea.

Mr. Knowles (Winnipeg North Centre): Would an applicant have to go through all of those stages before he is entitled to go to the Commission's entitlement board?

Mr. Ward: Mr. Chairman, it is anticipated that he could proceed to the entitlement board hearing direct from an adverse initial application decision or at any intervening stage. There is complete flexibility.

Mr. Knowles (Winnipeg North Centre): At the veterans choice?

Mr. Ward: Yes, sir.

Recommendation 13: The Woods Committee Report recommended that existing system appeal boards be retained in effect, but renamed and that recommendation is accepted unchanged and the White Paper has outlined the new name for the old Appeal Board will be the Entitlement Board.

[*Interpretation*]

senter une deuxième. Si cette deuxième demande se heurte encore à un refus, il pourra présenter d'autres demandes renouvelées au gré de la Direction, sa demande pourra alors progresser sur la voie de l'audition par le bureau d'admissibilité. Au cas où sa demande ne serait toujours pas acceptée après toutes ces décisions antérieures, il pourra alors finalement en appeler à la Division des appels.

M. Knowles (Winnipeg-Nord-Centre): Monsieur Ward, voudriez-vous nous expliquer cela encore. D'après ce que je peux voir, il n'y a pas seulement trois possibilités de recours, mais elles sont multiples, comme le ministre l'a dit l'autre jour.

M. Ward: Il y a trois possibilités de recours à trois principaux paliers, mais l'un des paliers a plusieurs marches et vous pouvez essayer vos chances là aussi. Je pense que le ministre a simplifié pour les besoins de la cause et qu'il a réuni ensemble ces trois premiers paliers en les groupaut sous l'autorité en matière de décision du ministre des Affaires des anciens combattants, mais il existerait en fait trois subdivisions, d'abord une première demande, puis une seconde demande et ensuite une demande renouvelée, ainsi que d'autres renouvellements possibles par la suite. En fait, c'est le même système ou presque qui est actuellement en vigueur pour les anciens combattants de la Seconde guerre mondiale et de la guerre de Corée.

M. Knowles (Winnipeg-Nord-Centre): Est-ce qu'un requérant devrait passer par tous ces paliers avant d'avoir le droit de passer devant le Bureau d'admissibilité de la Commission?

M. Ward: Monsieur le président, il est prévu qu'il pourra passer directement devant le bureau d'admissibilité pour l'audition de sa cause après un jugement défavorable relatif à une demande initiale, ou à tout palier intermédiaire. Le système est d'une souplesse extrême.

M. Knowles (Winnipeg-Nord-Centre): Au choix de l'ancien combattant?

M. Ward: Oui.

Recommandation n° 13: Dans le rapport du Comité Woods, il est préconisé que le système actuel des bureaux d'appel reste en vigueur, mais qu'on les appelle désormais des bureaux d'admissibilité. Cette recommandation est acceptée sans changement et, comme il est précisé dans le Livre blanc, l'ancien bureau des appels sera désormais le bureau d'admissibilité.

[*Texte*]

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Recommendation No. 14—The Woods Committee recommended establishment of an independent appellate body to be called the Pension Appeal Board, with wide powers including the final determination of interpretation of the Pension Act and final powers of adjudication in all pension matters. Under the current situation we have no equivalent to this proposed appellate body. The Canadian Pension Commission has sole and exclusive jurisdiction to interpret. There is no appeal under the current system in the true sense of an appeal. There is what is called an Appeal Board hearing, but it is more in the nature of a hearing than an appeal; that is to say, that is the first opportunity for the applicant and his witnesses to appear before members seized with the powers of making decisions. While you can say that you are appealing a renewal decision or a second hearing decision, it is really a fact-finding body that sits as a hearing rather than on a traditional form of appeal.

Now, Mr. Chairman, this can get rather complex and I can deal with this recommendation which is broken down from Recommendation 14(A) to 14(Z) and then on to 14-(BB). I can deal with each of these subdivisions of the recommendation, or I can give an outline of the principles which we anticipate will be applicable.

The Chairman: I do not know what the wish of the Committee is, I assume that an outline of the principles applicable would be the best way to proceed at this point and the Committee might come back with detailed questions later. Is that agreeable?

Mr. Ward: Mr. Chairman, there are approximately 26 principles to be applied.

1. That the Appellate Division consist of not more than five commissioners.

2. That it be independent of the control and direction of the Canadian Pension Commission in all matters of interpretation and adjudication.

3. That appeals before the Appellate Division shall consist of a review of the written record and on request a presentation of the appeal by the applicant's representative and

[*Interprétation*]

Recommandation nº 14: Le Comité Woods recommande qu'on établisse un organisme d'appel indépendant qui serait connu sous le nom du Bureau d'appel des pensions, ce bureau serait doté de vastes pouvoirs, y compris celui de la décision finale en matière d'interprétation des dispositions de pouvoirs, y compris celui de la décision finale en matière d'interprétation des dispositions de la Loi sur les pensions, et il constituerait l'autorité finale en matière de décision pour toutes les questions de pension. Dans la situation actuelle, nous n'avons aucun équivalent à cet organisme d'appel proposé. La Commission canadienne des pensions possède seule et de façon exclusive le pouvoir d'interprétation. Il n'y a aucun recours possible, dans le système actuel, qui soit véritablement un appel au vrai sens du terme. Il existe ce que l'on appelle une audition par le bureau des appels, mais il s'agit plus d'une audition de la cause que d'un appel; il s'agit là pour le requérant et ses témoins d'une première occasion de se présenter devant les membres nantis du pouvoir de rendre des décisions. Quand vous faites appel au sujet d'un jugement relatif à une demande renouvelée ou à une décision en seconde audition, en fait, c'est un tribunal d'enquête qui est réuni pour l'audition de la cause plutôt qu'un jury d'appel au vrai sens du terme.

Maintenant, monsieur le président, cela devient plutôt compliqué; je vais vous parler de cette recommandation qui se ramifie en recommandations nºs 14(A) à 14(Z) et ensuite 14(BB). Je vous parlerais en détail de chacune d'elles, ou je peux vous donner un exposé des principes qui pourraient s'appliquer, selon nous.

Le président: Je ne sais pas ce que les membres du Comité souhaitent, mais je présume qu'un exposé des principes à appliquer serait la meilleure manière de procéder pour l'instant; les membres du Comité pourront poser plus tard les questions de détail. Est-ce d'accord?

M. Ward: Monsieur le président, il y a environ 26 principes applicables tout d'abord:

1. Que la Division des appels ne comprenne pas plus de cinq commissaires.

2. Qu'elle soit indépendante du contrôle et de la direction de la Commission canadienne des pensions pour toutes questions d'interprétation et de décision.

3. Que les appels présentés devant la Division des appels soient l'objet d'une étude du dossier et des documents qui le composent, d'une présentation de la cause en appel soit

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the consideration of any new documentary evidence produced. But viva voce evidence will not be permitted, or I should say admitted.

4. That the applicants shall have the right to make written submissions or have the same made on their behalf in all matters of appeal.

5. That not withstanding the rights of submission and appearance herein set out, the Appellate Division shall have a wide discretion as to the documentary evidence it may admit.

6. That it will have final determination in the interpretation of the Pension Act and other related statutes. The Directorate of Pensions, the Bureau of Pensions Advocates, or any other applicant's representative will have access to the Appellate Division for the presentation of written or oral argument in all matters of interpretation.

7(A). That if the applicant or his representative intends to challenge an interpretation given by the Directorate of Pensions, he will advise the Directorate of Pensions and the Appellate Division of the nature of the challenge. On receipt of the notice the Directorate of Pensions will advise the Appellate Division whether or not it is their intention to present

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written or oral argument on the matter challenged. The Appellate Division shall not proceed with the matter challenged until the Directorate of Pensions has had a reasonable opportunity to prepare argument.

7(B). Should a challenge of an existing interpretation be made during an Appellate Division hearing without notice having been given to the Directorate of Pensions, the Appellate Division shall not consider the challenge until such notice of it has been given and the Directorate of Pensions has been provided an opportunity to submit argument or to appear if it is so desired.

8. That an appeal to the Appellate Division will be from any entitlement board decision.

9. That on any decision taken by an Entitlement Board the applicant shall be informed of his right to appeal to the Appellate Division and of the procedure to be followed in so doing.

10. That no time limit be imposed on the right of appeal to the Appellate Division.

11. That where an applicant has died while a claim is pending or subsequent to the date upon which an adverse decision has been ren-

[*Interpretation*]

demandée par le représentant du requérant et d'un examen de toute preuve à l'appui produite. Cependant, un témoignage présenté de vive voix ne sera pas autorisé, ou plutôt ne sera pas admis.

4. Que les requérants aient le droit de présenter des déclarations par écrit ou de présenter des déclarations faites en leur nom pour toutes les questions d'appel.

5. Que, nonobstant les droits de déclaration et de comparution ci-dessus établis, la Division des appels possède un pouvoir discrétionnaire quant à l'admission des preuves à l'appui.

6. C'est à elle qu'il appartiendra de juger en définitive de l'interprétation de la Loi sur les pensions et des autres règlements qui s'y rattachent. La Direction des pensions, le Bureau des avocats des pensions, ou tout autre représentant du requérant pourra avoir recours à la Division des appels pour soumettre ses arguments de vive voix ou par écrit pour toutes questions d'interprétation.

7(A). Si le requérant ou son représentant ont l'intention de contester une interprétation donnée par la Direction des pensions, ils informeront la Direction des pensions ou la Division des appels de la nature de leurs objections. Au reçu de l'avis, la Direction des pensions en informera la Division des appels, qu'elle ait ou non l'intention de présenter son point de vue sur la question en litige. La Division des appels ne doit pas donner suite à l'affaire avant que la Direction des pensions n'ait eu la possibilité de préparer son propre exposé.

7(B). Si une interprétation donnée était contestée par le requérant au cours de l'audition par la Division des appels sans que la Direction des pensions n'ait été informée, la Division des appels refusera de considérer l'objection avant que cet avis n'ait été envoyé et que la Direction des pensions n'ait eu la possibilité de présenter son point de vue ou de comparaître si elle le juge nécessaire.

8. Qu'un appel présenté devant la Division des appels relève uniquement de la décision du bureau d'admissibilité.

9. Que le requérant soit informé de son droit d'en appeler devant la Division des appels ainsi que des formalités nécessaires pour le faire, à la suite de toute décision rendue par le Bureau d'admissibilité.

10. Qu'il ne soit imposé aucun délai au droit d'en appeler à la Division des appels.

11. Que quand le requérant est décédé sans qu'on ait répondu à sa demande ou après que la Direction des pensions ait rendu une déci-

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dered by the Directorate of Pensions, an appeal may be submitted by a surviving dependant and that should the death of an applicant intervene before the claim has reached the stage of an Entitlement Board Hearing, a surviving dependant will be entitled to such a hearing on the lifetime claim before proceeding to the Appellate Division.

12. That the Appellate Division shall have the power to vary any decisions of the Directorate of Pension or Entitlement Board by reversal or amendment, or by referral to the Directorate of Pensions or Entitlement Board for further consideration.

13. That when the Appellate Division makes a decision it will be referred back to the Directorate of Pensions which shall implement the decision.

14. That in an entitlement or a discretionary case where the Appellate Division feels that further investigation is necessary before a decision can be reached, it may refer the case to either the Directorate of Pensions or the Bureau of Pensions Advocates or other applicant's representative for such action as the Appellate Division directs.

15. That the applicant may be represented by counsel. He may have the assistance of the Bureau of Pensions Advocates free of charge, or a service bureau of a veterans organization, or other representative at his own expense in the preparation and presentation of his appeal.

16. That there be no leave to reopen on the same condition following an Entitlement Board decision, the next step being an appeal to the Appellate Division.

17. That the Appellate Division have jurisdiction to grant leave to reopen following its own decision with respect to the same condition where the application for such leave is based upon error in any decision of the Appellate Division by reason of evidence not having been presented or otherwise.

18. That the Appellate Division be empowered to obtain such additional medical and/or legal opinions as deemed necessary to achieve a decision, and that such opinions when received be available to those representing the applicant and to the Directorate of Pensions.

19. That fees for medical and legal opinions shall be paid from the Canadian Pension Commission's financial vote at rates consistent with schedules to be drawn up by the Appel-

[*Interprétation*]

sion défavorable, tout survivant à sa charge puisse interjeter appel et que si le requérant décède avant que sa demande ait atteint le palier de l'audience d'admissibilité, tout survivant à sa charge ait droit d'obtenir que la demande présentée du vivant de l'ancien combattant soit entendue avant qu'elle ne passe devant la Division des appels.

12. Que le Bureau d'appel ait l'autorité de modifier toutes décisions de la Direction des pensions ou du Bureau d'admissibilité en les révoquant, modifiant ou en les renvoyant pour revision.

13. Que toute décision prise par le Bureau d'appel soit transmise à la Direction des pensions pour qu'elle la mette en application.

14. Que quand le Bureau d'appel estime qu'une autre enquête est nécessaire avant de prendre une décision dans le cas d'anciens combattants ayant droit à la pension ou de ceux qui ont fait des demandes de prestations discrétionnaires, elle peut soumettre le cas soit à la Direction des pensions, au Bureau des avocats des pensions ou à tout autre représentant du requérant qui prendront les mesures que leur dictera la Division des appels.

15. Que le requérant puisse retenir les services d'un avocat. Qu'il puisse obtenir gracieusement l'aide du Bureau des avocats des pensions ou d'une organisation d'anciens combattants ou de tout autre représentant à ses propres frais, afin de préparer et présenter son appel.

16. Qu'on ne pourra pas reprendre la demande relative à la même affection lorsque le Bureau d'admissibilité aura rendu une décision et que la démarche suivante sera de présenter un appel au Bureau d'appel.

17. Que le Bureau d'appel puisse reprendre les demandes relatives à la même affection après avoir rendu sa décision, quand on alléguera que la décision du Bureau est erronée par suite de manque de preuve ou pour une autre raison.

18. Que le Bureau d'appel puisse obtenir tous conseils médicaux et juridiques supplémentaires dont il a besoin pour prendre une décision et que les personnes représentant le requérant et la Direction des pensions puissent aussi bénéficier de ces services.

19. Que les frais encourus pour conseils médicaux et juridiques soient payés à même le budget de la Commission canadienne des pensions à un taux compatible avec le tarif

[*Text*]

late Division and approved by Treasury Board.

20. That the appellate division advise the applicant of its decision.

21. That the appellate division shall sit in Ottawa only.

22. That the Directorate of Pensions shall be permitted to file written reasons for its decisions in addition to those contained in the finding under review. These findings may include the medical precis.

23. That the members of the appellate divi-

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sion shall be appointed in like manner and for the same term as pension commissioners. On appeals involving entitlement and on matters involving interpretation the quorum of the appellate division shall not be less than three. On all other matters the quorum shall be such number as the appelate division may decide.

24. That the appelate division shall have the power and authority to deal with all matters arising from claims under the Pension Act.

25. That the appellate division shall have the power and authority to deal with and adjudicate upon all matters and questions relating to pension claims and that any decision of the appellate division shall forthwith be sent by the appellate division to the Directorate of Pensions, who shall take the necessary steps through the Comptroller of the Treasury to give effect to the same.

26. That the members of the staff of the appellate division be appointed in the same manner as the staff of the Canadian Pension Commission. That accommodation be provided in the normal manner by the Department of Public Works with the recommendation that it be in close proximity to the Department of Veterans Affairs and the Canadian Pension Commission to facilitate the passage of files.

That, Mr. Chairman, is the outline of the principles.

Mr. Knowles (Winnipeg North Centre): Did I understand you to say that in effect the Directorate of Pensions would have the right to appear against the veteran if he takes his case to the Entitlement Board or to the appellate division? I do not ask that question abrasively but because I would like to be clear on this in relation to the statement of the Minister yesterday that we do not want to carry on the adversary system. It strikes me that there is a bit of it there. If a veteran wants to go from the Directorate of Pensions to the Enti-

[*Interpretation*]

établi par le Bureau d'appel et approuvé par le Conseil du Trésor.

20. Que le Bureau d'appel informe le requérant de sa décision.

21. Que le Bureau d'appel siège seulement à Ottawa.

22. Que la Direction des pensions puisse exposer par écrit les motifs à l'appui de ses décisions en plus de ceux énoncés dans les conclusions qui font l'objet de l'appel. Ces conclusions pourront comprendre le précis médical.

23. Que les membres du Bureau d'appel soient nommés de la même façon et pour la même durée que les commissaires des pensions. Lorsqu'il sera question d'admissibilité et d'interprétation, le quorum du Bureau d'appel sera au moins de 3. Pour toutes les autres questions, le Bureau pourra décider du quorum.

24. Que le Bureau d'appel des pensions ait le droit et le pouvoir d'étudier tous les problèmes ayant trait aux demandes faites aux termes de la Loi sur les pensions.

25. Que le Bureau d'appel ait le droit et le pouvoir d'étudier et de prendre une décision relative à tous les problèmes et toutes les questions se rapportant aux demandes de pension et qu'elle informe immédiatement la Direction des pensions de toute décision prise, afin que cette dernière prenne les mesures qui s'imposent afin de la mettre en application par l'intermédiaire du contrôleur du Trésor.

26. Que le personnel du Bureau d'appel soit nommé de la même façon que celui de la Commission canadienne des pensions. Que le ministère des travaux publics fournisse les locaux de la façon habituelle et qu'il veille à ce que ceux-ci soient situés près du ministère des Affaires des anciens combattants et de la Commission canadienne des pensions afin de faciliter la circulation des dossiers. Voilà, monsieur le président, un exposé des grandes lignes.

M. Knowles (Winnipeg-Nord-Centre): Avez-vous bien dit en fait que la Direction des pensions aurait le droit de témoigner contre un ancien combattant qui porte sa cause devant le Bureau d'admissibilité ou le Bureau d'appel? Je ne pose pas cette question pour vous contrer, mais parce que je voudrais concilier ce que vous dites avec la déclaration qu'a faite le ministre hier à l'effet que nous ne devons pas nous lancer dans des controverses juridiques. Or je crois que c'est un peu ce qui se passe. Si un ancien combat-

[*Texte*]

tlement Board or to the appellate division and the Directorate of Pensions comes there to oppose him, is this not the court system?

Mr. Ward: Mr. Chairman, that is a very searching question. I might say that in the normal case there will be no adversary system and there will be no counsel appearing on the other side when an applicant proceeds to the appellate division on an appeal of his claim. The provision, which is not necessarily a fixed provision, for the Directorate of Pensions to file written argument and possibly even appear is solely confined to questions where there is an interpretation of the Pension Act. We do not anticipate there will be very much of this special type of case in which a question of interpretation has been raised, but I believe it was felt that when an interpretation that may affect the general administration is raised that an opportunity be given to all parties to express—primarily, I understand, in written argument—their views concerning the interpretation of the particular section.

Mr. Knowles (Winnipeg North Centre): Is that not a pretty thin line? If a veteran feels that he got a raw deal from the Directorate of Pensions, but that he has a chance of getting a better deal higher up on the basis of a different interpretation that he wants to put forward, is it fair or is it consistent with the position the Minister took for the Directorate of Pensions to be able to come in and argue against the veteran? May I also ask you to relate this to the idea of the complete independence of the Entitlement Board and

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the appellate division both from each other and from the Directorate of Pensions. As I say, this question sounds critical, but I am trying to get the picture clear.

Mr. Ward: I can only say that this is my understanding and it is not a fixed position, and it is certainly open at future stages and in the preparation of the bill for this and many other features to be examined and possibly even changed. It was not anticipated that this sort of procedure would apply in the normal cases appearing at appeal, because in the normal course of events questions of interpretation of the Pension Act do not arise. It is usually a question of whether one medical condition is related to another, or what the etiology of a medical condition is and

[*Interprétation*]

tant veut passer de la Direction des pensions au Bureau d'admissibilité ou au Bureau des pensions et que la Direction des pensions vient témoigner contre lui, nous avons affaire au système judiciaire.

M. Ward: Monsieur le président, cette question va vraiment au fond des choses. Je dirai qu'en temps normal, il n'y aura pas de système contradictoire, ni d'avocat de la partie adverse, lorsqu'un requérant en appellera devant la Division des appels d'une décision relative à sa demande. La disposition qui permet à la Direction des pensions de manifester par écrit son opposition, et même peut-être de comparaître, et qui n'est d'ailleurs pas forcément une disposition permanente, ne porte que sur les questions où entre en jeu une interprétation de la Loi sur les pensions. Nous ne prévoyons pas qu'il y aura beaucoup de ces cas particuliers où se pose une question d'interprétation. Toutefois, on a jugé bon, je crois, de donner à toutes les parties l'occasion d'exprimer—avant tout sous forme d'opposition par écrit—leur point de vue quant à l'interprétation d'un article donné, lorsque cette dernière met en cause l'exécution générale de la Loi.

M. Knowles (Winnipeg-Nord-Centre): L'argument me semble bien peu convaincant. Si un ancien combattant estime que la Direction des pensions n'a pas été généreuse à son égard mais qu'il a des chances d'obtenir mieux des autorités supérieures grâce à une interprétation différente qu'il désire porter à leur attention, est-il juste ou même conforme à la position adoptée par le Ministre, que la Direction des pensions puisse intervenir et faire opposition? Comment rattachez-vous cela au principe de l'indépendance totale de la Division de l'admissibilité et de la Division des appels, à la fois l'une de l'autre et vis-à-vis de la Direction des pensions? Je le répète, cette question semble critique, mais j'essaie de me faire une idée nette de la situation.

M. Ward: Je ne peux que vous répondre que c'est là ce que j'ai cru comprendre, et que cette prise de position n'est pas définitive: assurément, il sera possible, à une étape future et lors de la préparation du projet de loi, d'examiner cette disposition, et bien d'autres, et sans doute même de les modifier. On ne s'attendait pas à ce que ce genre de procédure entre en jeu dans les cas ordinaires d'appel, car normalement, il ne se pose pas de questions d'interprétation de la Loi sur les pensions. Généralement, il s'agit plutôt de savoir si telle maladie se rattache à telle

[*Text*]

whether there has been a logical development, that sort of thing.

Mr. Knowles (Winnipeg North Centre): And on that kind of thing the Directorate would not appear?

Mr. Ward: No, sir.

The Chairman: I notice one or two people with their hands up. I think brief points of clarification are very helpful for the record. Mr. Winch.

Mr. Winch: I just wish some clarification. Did I understand the witness to say that under certain circumstances the appellate board, having reached a decision, would then refer it to the Entitlement Board for the enforcement of their decision? If my understanding is correct, may I ask for clarification why a decision of the appellate board is not enforceable without reference to the Entitlement Board?

Mr. Ward: As I understand it, Mr. Chairman, the decisions of the appellate division are final and they notify the Directorate of Pensions and the applicant as to their decision and the Directorate then implements it.

Mr. Winch: Do you remember that in your statement—I hope I got it right—you mentioned one case where you said it was referred to the Entitlement Board. Do you remember what that was?

Mr. Ward: The appellate division, during the course of its consideration of an appeal, may very well feel that it needs further information and it will direct that the case be reheard, if you like, at the Entitlement Board hearing, and then if it is that type of reference the appellate division will not be rendering a final decision.

Mr. Winch: Therefore the clarification is that if a decision is reached by the appellate division it is final and it then must be enforced?

Mr. Ward: That is my understanding, sir.

The Chairman: I wonder if this would be a convenient point to break? It is now almost 12 o'clock, which is the hour we agreed to observe, and we will come back this afternoon from 2 to 4.30, and Mr. Ward will continue.

[*Interpretation*]

autre, ou de déterminer quelles ont été les causes d'une maladie et si elle en est la suite logique, etc.

M. Knowles (Winnipeg-Nord-Centre): Et la Direction des pensions ne comparaîtrait pas dans les cas de ce genre?

M. Ward: Non, monsieur.

Le président: Je vois une ou deux mains levées. Je crois que les brefs éclaircissements sont très utiles dans le compte rendu. Monsieur Winch?

M. Winch: Je voudrais seulement un éclaircissement. J'ai cru entendre le témoin dire que dans certaines circonstances, la Division des appels, après avoir rendu sa décision, la renverrait à la Division de l'admissibilité afin que cette dernière la mette à exécution. Si j'ai bien compris, pourrait-on m'expliquer pourquoi une décision de la Division des appels ne peut être mise à exécution sans passer d'abord par la Division de l'admissibilité?

M. Ward: D'après ce que j'ai compris, monsieur le président, les décisions de la Division des appels sont finales: elle en informe le requérant et la Direction des pensions, et cette dernière les met à exécution.

M. Winch: Vous rappelez-vous que dans votre déclaration, vous avez mentionné un cas dans lequel la décision avait été renvoyée à la Division de l'admissibilité? Vous souvenez-vous de ce dont il s'agissait?

M. Ward: Il se peut fort bien que lors de l'examen d'un appel, la Division des appels estime avoir besoin de données supplémentaires, et ordonne que la cause doit de nouveau être entendue, pour ainsi dire, devant la Division de l'admissibilité. Par cette sorte de renvoi, la Division des appels ne rend pas de décision finale.

M. Winch: Donc, si la Division des appels rend une décision, celle-ci est finale et doit être mise à exécution?

M. Ward: Pour autant que j'aie compris, monsieur.

Le président: Je me demande si nous pourrions nous interrompre maintenant. Il est presque midi, soit l'heure à laquelle nous avions décidé de nous arrêter. Nous reprendrons nos travaux cet après-midi de 2 heures à 4 heures et demie, et M. Ward aura la parole.

[*Texte*]

AFTERNOON SITTING

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The Chairman: Gentlemen, could we call the Committee to order, please, because Mr. Ward has a fair amount of ground to cover and we want to make good use of our time.

I would like to say just a word before we start. We are trying to obtain a document and transcript today which will be useful to you for reference purposes through the hearings. Mr. Ward is to cover the recommendations of the Woods Committee and to describe what action is being recommended with regard to them specifically.

As far as clarifying questions are concerned, I think it is sometimes very useful to come in with short clarifying questions and this should be encouraged. However, I would ask members of the Committee to bear in mind the problem of discretion and how far we should go with this because we have a number of recommendations and it is going to take some time to go through all of them. I certainly do not wish to discourage in any way the kind of clarifying questions we had this morning which, I think, were very helpful at two or three points. With this understanding, Mr. Ward can we proceed?

Mr. Ward: Thank you, Mr. Chairman.

Recommendation 15 of the Woods Committee recommended certain procedures in claims proceeding to entitlement board hearings. His recommendations, what now is being proposed and what currently exists are substantially the same. The major difference

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being that the Woods Committee recommended that the Canadian Pension Commission prepare a statement of case. The statement of case in substance is really what you gentlemen probably know as the summary of evidence—the document prepared by the Veterans' Bureau—which sets forth all relevant evidence in an applicant's claim when he is proceeding to an appeal board hearing or to a second hearing.

The new system, of course, would envisage many of the duties being performed by the Directorate of Pensions rather than by the Commission, but under the new proposal the Veterans' Bureau will continue to prepare the statement of case or summary of evidence, in other words. That is really the major difference between what now exists, what the Woods Committee recommended and what is proposed under the new system. The high-

[*Interprétation*]

SÉANCE DE L'APRÈS-MIDI

Le président: Messieurs, pourrions-nous commencer, s'il vous plaît. M. Ward a beaucoup de choses à nous dire, et il ne faut pas que nous perdions de temps.

Avant de commencer, j'ai un mot à vous dire. Nous essayons d'obtenir aujourd'hui un document et un texte transcrit qui vous seront utiles à titre de référence au cours de nos audiences. M. Ward va nous exposer les recommandations du Comité Woods, et nous dire, dans chaque cas, quelles mesures on envisage de prendre.

Si vous désirez obtenir des éclaircissements, je vous encourage à poser de brèves questions, qui sont parfois très utiles. Toutefois, je vous demande de faire preuve de discrétion et de ne pas exagérer, car il y a un assez grand nombre de recommandations et il va nous falloir un certain temps pour les passer toutes en revue. Mais je vous encourage à demander des éclaircissements comme vous l'avez fait ce matin, car, dans deux ou trois cas, vos questions ont été fort utiles. Cela dit, monsieur Ward, vous avez la parole.

M. Ward: Merci, monsieur le président.

Dans sa recommandation n° 15, le Comité Woods avait préconisé une certaine procédure à suivre pour la présentation d'une demande en vue d'une audition par un bureau d'admissibilité. Il n'y a pas de différences fondamentales entre les recommandations du Comité Woods, la procédure que l'on propose actuellement et la procédure existante. La différence essentielle, c'est que le Comité Woods avait recommandé que la Commission canadienne des pensions rédige un exposé de l'affaire. En pratique, l'exposé de l'affaire est ce que vous, messieurs, connaissez sans doute sous le nom de résumé des faits; c'est le document que rédige le Bureau des vétérans, et dans lequel on expose tous les faits pertinents de la demande du requérant en vue d'une audience par un bureau d'appel ou d'une seconde audience.

Le nouveau régime prévoit, bien sûr, d'attribuer bon nombre des fonctions à la Direction des pensions plutôt qu'à la Commission, mais, aux termes de la nouvelle proposition, le Bureau des vétérans continuera à rédiger l'exposé de l'affaire—en d'autres termes, le résumé des faits. C'est en fait la différence essentielle entre ce qui existe actuellement, ce qu'avait recommandé le Comité Woods et ce que l'on propose selon le nouveau régime.

[*Text*]

lights or the principles of the procedures under the new system are not as lengthy as the one dealing with the appellant division. I will read them:

(a) An applicant may proceed to an Entitlement Board Hearing from a first application, second application or renewal application;

(b) On receipt of a "Request for an Entitlement Board Hearing" the Directorate of Pensions shall provide the Bureau of Pensions Advocates with a precis which will include a citation of the pertinent legislation, Directorate policy and the medical precis—to include the Medical Adviser's opinions, if any—and therefrom the Bureau of Pensions Advocates shall prepare a statement of case setting forth all available evidence from the departmental file relating to the claim.

(c) The Bureau of Pensions Advocates shall forward a copy of the statement of case to the applicant and those representing him, except that where the statement contains information which might be harmful to the health or well-being of the applicant, a copy be provided to his representatives only;

(d) An applicant, upon reviewing the statement of case and desiring to proceed should, with the assistance of the Pensions Advocate or other representative, file a "Notice of Readiness" with the Canadian Pension Commission;

(e) On receipt of the "Notice of Readiness" and a submission, if any, prepared by the Bureau of Pensions Advocates or by others representing the applicant...

Mr. Guay (St. Boniface): Mr. Chairman, may I interrupt for a moment to ask the witness if he is reading from the book we have at hand and if that is the case, could he suggest to us the page and the item that he is making reference to so we might be able to follow him?

The Chairman: I believe it is document other than this one.

Mr. Ward: Mr. Chairman, it has not been circulated, it is a private document.

The Chairman: I think it is the private document that was prepared. Unfortunately, it was not in a form that we could distribute and cover everything that is required.

[*Interpretation*]

Les caractéristiques principales, ou les principes, de la procédure à suivre selon le nouveau régime ne sont pas aussi détaillées que dans le cas de la Division des appels. Je vais vous les lire:

a) Un requérant peut présenter sa demande pour une audience par un bureau d'admissibilité après une première demande, une seconde demande ou un renouvellement de demande.

b) A la réception d'une «Demande d'audience par un bureau d'admissibilité», la Direction des pensions fournit au Bureau des avocats des pensions un dossier renfermant une citation des lois pertinentes, une indication de l'attitude de la Direction, et le précis médical, qui fait état, s'il y a lieu, de l'avis des conseillers médicaux. Le Bureau des avocats des pensions prépare alors un exposé de l'affaire comportant tous les faits relatifs à la demande qui figurent au dossier du Ministère.

c) Le Bureau des avocats des pensions envoie une copie de l'exposé de l'affaire au requérant et à ses représentants, sauf que dans le cas où l'exposé contient des renseignements qui pourraient nuire à la santé ou au bien-être du requérant, seuls ses représentants en reçoivent une copie.

d) Le requérant, après avoir pris connaissance de l'exposé de l'affaire, et s'il désire continuer les procédures, produit à la Commission canadienne des pensions, avec l'aide de l'avocat des pensions ou d'un autre représentant, un «Avis de consentement».

e) A la réception de l'«Avis de consentement» et, s'il y a lieu, d'un exposé préparé par le Bureau des avocats des pensions ou par les autres représentants du requérant...

M. Guay (Saint-Boniface): Monsieur le président, permettez-moi d'interrompre le témoin un instant pour lui demander s'il tire ses citations du volume que nous avons sous les yeux. Si tel est le cas, pourrait-il nous indiquer la page et l'article auxquels il se réfère, afin que nous puissions suivre?

Le président: Je crois qu'il s'agit d'un autre document.

M. Ward: Monsieur le président, c'est un document personnel qui n'a pas été diffusé.

Le président: Je crois que c'est le document personnel qui a été préparé. Malheureusement, il ne se présentait pas sous une forme qui nous permettrait de le distribuer tout en y laissant tous les renseignements nécessaires.

[*Texte*]

Mr. Guay (St. Boniface): I am sorry to have interrupted you, Mr. Ward.

Mr. Ward: Not at all, sir.

(e) On receipt of the "Notice of Readiness" and a submission, if any, prepared by the Bureau of Pensions Advocates or by others representing the applicant, the Chairman of the Canadian Pension Commission shall then arrange for either

(i) an entitlement board hearing before three members of the Canadian Pension Commission; or

(ii) where such a hearing is not deemed practical for reasons of time, travel or inconvenience, a personal appearance by the applicant and his witnesses before a person or persons specially delegated by the Canadian Pension Commission to take evidence and hear argument, this to be known as "Examiner's Hearing". In this case the decision would be made by an entitlement board on the evidence, provided that the applicant's representative may appear before such board should he so desire. An applicant may refuse an Examiner's Hearing and insist that his case be heard by an entitlement board as set out in (e) (i) above. In such instance the Canadian Pension Commission should not be held accountable for any delay involved.

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(f) Entitlement board hearings will be held in Ottawa and at other locations in Canada as may be practicable. At such hearings the applicant and his witnesses shall appear at public expense;

(g) Members of the entitlement board should be provided, prior to the hearing, with a docket containing the statement of case and any written submissions prepared by the Bureau of Pensions Advocates or other representative of the applicant;

(h) All oral evidence and should the veteran's representative request it, counsel's argument and argument where the applicant pleads his own case, should be recorded and where requested a transcript prepared for the entitlement board members with additional copies for the applicant and those representing him;

[*Interprétation*]

M. Guay (Saint-Boniface): Pardonnez-moi de vous avoir interrompu, monsieur Ward.

M. Ward: Ce n'est rien, monsieur.

e) A la réception de l'«Avis de consentement», et, s'il y a lieu, d'un exposé préparé par le Bureau des avocats des pensions ou par les autres représentants du requérant, le président de la Commission canadienne des pensions prend les mesures nécessaires pour assurer:

(i) La tenue d'une audition par un bureau d'admissibilité formé de trois membres de la Commission canadienne des pensions; ou

(ii) Lorsque ce genre d'audition n'est pas jugé pratique pour des raisons de temps, de déplacements ou de dérangement, la comparution du requérant lui-même et de ses témoins devant une ou plusieurs personnes déléguées spécialement par la Commission canadienne des pensions afin de recueillir les témoignages et d'entendre la plaidoirie; cette sorte d'audition s'appellera «audience d'examinateur». Dans ce cas, un bureau d'admissibilité rendra la décision d'après les témoignages, à condition que le représentant du requérant puisse, s'il le désire, comparaître devant ce bureau. Un requérant peut refuser une audience d'examinateur et exiger que son cas soit examiné par un bureau d'admissibilité suivant la recommandation *e*) (i) ci-dessus. Le cas échéant, la Commission canadienne des pensions ne doit être tenue responsable d'aucun retard.

f) Les audiences des bureaux d'admissibilité se tiennent à Ottawa ou à d'autres endroits au Canada où il est possible de le faire. A l'occasion de ces audiences, le requérant et ses témoins comparaissent aux frais de l'État.

g) Avant l'audience, on fournit aux membres du bureau d'admissibilité un dossier qui contient l'exposé de l'affaire et toute requête écrite préparée par le Bureau des avocats des pensions ou autre représentant du requérant.

h) Tous les témoignages oraux, et, à la demande du représentant de l'ancien combattant, la plaidoirie de l'avocat, ou la plaidoirie du requérant s'il plaide lui-même sa cause, doivent être enregistrés ou consignés par écrit, et, sur demande, un procès-verbal doit être préparé pour les membres du bureau d'admissibi-

[*Text*]

(i) The rules of practice set out in paragraph (g) should apply to an Examiner's Hearing and the applicant could, if he desires, have his case presented by an Advocate or others representing him in the same manner as that which would apply for entitlement board hearings. The applicant and his witnesses shall appear at public expense;

(j) A record shall be made of all discussion at the Examiner's Hearing and a transcript of evidence prepared which, with supporting documentation, shall be forwarded to the Head Office of the Canadian Pension Commission where such shall be placed before an entitlement board for decisions;

(k) The decision of the entitlement board shall be in sufficient detail to provide an explanation of the issues, the evidence, the legislation and its interpretation, the evaluation of the claim, the inferences and presumptions, the findings of fact and conclusions of law. Copies of this decision shall be communicated to the applicant and those who represent him;

(l) (1) Instructions for the preparation of documentation required in the entitlement board proceedings should include each of the following where applicable:

(i) *Statement of Case:* This to be prepared by the Bureau of Pensions Advocates and to include:

Issues: The claim or claims of the applicant to be separately stated.

Summary of Evidence: The evidence pertinent to the issue raised in the application including location and circumstances of service, military medical record and other evidence from file to be given. This summary to be in chronological order and to include all occurrences pertinent to the case which are a matter of record.

Citations of pertinent legislation: The appropriate sections of the Act, published interpretations, etc. to be included.

(ii) *Decisions of Entitlement Boards:* These shall be prepared by the presiding member or another member of the board and shall include:

[*Interpretation*]

lité, avec des copies supplémentaires pour le requérant et les personnes qui le représentent.

i) Les règles de procédure énoncées au paragraphe g) s'appliquent à une audience d'examinateur, et le requérant peut, s'il le désire, faire présenter sa requête par un avocat ou d'autres personnes le représentant, de la façon dont elle serait présentée à un bureau d'admissibilité. Le requérant et ses témoins comparaissent aux frais de l'État.

j) Toute discussion qui a eu lieu au cours de l'audience d'examinateur doit être consignée, et il faut préparer une transcription des témoignages qui, avec les documents à l'appui, est transmise au siège social de la Commission canadienne des pensions, où le tout est soumis à un bureau d'admissibilité qui rend la décision.

k) La décision du bureau d'admissibilité doit être suffisamment détaillée pour fournir une explication des questions à l'étude, de la preuve, de la loi et de son interprétation, de l'appréciation de la demande, des déductions et des présomptions, des constatations de fait et des arguments tirés de l'application de la loi. Des copies de la décision doivent être remises au requérant et aux personnes qui le représentent.

l) Les directives concernant la préparation de la documentation nécessaire pour les délibérations du bureau d'admissibilité doivent toucher les points suivants:

(i) *Exposé de l'affaire:* Cet exposé doit être préparé par le Bureau des avocats des pensions et doit compredre:

Questions à l'étude: La réclamation ou les réclamations du requérant doivent être exposées séparément.

Résumé de la preuve: La preuve qui se rapporte aux questions soulevées par la demande, y compris le lieu du service et les circonstances, le dossier militaire et médical et tous les autres documents classés. Ce résumé doit être établi par ordre chronologique et inclure tous les faits pertinents à la cause et qui sont consignés.

Citation de législation pertinente: Il faut mentionner les articles pertinents de la loi, les interprétations qui en ont été publiées, etc.

(ii) *Décisions du bureau d'admissibilité:* Les décisions doivent être préparées par le président de l'audience ou un autre membre du bureau, et doivent comprendre:

[*Texte*]

Issues: A statement of the issue or issues, the names of witnesses at the hearing; and the names of any persons consulted by the board apart from Commission staff, to be given.

Contentions: The contentions of the applicant to be stated in general terms.

Evidence: A condensation of the evidence, both favourable and unfavourable, which is pertinent to and has a bearing on the contentions advances, diagnosis and physical and clinical findings to be included, with explanation in non-medical terms where possible, to be stated.

Inferences and presumptions: The inferences and presumptions drawn by the Commission to be explained.

The Law: Legislation and published interpretations to be explained, pointing out the statutory and regulatory provisions governing entitlement to the benefits sought.

Evaluation: This to include an explanation or clarification of the reasoning which the entitlement board used in arriving at its findings, including the views of the board regarding any conflict or inconsistencies in the evidence.

Findings of Fact: These to include a synopsis of both the basic facts and those which control the disposition of the case, to be stated in concise terms.

Conclusions of Law: These to include the deductions of the board as to whether the applicant is or is not entitled to the benefits claimed, such conclusions to be distinguished from the findings of fact in that they are arrived at through the application of legislation; such conlusions must be consistent with or supported by the findings of fact.

Decision: This to be stated succinctly based on the issues as stated at the outset of the decision.

That, of course, is a departure from the present system. Although there are reasons for decisions given by current appeal boards, by and large they are not given to the extent of the format suggested for the proposed entitlement board hearing. These are more

[*Interprétation*]

Les questions étudiées: Un exposé de la question ou des questions en litige, les noms des témoins à l'audience et ceux de toutes les personnes consultées par le bureau en plus du personnel de la Commission.

Les affirmations: Les affirmations du requérant doivent être énoncées en termes généraux.

La preuve: Un résumé succinct de la preuve, favorable et défavorable, qui est pertinente et se rapporte aux affirmations présentées; le diagnostic et les constatations physiques et cliniques doivent y être inclus et être accompagnés d'explications en termes non médicaux quand la chose est possible.

Les déductions et présomptions: Les déductions et les présomptions de la Commission doivent être expliquées.

La loi: La législation et les interprétations publiées par la Commission doivent être expliquées, et les dispositions statutaires et réglementaires régissant l'admissibilité aux avantages demandés doivent être signalées.

L'appréciation: Elle doit comprendre une explication ou un éclaircissement des motifs qu'a invoqués le bureau d'admissibilité pour arriver à son verdict, de même que l'avis du bureau au sujet de tout conflit ou contradiction dans la preuve.

La constatation des faits: Elle doit se composer d'un résumé des faits fondamentaux ainsi que de ceux qui gouvernent le jugement du cas, le tout en termes concis.

Les conclusions de droit: Elles doivent comprendre les déductions du bureau quant à l'admissibilité ou l'inadmissibilité du requérant aux avantages qu'il demande; ces conclusions se distinguent de la constatation des faits en ce qu'on y arrive par l'application de la loi; elles doivent être logiques par rapport à la constatation des faits ou s'appuyer sur cette constatation.

La décision: Elle doit être énoncée brièvement, et fondée sur les questions en litige telles qu'elles sont exposées au début de la décision.

Toutes ces dispositions sont, évidemment, nouvelles par rapport au régime actuel. Bien que les décisions des bureaux d'appel actuels soient motivées, on ne donne généralement pas de raisons aussi détaillées qu'il faudra le faire, selon le nouveau régime proposé, pour

[*Text*]

sophisticated and may result in clearer reasons for a decision being handed down.

Recommendation 16:

Woods Committee recommended quality control by review of statement of case, transcripts and decisions.

Currently under the present system, there is sort of an audit system excluding appeal board decisions, but certainly not to the extent contemplated by the Woods recommendation which has been accepted in principle. The only modification is that under the new system the review of some of the decisions will be carried out by the Directorate of Pensions and review of the statement of case by the Chief Pensions Advocate as these would fall within their jurisdiction.

• 1420

Recommendation 17: The Woods Committee recommended repeal of Sections 60(5) and 62(5). This recommendation has been accepted in principle. I might say that Section 60 requires the signing of a statement of claim form setting forth all conditions which have been ruled on adversely by the previous adjudication and that no member of an appeal board shall sit on appeal without the consent of the applicant if such member had sat on a previous adjudication of the claim. That recommendation has been accepted.

Mr. Weatherhead: Mr. Chairman.

The Chairman: Yes, Mr. Weatherhead.

Mr. Weatherhead: Does not the present legislation, Sections 60(5) and 62(5), prohibit a person hearing the case twice, in effect?

Mr. Ward: That is the substance of it, Mr. Chairman.

Mr. Weatherhead: And the Commission is recommending that this be repealed?

Mr. Ward: Yes.

Mr. Weatherhead: And what was the reason for that?

Mr. Ward: The reason for the Woods Committee recommendation?

Mr. Weatherhead: Recommending the repeal, yes.

Mr. Ward: I believe it substantially is because no one should be placed in the posi-

[*Interpretation*]

les audiences des bureaux d'admissibilité. La nouvelle procédure est plus complexe, et il en résultera peut-être un exposé plus clair des motifs de la décision.

Voici la recommandation 16:

Le Comité Woods a préconisé un contrôle de la qualité au moyen d'une révision de l'exposé des affaires, des procès-verbaux et des décisions.

Selon le régime actuel, on se livre à une sorte de vérification, sauf dans le cas des décisions des bureaux d'appel, mais elle n'est assurément pas aussi poussée que celle que prévoit la recommandation du comité Woods, qui a été acceptée en principe. La seule modification, c'est que, selon le nouveau régime, la révision de certaines décisions incombera à la Direction des pensions, et la révision de l'exposé de l'affaire, à l'avocat en chef des pensions, puisque cela relèvera de leurs compétences respectives.

Voici la recommandation 17: Le Comité Woods a préconisé la révocation des articles 60(5) et 62(5). Cette recommandation a été acceptée en principe. Je pourrais préciser que l'article 60 impose la signature d'une formule d'exposé de la demande qui énumère toutes les affections qui ont été rejetées lors du jugement précédent; de plus, il interdit à tout membre d'un bureau d'appel, qui a déjà siégé lors d'un jugement antérieur de la demande, de siéger lors d'un nouvel appel sans le consentement du requérant. Cette recommandation a été acceptée.

M. Weatherhead: Monsieur le président?

Le président: Oui, monsieur Weatherhead.

M. Weatherhead: Est-ce que l'article 60(5) et l'article 62(5) de la présente loi n'interdisent pas en fait à la même personne d'entendre deux fois la même cause?

M. Ward: En substance, c'est cela, monsieur le président.

M. Weatherhead: Et le Comité recommande que ces articles soient abrogés?

M. Ward: Oui.

M. Weatherhead: Et pour quelles raisons?

M. Ward: Les raisons de la recommandation du Comité Woods?

M. Weatherhead: La recommandation de l'abrogation, oui.

M. Ward: Je pense que, dans les grandes lignes, personne ne devrait être placé dans la

[*Texte*]

tion as an applicant of having to accept that a member of the Commission sit on his appeal although that matter had previously adjudicated at a lower stage.

The Chairman: Does it not appear to say the opposite?

Some hon. Members: Yes.

The Chairman: It appears to say the opposite: it appears to say that the sections which barred this from happening are being repealed.

An hon. Member: Yes.

Mr. Ward: Yes. So that there will be no question at all of consent. You see, the Entitlement Board members will not have dealt with the case at all before, so there is no need for these sections anymore.

The Chairman: They become superfluous.

Mr. MacRae: They are being repealed because they are totally irrelevant.

Mr. Ward: Yes.

The Chairman: In other words, the new procedure would be so clear that there would be no possibility of it ever occurring.

Mr. Ward: No Entitlement Board member could possibly have sat on a previous adjudication of that claim under the new system.

Mr. Winch: May I ask a question for clarification?

The Chairman: Mr. Winch.

Mr. Winch: Mr. Chairman, I know that under (40) you have Pension Advocate. If it is in order, taking (13) and (21), what is the position of the separate board of pension advocates in this relationship?

Mr. Ward: I am not quite sure of your question.

Mr. Winch: Beyond your Entitlement Board what is the position of the separate establishment of pension advocates, or should I wait until (40) to ask that question.

Mr. Ward: Yes, you could.

The Chairman: Will we not come to the section dealing specifically with this point, Mr. Ward?

[*Interprétation*]

position d'un demandeur qui devrait accepter que, lors de l'audition de son appel, le membre de la Commission soit le même qui a jugé précédemment la cause à un niveau inférieur.

Le président: Il me semble que c'est juste le contraire?

Des voix: Oui.

Le président: C'est exactement l'inverse. Cela veut dire que les articles qui empêchent justement un tel cas de se produire sont ceux que l'on veut abroger.

Une voix: C'est ça.

M. Ward: Oui. Ainsi, il n'est plus question de consentir quoi que ce soit. Les membres du bureau d'admissibilité n'aurant pas à traiter du cas auparavant, ainsi ces articles deviennent inutiles.

Le président: Ils deviennent superflus.

M. MacRae: On les abroge, car ils sont tout à fait inutiles.

M. Ward: C'est ça.

Le président: En d'autres mots, la nouvelle procédure est tellement claire qu'il n'y a aucune possibilité que de tels cas se reproduisent.

M. Ward: Aucun membre du Bureau d'admissibilité ne pourrait possiblement siéger lors du règlement antérieur de cette réclamation, en vertu du nouveau système.

M. Winch: Puis-je poser une question afin de clarifier ce point?

Le président: Monsieur Winch.

M. Winch: Monsieur le président, je sais qu'à l'article 40 on parle de l'avocat des pensions. Si l'on se réfère à l'article 13 et à l'article 21, quelle serait la position du Bureau des avocats des pensions à ce sujet?

M. Ward: Je ne saisis pas très bien votre question.

M. Winch: A part votre Bureau d'admissibilité, quelle serait la position de l'organisme autonome des avocats des pensions? Ou alors, dois-je attendre que vous soyez rendu à l'article 40 pour vous poser ma question?

M. Ward: Vous pourriez peut-être attendre.

Le président: Monsieur Ward, est-ce que nous n'allons pas traiter de cette question spécifique?

[*Text*]

Mr. Ward: Well, there are sections dealing with the role of the new Bureau of Pension Advocates.

Mr. Winch: But you are not going to cover it at all under about half a dozen sections here?

Mr. Ward: There are specific recommendations relating to the role of the Bureau of Pension Advocates that we will be coming to.

Mr. Winch: So you would rather wait until (40) although we are now discussing a number of sections where they could appear?

Mr. Ward: I am entirely in your hands.

The Chairman: We are in the Committee's hands. What does the Committee want to do? Do you want to go on to (40) and then come back?

Mr. Winch: No. I just mentioned it, Mr. Chairman, because he mentioned pension advocates several times already, although we do not actually hit it until (40).

The Chairman: I think we should go to (40) and then we will no doubt have further questioning, Mr. Winch. Mr. Guay.

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Mr. Guay (St. Boniface): My questions are slightly different. Clause (17) here on page 25 makes reference to Section 60(5) and also 62(5). I would like to make reference, particularly to 60(5). Subsection (5) in itself, in looking at the Act, includes very many other matters over and above the particular section to which we refer. I think it is referred to here in the book in the broad sense. Would it not be better if we were to say, for example, that Section 60(5)(c) be mentioned, otherwise I would submit you are making reference to the entire clause. You might possibly be able to say something on that.

Mr. Ward: The entire clause would be rewritten under the new appeal procedures and some of the provisions now contained in Section 60 Subsection (5) would, in addition to the consent matter, become superfluous as well.

Mr. Guay (St. Boniface): That answers my question then. Thank you.

The Chairman: Mr. Peters had his hand up.

[*Interprétation*]

M. Ward: Eh bien, il y a des articles qui traitent particulièrement du rôle du nouveau Bureau des avocats des pensions.

M. Winch: Mais vous n'allez pas traiter cela tout au long d'une demi-douzaine d'articles?

M. Ward: Il y a certaines recommandations particulières qui se rapportent au rôle du Bureau des avocats des pensions que nous aborderons bientôt.

M. Winch: Ainsi, vous préférez attendre que l'on soit rendu à l'article 40, même si nous discutons présentement au sujet de certains articles où ils peuvent intervenir?

M. Ward: Je suis entièrement à votre disposition.

Le président: Nous sommes à la disposition du Comité. Que décide le Comité? Voulez-vous passer à l'article 40, puis revenir en arrière par après?

M. Winch: Non. J'ai posé cette question, monsieur le président, parce que le témoin a mentionné plusieurs fois les avocats des pensions, même si nous en traiterons uniquement à l'article 40.

Le président: Je pense que nous devons nous rendre jusqu'à l'article 40 et ensuite ...nous aurons sans doute d'autres questions, monsieur Winch. Monsieur Guay.

M. Guay (Saint-Boniface): Mes questions sont un peu différentes. L'article 17, à la page 25, se réfère à l'article 60(5) et aussi à l'article 62(5). Je voudrais citer tout particulièrement l'article 60(5). Le paragraphe (5), en lui-même, si l'on regarde la Loi, comprend de très nombreux autres objets qui dépassent la portée de l'article précis que nous citons. Je pense qu'on le cite dans le Livre blanc dans son sens le plus large. Ne serait-il pas mieux si nous disions, par exemple, que l'article 60(5) (c) soit mentionné, sinon il me semble que l'on fait allusion à l'article dans son ensemble. Vous pouvez peut-être nous expliquer cela.

M. Ward: Tout l'article devra être rédigé à nouveau en vertu de la nouvelle procédure d'appel et certaines des dispositions contenues actuellement dans l'article 60, paragraphe (5) seront, ainsi que la disposition au sujet du consentement, superflus.

M. Guay (Saint-Boniface): Cela répond à ma question. Merci.

Le président: M. Peters lève la main.

[*Texte*]

Mr. Peters: I would like to ask, in respect of Section 60(5) and 62(5), what protection will be given in the establishment of the Appeal Board to someone who may now be adjudicating something they have already made a decision on. In other words, we are not sure where the personnel are going to come from but likely some of them will be coming out of the Department which may have made a decision already on this matter and such people will be sitting on the Appeal Board, which will defeat the purpose that you say no longer is necessary to protect.

Mr. Ward: That is a very interesting question, Mr. Chairman. There is no specific proposal to cover that situation, although I would expect that the applicant's representative, when he is faced with the situation you mentioned, will make very certain that he will not present that case, if he has the consent of the applicant, and it would not result in too lengthy a delay in proceeding to an Entitlement Board hearing. But under the current system, once you have had an Appeal Board hearing and two members sat on that, the same two members can sit on cases after you obtain leave to reopen because it is a new ballgame then. However, you have raised a good point and something could very well be included to cover that, as well as the exercise of good judgment by the people concerned in presenting the case.

Mr. Winch: Mr. Chairman, could I ask for a further clarification? Is my interpretation correct that the members on your Entitlement Board which can number ten, can at no time be a member of the appellate board.

Mr. Ward: That is absolutely correct, Mr. Chairman.

Mr. Winch: Do I further understand then that that basically means under the proposed changes there cannot be more than 15 commissioners, ten of whom can operate in one sphere and five in the other?

Mr. Ward: That is my understanding, Mr. Chairman, although it has been suggested that there could perhaps be some ad hoc commissioners appointed for specific purposes and during peak workload periods.

The Chairman: That is at the beginning, as we discussed this morning.

[*Interprétation*]

M. Peters: J'aimerais savoir, au sujet de l'article 60(5) et de l'article 62(5), quelle protection sera offerte à un individu, dans l'établissement d'un bureau d'appel, qui pourrait éventuellement rendre une décision, au moment où ce même bureau d'appel aurait déjà rendu son jugement. En d'autres mots, nous ne savons pas d'où viendra le personnel de la Commission, mais très certainement quelques-uns d'entre eux viendront du ministère, qui aura peut-être déjà rendu sa décision dans cette cause. Ces fonctionnaires siègeront alors au bureau d'appel, ce qui infirme le bien-fondé de l'abrogation des articles qui, d'après vous, sont désormais superflus.

M. Ward: C'est une question très intéressante, monsieur le président. Il n'y a aucune proposition précise qui traiterait de ce cas, cependant, je pense que le représentant du demandeur qui aurait à faire face à une telle situation, avec le consentement du demandeur, fera tout en son pouvoir pour ne pas présenter la cause. Et, si les délais ne sont pas trop longs, il demandera alors une audience au bureau d'admissibilité. Mais en vertu du système actuel, une fois que vous avez passé à l'audience du bureau d'appel où siègent deux de ses membres, vous pouvez retrouver les mêmes membres qui statueront sur d'autres cas après que vous aurez obtenu la permission de rouvrir ces dossiers, car il s'agit alors d'une toute nouvelle procédure. Cependant, vous avez soulevé un point très valable, et je crois qu'une disposition pourrait être incluse à ce sujet, comme la personne qui présente la cause devra exercer son jugement.

M. Winch: Monsieur le président, puis-je avoir d'autres éclaircissements? Selon moi, les membres de votre Bureau d'admissibilité, qui peuvent atteindre le nombre de dix, ne peuvent pas être en même temps membres d'un bureau d'appel?

M. Ward: En effet, monsieur le président.

M. Winch: Si je comprends bien, cela veut dire que selon les changements proposés on ne pourra avoir plus de 15 commissaires, dont dix travailleront dans un domaine et cinq dans l'autre.

M. Ward: C'est bien cela, monsieur le président, même si on a laissé entendre qu'on pourrait éventuellement nommer des commissaires spéciaux pour des tâches précises, et durant les périodes de pointe.

Le président: Au tout début, comme nous en avons discuté ce matin.

[*Text*]

Mr. Winch: Ad hoc commissioners are not mentioned in the White Paper.

Mr. Ward: There is provision—

Mr. Winch: I am sorry, sir, but I just want to make sure that I am correct. Bascially, if the recommendations go through and the Act is changed there can never be more than 15 pension commissioners, ten of whom can be members of the Entitlement Board, five of the appellate board, and they are not interchangeable. Am I correct, sir?

Mr. Ward: As far as I understand, that is correct, sir. There will not be any interchangeability. You will not be faced with a situation where the person you appeared before on the Entitlement Board last month now faces you at the appellate division.

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Mr. Winch: Oh, I am sorry, sir. It is possible to interchange between the two, from what you said, but at no time can one be on one or the other if they have heard a case on the one. Is that what you are now saying?

Mr. Ward: No sir. I am pointing out that they cannot just switch back and forth from time to time. Now it may be possible that for various reasons one may desire to be on the appellate division and be promoted...

Mr. Winch: Or demoted.

Mr. Ward: Yes, as the case may be.

The Chairman: Does that deal with this recommendation? We have had a number of supplementaries.

Mr. Ward: Recommendation number 18. The Woods Committee recommended that the Veterans' Bureau submission be available at least two weeks in advance of the entitlement hearing. Under the current system, the Veterans' Bureau can, without very much notice at all, decide to advance a claim that would not normally have been presented; in other words, almost completely surprise the Canadian Pension Commission by listing the case as ready for hearing, and for various reasons—perhaps because in a case that has been listed the applicant is unable to appear; so we immediately substitute a case. That gives us flexibility and manoeuvrability, and we are anxious not to lose this very useful flexibility.

Therefore, it is suggested that the Woods Committee recommendation be modified to

[*Interpretation*]

M. Winch: On ne parle pas des commissaires spéciaux dans le Livre blanc.

M. Ward: Il y a une disposition à ce sujet.

M. Winch: Je m'excuse, monsieur, je désire seulement être sûr d'avoir bien compris. Fondamentalement, donc, si les recommandations sont acceptées et si la Loi est modifiée, on ne pourra jamais avoir plus de 15 commissaires des pensions, dont dix seront membres du Bureau d'admissibilité et cinq feront partie du Bureau d'appel; et ces commissaires ne seront pas interchangeables, n'est-ce pas?

M. Ward: Tel que je le comprends, c'est exact, monsieur. Il n'y aura pas d'interchangeabilité. Vous ne pourrez pas avoir une situation telle que vous trouverez la même personne, devant laquelle vous aurez témoigné le mois précédent au Bureau d'admissibilité, siégeant à la Division des appels.

M. Winch: Je m'excuse, monsieur. Il est donc possible qu'il y ait un échange entre les deux organismes, mais en aucun cas le même commissaire ne peut entendre deux fois la même cause. C'est ce que vous voulez dire?

M. Ward: Non, monsieur. Je vous disais justement qu'ils ne peuvent pas changer de poste à tout venant. Mais si un commissaire le désire, pour diverses raisons, il peut être promu à la Division des appels.

M. Winch: Ou démis de ses fonctions.

M. Ward: Oui, c'est selon.

Le président: Est-ce que cela touche cette recommandation? Nous avons eu un certain nombre de questions supplémentaires.

M. Ward: C'est la recommandation no 18. Le Comité Woods recommande que la demande du Bureau des vétérans soit soumise au moins quinze jours avant l'audience de la Commission d'admissibilité. Sous le régime actuel, le Bureau des vétérans peut, sans trop d'avis préalable, décider d'avancer une plainte qui, normallement, n'aurait pas été présentée. Autrement dit, il prend presque la Commission canadienne des pensions au dépourvu en portant la cause sur la liste des causes prêtes pour l'audience, et pour diverses raisons, peut-être parce que dans un cas qui figure sur cette liste, le requérant est incapable de venir témoigner, on remplace alors cette cause par une autre. Cela nous donne plus de souplesse et nous sommes soucieux de préserver cette qualité.

On propose donc que la recommendation du Comité Woods soit modifiée de façon à ce que,

[*Texte*]

the extent that upon receipt of the notice of readiness and a submission, if any, prepared by the Bureau of Pension Advocates or others representing the applicant, the Chairman of the Canadian Pension Commission shall then arrange for an entitlement hearing, and therefore not be tied down to having to arrange it within a certain period of time after the proceedings have been initiated.

Mr. Winch: May I ask a question at this point, Mr. Chairman? Does that mean that the director can arrange? Does it apply to the entitlement board and the appellate board?

Mr. Ward: This applies to the entitlement board hearings.

Mr. Winch: Not the appellate.

Mr. Ward: No, sir.

Mr. Winch: Strictly entitlement.

Mr. Ward: Entitlement.

Mr. Winch: In other words, the director, if he feels it should go immediately before them, can make that recommendation and it is accepted. Is that the meaning of that?

Mr. Ward: It would be the Chairman of the Canadian Pension Commission who, upon receipt of our notice of readiness, would then arrange, as expeditiously as possible, for an entitlement board hearing.

Mr. Winch: I am very sorry. May I ask, Mr. Chairman, what, if any, is the difference between the director and the Chairman of the Commission?

Mr. Ward: Under the proposals outlined in the White Paper, relating to the new procedure, the Chairman of the new Canadian Pension Commission is head of an organization comprising three divisions: an administrative division, an entitlement board hearing division?

Mr. Winch: He also has an appellate diivsion?

Mr. Ward: This is the title. He is the Chairman of the Canadian Pension Commission.

Mr. Winch: He is also the director.

Mr. Ward: No, sir. The director I am referring to is the Director of Pensions which would be a branch of the Department of Vet-

[*Interprétation*]

sur réception de l'avis de disponibilité, et, s'il y a lieu, d'une demande préparée par le Bureau des avocats des pensions ou d'autres représentants du requérant, le président de la Commission canadienne des pensions organise alors une audience d'admissibilité et, par conséquent, ne soit pas obligé de la préparer dans un certain délai, après le début des délibérations.

M. Winch: Monsieur le président, puis-je poser une question? Est-ce que cela signifie que le Directeur peut le faire? Est-ce que cela s'applique au Bureau d'admissibilité et au Bureau d'appel?

M. Ward: Cela s'applique aux audiences du Bureau d'admissibilité.

M. Winch: Pas au Bureau d'appel.

M. Ward: Non.

M. Winch: Strictement au Bureau d'admissibilité.

M. Ward: Au Bureau d'admissibilité.

M. Winch: Autrement dit, si le directeur a l'impression que cette question devrait être portée immédiatement devant eux, il peut faire cette recommandation et elle sera acceptée. Est-ce bien ce que vous voulez dire?

M. Ward: Sur réception de notre avis de disponibilité, le président de la Commission canadienne des pensions organiserait alors, aussitôt que possible, une audience du Bureau d'admissibilité.

M. Winch: Je suis vraiment désolé. Puis-je vous demander, monsieur le président, de me dire, s'il y a lieu, la différence entre le directeur et le président de la Commission?

M. Ward: En vertu des propositions qui figurent dans le Livre blanc au sujet de la nouvelle procédure, le président de la nouvelle Commission canadienne des pensions est chargé d'une organisation qui comprend trois divisions: une division de l'administration, une division de l'admissibilité . . .

M. Winch: Et aussi une division des appels?

M. Ward: C'est le titre qu'elle porte. Il est le président de la Commission canadienne des pensions.

M. Winch: Il en est aussi le directeur.

M. Ward: Non, monsieur. Le directeur dont je parle est le directeur des pensions qui constituerait une direction du ministère des

[*Text*]

crans Affairs responsible for administering the Pension Act and adjudicating at the lower level.

Mr. Winch: Would he be a deputy minister?

Mr. Ward: I think he would probably be a branch head. Whether his title would be director general, or director, it is difficult to say at this stage.

The Chairman: Mr. Bigg?

Mr. Bigg: Mr. Chairman, when Mr. Justice

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Woods was making his report did he have liaison with the departments so that he knew their difficulties in relation to the recommendations he was making? Or was this an entirely independent report, and he was not perhaps apprised of the difficulties of administration?

The Chairman: That may not be an easy question to answer.

Mr. Bigg: Somebody may know the answer.

Mr. Ward: I believe, Mr. Chairman, that he was master of his own house with his committee. He certainly heard representations from very many organizations. Even the Veterans' Bureau appeared before the Woods Committee and answered questions that were put to them.

Mr. Bigg: To clarify these problems?

Mr. Ward: On many aspects, sir.

The Chairman: Mr. Peters?

Mr. Peters: Is this flexibility that you suggest is available, of switching from a case that may not be able to proceed to another, a substitution for this docket arrangement with the two-week advance notice?

Mr. Ward: We are really endeavouring to carry on into the new system what exists in the current system, and which is very useful, particularly to the applicant and his representative.

Mr. Peters: I am not arguing about that; but on page 25 there is a reference to Recommendation No. (18)—Veterans' Bureau Submission Available Two Weeks in Advance, and Recommendation No. (19)—Docket to be Available to Appeal Board, Veterans' Bureau and Others Two Weeks in Advance. This appears to recommend that the calendar of

[*Interpretation*]

Affaires des anciens combattants chargée de l'application de la Loi sur les pensions et du jugement au niveau inférieur.

M. Winch: Serait-il sous-ministre?

M. Ward: Je pense qu'il serait probablement chef de direction. Il est toutefois difficile de dire s'il aurait le titre de directeur général ou de directeur.

Le président: Monsieur Bigg?

M. Bigg: Monsieur le président, lorsque le juge Woods était en train de rédiger son rapport, était-il lié avec les ministères de façon à connaître leurs difficultés relatives à ces recommandations? S'agissait-il plutôt d'un rapport tout à fait indépendant et, peut-être, n'était-il pas mis au courant des difficultés d'administration?

Le président: Ce n'est peut-être pas une question à laquelle il est facile de répondre.

M. Bigg: Quelqu'un en connaîtrait peut-être la réponse.

M. Ward: Monsieur le présidnt, je crois qu'il était le seigneur de la maison avec le Comité. Il a sans aucun doute entendu les témoignages d'un grand nombre d'organismes. Des membres du Bureau des vétérans ont même témoigné devant le Comité Woods et répondu aux questions qu'on leur a posées.

M. Bigg: Pour préciser ces problèmes?

M. Ward: Sous plusieurs aspects, monsieur.

Le président: Monsieur Peters?

M. Peters: Est-ce que la souplesse dont vous parlez existe? Peut-on passer d'un cas, auquel on ne peut peut-être pas donner suite, à un autre et remplacer cette disposition relative au dossier par un avis préalable de deux semaines?

M. Ward: Nous encourageons vivement l'adoption par le nouveau système de mesures du régime actuel, utiles en particulier au requérant et à son représentant.

M. Peters: Je ne discute pas de cette question. A la page 25, on se reporte à la Recommandation 18—Requête du Bureau des vétérans disponible deux semaines à l'avance, et à la Recommandation 19—Le dossier sera disponible pour le bureau d'appel, le bureau des vétérans, etc., deux semaines à l'avance. Cela semble recommander que l'horaire du Bureau

[*Texte*]

the entitlement board be made known some time in advance for all parties concerned. Are you suggesting a change in that?

Mr. Ward: No, sir. That is the system that now prevails. There is advance notice and a list of cases is drawn up. This merely gives us some flexibility. Otherwise, we may be in a position where we could not put a man's case forward because the two weeks suggested by the Woods recommendation could not be met and we would like to proceed right away.

Mr. Peters: This is really a substitution for the docket arrangement with the time limit they have suggested. Perhaps I should know what the procedure is, and I do not know whether there is a docket now and everybody is given a certain time, but it seems to me that is a reasonable and fairly formal way of doing it. Although I do not object to the substitution I think it would have to be made prior to the two-week period or they would not have time to prepare the claim.

Mr. Ward: Under the current system, Mr. Chairman, the Veterans' Bureau prepares a summary of evidence which is used in Appeal Board hearings. That contains all of the relevant evidence, and a copy is given to the applicant in most cases, and a copy distributed to all members of the Appeal Board. The Commission has what is called a docket of its own, which goes out with the Appeal Board. It contains previous adverse decisions. Under that system, which is similar to what is proposed under the White Paper system, one retains this flexibility which is desirable in that we can withdraw a case and put another on if the applicant is ill and unable to proceed. We immediately present another case, or an emergency case. The situation may arise in which a person, because of a terminal type of illness, must have his decision fast, for various reasons. Under the present and the proposed system we could very expeditiously handle this and have it ready for

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Appeal Board hearing; but we might not be able to manage that if we were required to meet this two-week time limit as recommended by the Woods Committee. Therefore, we are merely endeavouring to maintain some flexibility. That is really all that it amounts to.

The Chairman: Mr. Laniel?

[*Interprétation*]

d'admissibilité soit connu quelque temps à l'avance par toutes les parties intéressées. Proposez-vous une modification dans ce sens?

M. Ward: Non, monsieur. C'est le régime actuel. Il y a un avis préalable et l'on dresse une liste des causes. Cela nous donne un peu de souplesse. Autrement, nous serions peut-être incapables de présenter la cause d'une personne parce qu'on ne pourrait pas respecter le délai de deux semaines proposé par la recommandation du Comité Woods et nous aimerions y donner suite dès maintenant.

M. Peters: Il s'agit vraiment d'une substitution de la disposition relative au dossier dans l'intervalle de temps qu'ils ont proposé. Je devrais peut-être connaître la procédure à suivre et je ne sais pas s'il y a un dossier à l'heure actuelle et si l'on accorde à chaque personne un certain temps, mais cela me semble une manière de faire assez équitable et raisonnable. Même si je ne m'oppose pas à la substitution, je crois qu'on devrait la faire avant deux semaines, ou ils n'auraient pas le temps de préparer la plainte.

M. Ward: Dans le régime actuel, monsieur le président, le Bureau des vétérans réunit les informations dont on se sert pour les audiences du Bureau d'appel. Cela renferme tous les témoignages pertinents et, dans la plupart des cas, on en donne un exemplaire au requérant et à tous les membres du Bureau d'appel. La Commission a ce qu'on appelle un dossier personnel qu'elle envoie au Bureau d'appel. Il contient des décisions antérieures contraires. En vertu de ce système, qui est semblable au système projeté par le Livre blanc, on retient cette élasticité souhaitable parce que nous pouvons retirer une cause et la remplacer par une autre si le requérant est malade ou s'il est incapable de poursuivre. Nous pouvons sur-le-champ présenter une autre cause ou une cause urgente. Il est possible qu'une personne doive, en raison d'un genre déterminé de maladie, obtenir un jugement dans un bref délai, pour diverses raisons. En vertu du régime actuel et du régime proposé, nous pourrions régler cette question très rapidement et préparer l'audience du Bureau d'appel, mais il est possible que nous soyons incapables, en cas de nécessité, de respecter le délai de deux semaines recommandé par le Comité Woods. Par conséquent, nous encourageons le maintien d'une certaine élasticité. Cela revient vraiment à cela.

Le président: Monsieur Laniel?

[*Text*]

Mr. Laniel: In the White Paper there is the statement:

> The proposed amendments to the Pension Act will empower the Commission to obtain any medical and legal opinions it needs, from Government and other sources,...

Will this information be made available to the solicitor or representative of the pensioner within that period of two weeks?

Mr. Ward: I believe, Mr. Chairman, that what you are referring to, sir, is that the Appeal Division may secure medical and legal opinion. These ground rules that I am referring to now apply only to the entitlement board hearing level. There are entirely different procedural rules for the appellate division.

Mr. Laniel: They do not refer to the appellate division here. They refer to the Commission obtaining any medical and legal opinion it needs from government and other sources, and these opinions will be made available to the applicant's representative. It does not exclude the possibility that these medical opinions might be requested at the level of the Entitlement Hearing.

Mr. Ward: Well, yes, if the Entitlement Hearing is seized with jurisdiction in the cases listed before them, they may very well seek additional medical opinion. However, the applicant's representative and the applicant will certainly receive copies of that evidence before any decision is rendered.

Mr. Winch: You said, "before the decision is rendered", but will that information be made available to whomever is representing the applicant before the hearing? That is, I think, the important point. Now you said that it will be made when the decision is rendered. My friend here and I and all of us are interested in knowing whether that information will be made available to whomever is representing the applicant before the hearing?

Mr. Ward: Yes. There would be no problem. You would merely adjourn and reassemble.

Mr. Winch: But will it be done? That is, I think, the question, is it not?

Mr. Ward: I hope so, sir. I, of course, cannot...

Mr. Winch: I think that what my friend is after now is not an answer that you hope so, but that it will be made clear that it will be supplied.

[*Interpretation*]

M. Laniel: Dans le Livre blanc, on déclare que:

> Grâce aux modifications proposées à la Loi sur les pensions, la Commission sera habilitée à consulter au besoin des médecins et des conseillers juridiques travaillant ou non pour le gouvernement,...

Est-ce que ce renseignement sera fourni à l'avocat ou au représentant du pensionné dans un délai de deux semaines?

M. Ward: Je crois, monsieur le président, que vous parlez de la Division des appels qui pourra fournir des renseignements médicaux ou juridiques. Les règles auxquelles je fais allusion en ce moment s'appliquent à l'audience du Bureau d'admissibilité. Il s'agit de règles de procédure tout à fait différente pour la Division des appels.

M. Laniel: Elles ne s'appliquent pas à la Division des appels, mais à la Commission qui fait appel, au besoin, au médecins et conseillers juridiques qui travaillent ou non pour le gouvernement. Les renseignements reçus seront mis à la disposition du représentant du requérant. Cela n'exclut pas la possibilité d'exiger un examen médical au moment de l'audience d'admissibilité.

M. Ward: Oui, si la division de l'admissibilité a juridiction sur les causes dont elle est saisie, elle peut très bien demander un nouvel examen médical. Toutefois, les résultats seront communiqués à l'avocat du requérant et au requérant lui-même avant que la décision ne soit rendue.

M. Winch: Vous avez dit «avant que la décision soit rendue», mais est-ce que les résultats seront communiqués à l'avocat qui représente le requérant avant l'audience? C'est, je crois, ce qui importe. Vous venez de dire qu'ils lui seront communiqués lorsque la décision sera rendue. Mon collègue et moi-même, et tous les membres du Comité, aimerions savoir si les résultats seront communiqués à l'avocat qui représente le requérant, avant l'audience.

M. Ward: Oui. Il n'y a pas de problème à cet égard. Il s'agirait simplement de lever la séance et de se réunir de nouveau ensuite.

M. Winch: Mais est-ce qu'on le fera? C'est la question que chacun se pose, n'est-ce pas?

M. Ward: Je l'espère, monsieur. Évidemment, je ne peux pas...

M. Winch: Je crois que la réponse que mon collègue attend de vous n'est pas un vague espoir mais qu'on indique clairement qu'il en sera ainsi.

[*Texte*]

The Chairman: I do not think the witness can say any more than he said. He said that in his opinion it will be done, Mr. Winch. I think you have to take him at his word. I do not know what else can be said.

Mr. Winch: Well he said that he hoped it would be done, sir.

The Chairman: I think he said all that he can say in the circumstances. Mr. Weatherhead.

Mr. Weatherhead: What was the basis of Mr. Justice Woods and the Commission's concern on the background of this recommendation? Was it that the Commission would sometimes in these shuffled around cases not have enough time to consider the background sufficiently before the hearing or why did Mr. Justice Woods with the Commission recommend this? What was their reason for so doing? I am still on number 18.

I can see that in practice it may be very beneficial to the veteran often-times to have his case put forward more quickly and not have a set time limit but it must have been that the Commission thought there were some possible disadvantages in this and that there should be a set time limit to be more fair in some ways.

Mr. Ward: Well the reason, I believe, they suggested this is because they also recommended that the members of the Entitlement Board have the statement of case given to them prior to the hearing and that they would review all of the evidence before commencing their sittings. Necessarily whatever submission the Bureau or any other representative had made would be part of their

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review of all of the available evidence and submissions. I think the view the Woods Committee had in mind was that the Commissioners would then be better prepared for a hearing if they had had an opportunity to review the statement of case or summary of evidence and any submission that had been made.

The Chairman: We may want to come back to this.

Mr. Weatherhead: I have just one more question, Mr. Chairman. In Mr. Ward's opinion will there be sufficient opportunity for the Commission to review the evidence beforehand under your proposed recommendations on the White Paper?

Mr. Ward: Mr. Chairman, yes, very much so and we leave this largely to the discretion

[*Interprétation*]

Le président: Je ne crois pas que le témoin puisse dire davantage. Il a dit que selon lui il en sera ainsi, monsieur Winch. Je crois qu'il faut l'en croire sur parole. Je ne vois pas ce qu'il pourrait ajouter.

M. Winch: Il a dit qu'il espérait qu'il en serait ainsi, monsieur.

Le président: Je crois qu'il a dit tout ce qu'il pouvait dire dans les circonstances. Monsieur Weatherhead.

M. Weatherhead: Sur quoi était fondée l'inquiétude du juge Woods et de la Commission qui a motivé la recommandation? Craignait-on que la Commission n'aurait parfois pas le temps, à l'égard de ces causes pêle-mêle, d'étudier suffisamment les antécédents avant l'audience? Quelle autre raison aurait amené le juge Woods et la Commission à faire une telle recommandation? J'en suis toujours à la recommandation 18.

Je comprends qu'en pratique il soit assez souvent beaucoup plus avantageux pour l'ancien combattant que sa cause soit entendue le plus tôt possible et qu'on n'impose pas de temps limite, mais la Commission a certainement pensé qu'il y avait là quelque désavantage et qu'il fallait imposer un temps limite afin de rendre la procédure plus équitable d'une certaine façon.

M. Ward: Je crois que la raison pour laquelle ils ont fait cette recommandation est qu'ils recommandaient, par ailleurs, que le bureau d'admissibilité reçoive l'exposé des faits avant l'audience, de façon à ce que les commissaires puissent examiner les preuves et témoignages avant le début de l'audience. Il va de soi que toute déclaration et tout document de la part du bureau ou de tout autre représentant ferait l'objet de leur examen de tous les témoignages et preuves disponibles. Je crois que le Comité Woods estimait que les commissaires seraient mieux préparés pour l'audience s'ils avaient l'occasion d'examiner l'exposé des faits ou un résumé des témoignages ainsi que tout autre document connexe.

Le président: Nous voudrons peut-être revenir à cette question.

M. Weatherhead: Une dernière question, monsieur le président. Est-ce que selon M. Ward, la Commission disposera de tout le temps voulu pour examiner les preuves et témoignages avant l'audience en vertu des recommandations du Livre blanc?

M. Ward: Oui, monsieur le président, elle disposera de tout le temps voulu et cet aspect

[*Text*]

of the Chairman of the Canadian Pension Commission. The material is provided and if the Commissioners wish to review it before going out on their sittings then they will have the opportunity to do so. I should mention that not very many veterans would be very happy to know that the evidence had been reviewed prior to the hearing. They may very well feel that their case has been prejudged. It is very important today that the Commission today in its appeal boards make a point, and a good point, at appeal hearings of telling the applicant, "We do not know anything about your case. This is entirely new." That erases any possibility of people getting the wrong impression that there has been prejudgment.

Mr. MacRae: In other words, then, Mr. Chairman and perhaps this will wrap it up, this is one of the recommendations that is not accepted by the government. That is what you are saying, is it not.

Mr. Ward: Number 18 is accepted in principle but it is modified; that is to say, the Chairman of the Canadian Pension Commission shall arrange for an Entitlement Board hearing following receipt of our notice of readiness.

Mr. MacRae: Yes.

Mr. Ward: There would be no time limit that it must be done within a certain period.

Mr. MacRae: That is fine, that clears it up, thank you.

The Chairman: Shall we proceed to the next item, bearing in mind that we have 147 of these and we have had fairly extensive discussions?

Mr. Ward: Recommendation No. 19. The Woods Committee recommended that the docket be available to the Veterans' Bureau and others at least two weeks in advance of the hearing. As I have explained earlier, under the current system the Veterans' Bureau prepares a summary of evidence and the Commission have their own docket sent out to the appeal boards containing the previous decisions. Under the new system, it will be the responsibility of the Bureau of Pensions advocate to continue to prepare the docket suggested by this recommendation and it will be available to the applicant's

[*Interpretation*]

sera, en général, laissé à la discrétion du président de la Commission canadienne des pensions. Nous leur remettons les documents et si les commissaires veulent les examiner avant d'entreprendre les audiences, ils auront l'occasion de le faire. Est-il nécessaire de dire que bon nombre d'anciens combattants ne seraient pas très heureux d'apprendre que les témoignages antérieurs ont été examinés avant l'audience. Ils auraient possiblement l'impression que la décision a été rendue d'avance en ce qui les concerne. Il importe énormément de nos jours que la Commission, par l'entremise des commissaires qui entendent la cause en appel, prenne soin, lors des audiences d'appel, d'informer le requérant que «nous ne connaissons rien de votre cause. Elle est entièrement nouvelle.» On éliminerait ainsi toute possibilité de créer, chez les gens, la mauvaise impression que leur cause est jugée d'avance.

M. MacRae: Autrement dit, monsieur le président, et nous pourrons peut-être clore le débat avec cette remarque, c'est une des recommandations que le gouvernement n'accepte pas. C'est ce que vous dites, n'est-ce pas?

M. Ward: La recommandation 18 est acceptée en principe, mais sous une forme modifiée; c'est-à-dire que le président de la Commission canadienne des pensions peut organiser une audience du bureau de l'admissibilité une fois que nous lui aurons fait part de notre disponibilité.

M. MacRae: Oui.

M. Ward: On ne fixera pas de limite de temps.

M. MacRae: C'est parfait. Tout est clair à présent, merci.

Le président: Pouvons-nous passer à la recommandation suivante? N'oublions pas qu'il y en a 147 et que nous avons discuté assez longuement jusqu'ici.

M. Ward: Dans la recommandation 19 de son rapport, le Comité Woods recommande que le dossier soit mis à la disposition du Bureau des vétérans au moins deux semaines avant l'examen ou l'audience. Comme je l'ai déjà expliqué, selon la procédure actuelle, le Bureau des vétérans prépare un résumé des faits et la Commission envoie son propre dossier renfermant les décisions antérieures au bureau d'appels. En vertu de la nouvelle procédure, l'avocat du Bureau des pensions sera encore responsable de préparer le dossier dont il est question dans cette recommandation et de le mettre à la disposition du repré-

[*Texte*]

representative outside of the Bureau well in advance of the Entitlement Hearing. This is a very slight modification.

Recommendation No. 20. The Woods Committee in 20 (A) recommended no leave to reopen be required for new conditions. Under the current system leave to reopen is required for all conditions if there has been an appeal board decision. So if you wish to have your claim reconsidered and the claim is for exactly the same condition that had been dealt with by an appeal board you must secure leave to reopen. If you have a new condition that has not been previously dealt with in any form whatsoever by the Canadian Pension Commission you must still seek leave to reopen.

Mr. Peters: What is this leave to reopen? What is the reason for demanding leave? Is it because of the number system, the pension numbers or...

Mr. Ward: I think, sir, that you have to delve back into the history of pension procedures on this matter. There was a desire many, many years ago to have a system that was governed by procedures which would bring finality to pension claims, and in the old days that was thought very advisable by many, many authorities. Let the person have his day in court, by all means, but let us have finality. However, conditions do come on after you have had your day in court, and the current thinking is why should there be absolute finality in pension plans, and therefore this proposal that leave to reopen not be required for new conditions is in line with the newer philosophy and it is accepted.

Mr. Peters: May I ask, Mr. Chairman, if you have two files for a veteran or is it all in one file? If you have an accident, you break your leg at one place and you break your arm a couple of years later at another place, you have two different numbers. The file is never closed on any of them and they are really separate claims. In the Pension Commission is there always only one claim number?

Mr. Ward: It is possible for a person to have many regimental numbers and ranks

[*Interprétation*]

sentant du requérant en dehors du Bureau longtemps avant l'audience d'admissibilité. Il s'agit d'une modification peu importante.

Dans la recommandation 20 du rapport du Comité Woods, on recommande, au paragraphe a) qu'il ne soit pas nécessaire d'obtenir l'autorisation de reprendre la cause lorsqu'une nouvelle affection survient. A l'heure actuelle, il faut obtenir cette autorisation quelles que soient les affections si un bureau d'appels a déjà rendu sa décision. Par conséquent, si vous voulez faire reprendre votre cause et que votre réclamation porte sur exactement la même affection au sujet de laquelle un bureau d'appels s'est déjà prononcé, il faut obtenir cette autorisation de reprendre. Si une nouvelle affection survient dont la Commission canadienne des pensions n'a jamais été saisie d'aucune façon jusqu'ici, vous devez également obtenir l'autorisation de reprendre.

M. Peters: En quoi consiste cette autorisation de reprendre? Pour quelle raison faut-il l'obtenir? Est-ce à cause du système de numérotation, du numéro de la pension ou...

M. Ward: Je crois, monsieur, que vous devriez vous reporter pour cela à la façon dont on procédait au paravant en matière de pensions. Le désir s'était manifesté il y a de nombreuses années d'établir un système dans lequel les pensions seraient réglées une fois pour toutes et les autorités pensaient alors que cela serait fort recommandable. Peu importe si l'ancien combattant devait défendre sa cause devant le tribunal, le principal était de rendre une décision une fois pour toute. Cependant, il se peut que d'autres affections surviennent par la suite et c'est la raison pour laquelle on pense actuellement qu'il ne faudrait pas règler la question des régimes de pension une fois pour toutes; la proposition selon laquelle on ne devrait pas avoir besoin de demander l'autorisation pour reprendre la demande est conforme à la nouvelle façon d'envisager les choses et est acceptée.

M. Peters: Pourrais-je savoir, monsieur le président, si un ancien combattant a deux dossiers ou seulement un? Si vous avez un accident, que vous vous cassez la jambe à un endroit et que quelques années après, vous vous cassez le bras, avez vous deux dossiers portant des numéros différents? En fait, le dossier n'est jamais fermé après aucun accident et il s'agit de demandes différentes. A la Commission des pensions, n'y a-t-il jamais qu'un seul numéro de dossier?

M. Ward: Il se peut qu'un ancien combattant ait eu différents numéros matricules et

[*Text*]

and there may be several files, but most of them are married up. There is one file for one person.

The Chairman: It is the policy to do so wherever you can?

Mr. Ward: Yes.

Mr. Peters: Because of that the history of this has been one man, one pension number.

Mr. Ward: I am not a very good historian, but I believe that in order to achieve finality certain restrictions were placed upon the procedures. They did give the right to a hearing; you presented your claim and you appealed and that was the end of it.

Mr. Winch: But not now.

Mr. Ward: Yes.

The Chairman: Are there any further questions on this point? If not, do you want to go to the next item, Mr. Ward?

Mr. Ward: In recommendation No. (20)(b) the Woods Committee recommended certain grouns for leave to reopen. I should say that under the current system the grounds are rather wide and flexible, such as if there is any error in the decision of an appeal board by reason of evidence not having been presented or otherwise. That is the current grounds for obtaining leave to reopen. The Woods Committee recommended in effect that the grounds be more detailed. I will not go into the details, but they set them out: if there was an error in procedure or an error in fact or in law, and things of that nature.

Mr. Laniel: New evidence.

Mr. Ward: Yes, and they were all spelled out. It was felt that this might be restrictive, that someone might think it was all inclusive, that you could then not get leave to reopen for any reason not listed in the Woods recommendations, so the modification is that the

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present wording be used which would, under "or otherwise", include all of the grounds set forth by the Woods Committee recommendations and any other grounds that anyone could possibly come up with that warrant consideration.

[*Interpretation*]

différents grades et il peut avoir différents dossiers, mais la plupart sont réunis. Il y a un dossier par personne.

Le président: Est-ce comme cela qu'on procède dans la mesure du possible?

M. Ward: Oui.

M. Peters: C'est la raison pour laquelle il y a toujours eu un numéro de pension par personne.

M. Ward: Je ne suis pas un très bon historien, mais il me semble que pour pouvoir régler les pensions une fois pour toutes, il fallait faire certaines restrictions concernant la façon de procéder. L'ancien combattant avait droit à une audience: il devait présenter sa demande, puis interjeter appel, un point c'est tout.

M. Winch: Mais plus maintenant.

M. Ward: Non.

Le président: Y a-t-il d'autres questions à ce sujet? Sinon, voulez-vous passer à l'article suivant, monsieur Ward?

M. Ward: A la recommandation n° 20 (b), le Comité Woods préconise qu'on autorise de reprendre une requête pour certaines raisons. Je dois dire qu'en vertu du système actuel, ces raisons sont assez nombreuses et peu définies: en fait une requête peut être revue si la décision du Bureau d'appel est erronée en raison d'une preuve qui n'a pas été produite ou pour une autre cause. Ce sont là les motifs qu'on peut invoquer actuellement pour reprendre une requête. Le Comité Woods préconise en fait que les motifs soient plus précis. Je n'entrerai pas dans le détail, mais d'une façon générale, il prévoit qu'on peut reprendre une requête s'il y a eu une erreur dans la procédure, ou dans les faits, ou en droit et pour d'autres raisons de cette nature.

M. Laniel: Et une nouvelle preuve.

M. Ward: Oui, et elles étaient toutes expliquées. On a cependant pensé qu'elles étaient trop restrictives, et que la liste en était exhaustive, qu'on ne pourrait être autorisé à reprendre une demande pour aucune autre raison que celles qui sont indiquées dans les recommandations du Rapport Woods; nous considérons donc que l'expression *ou pour une autre cause* comprend toutes les raisons exposées dans la recommandation du Comité Woods et toutes celles qu'un requérant pourrait présenter et qui mériterait d'être étudiée.

[*Texte*]

Mr. Winch: Who would make the decision about whether or not they warrant consideration?

Mr. Ward: That would be the duty of the members of the appellate division, who would have exclusive jurisdiction on matters relating to leave to reopen.

The Chairman: I am sure we could go into detail in many of these areas and I am sure we will have submissions dealing with them, and it is within the discretion of the Committee with respect to how far it wants to go at this point. If there are no further questions I will ask Mr. Ward to continue.

Mr. Ward: Recommendation No. (20) (d) deals with certain procedures relating to leave to reopen. I believe that leave to reopen could be considered by one commissioner without a representative appearing before him and making submissions, but if the commissioner requests it he could have a representative appear and then if he was not satisfied he would require a quorum. In other words, I believe the Woods Committee recommended almost a possible three-stage procedure which was designed to facilitate and streamline the dispensing of leave to reopen applications, but it is felt that this could very well actually retard the flow of applications. It may be quicker in the long run to have the applicant's representative appear and present his leave to reopen application, as is now done, rather than perhaps going through three stages and finally ending up by presenting the case. So, the modification is that the processing of the applications will be similar to that now in effect. That is to say, when you make an application for leave to reopen it will be heard and considered, with the applicant's representative appearing and presenting the case.

The Chairman: Mr. Laniel.

Mr. Laniel: What about that point about a quorum under Recommendation No. (20) (d) ? Was that accepted?

The Chairman: Leave can only be refused if a quorum is present.

Mr. Ward: Under the new system leave to reopen will be the exclusive jurisdiction of the appellate division. It may be that they will produce their own rules and procedures for hearing leave to reopen applications. I am not sure that they are tied down at the moment.

[*Interprétation*]

M. Winch: Qui décidera si oui ou non la raison mérite d'être étudiée?

M. Ward: Les membres du Bureau d'appel, qui aurait autorité absolue pour juger si oui on non on peut reprendre la requête.

Le président: Je suis certain que nous pourrions approfondir de nombreux points et qu'on nous fera des propositions à ce sujet; ce sera au Comité de juger jusqu'où il voudra aller pour le moment. S'il n'y a pas d'autres questions, je demanderai à M. Ward de continuer.

M. Ward: La recommandation n° 20(d) traite de certaines procédures relatives à l'autorisation de reprendre les requêtes. Je crois qu'un commissaire pourrait étudier l'autorisation de reprendre les requêtes sans qu'un représentant ne comparaisse devant lui et ne lui soumette la question; mais si le commissaire le désire, il pourrait demander à un représentant de comparaître et s'il n'est pas satisfait, il pourrait réunir un quorum. En d'autres mots, je crois que le Comité Woods préconise une procédure en trois étapes destinée à faciliter et à canaliser les autorisations de reprendre les requêtes, mais nous pensons que cela pourrait en fait causer des délais dans l'acheminement des requêtes. Il serait peut-être plus expéditif à long terme de faire comparaître le représentant du requérant et de lui faire présenter son autorisation de reprendre la requête, comme on le fait actuellement, plutôt que de passer par ces trois stades avant de pouvoir présenter la cause. Ainsi, le changement est le suivant: l'acheminement des requêtes restera le même qu'actuellement. C'est-à-dire que toute demande d'autorisation de reprendre la requête sera entendue et prise en considération quand le représentant du requérant comparaîtra pour présenter la cause.

Le président: M. Laniel.

M. Laniel: Qu'en est-il de la question du quorum qui devrait être réuni en vertu de la recommandation n° 20(d)? En a-t-on accepté le principe?

Le président: On ne peut refuser l'autorisation que quand la Commission est en nombre.

M. Ward: En vertu du système actuel, le Bureau d'appel aura autorité absolue de permettre de reprendre les requêtes. Peut-être élaborera-t-elle ses propres règlements et façons de procéder régissant les audiences en vue de l'autorisation de reprendre les requêtes. Je ne crois pas qu'on ait arrêté quoi que ce soit à l'heure actuelle.

[*Text*]

The Chairman: Are there any further questions? Mr. Ward.

Mr. Ward: Recommendation No. (21). The Woods Committee recommended waiver of leave to reopen requirements in limited circumstances.

Under the current system there is no equivalent whatsoever. You must obtain leave to reopen if you have had any Appeal Board decision and wish to have your claim reconsidered. This is something which is entirely new and the White Paper will indicate that the recommendation is accepted in principle.

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The details are that leave to reopen will not be required in cases where the applicant's claim may be affected by changes in the substantive law, such as presumptions. Some presumptions may come forth relating to the regular force and relating to fitness on enlistment. If an applicant's claim is likely to be affected by any presumptions then leave to reopen will not be required, nor will leave to reopen be required for new conditions. Otherwise, leave to reopen would be required in the normal manner.

Mr. Bigg: Mr. Chairman, in the recurrence of a disease like tuberculosis where he was presumed to have been cured as they presumably cure tuberculosis now, if he had a resumption of that type of disease I suppose this would be a basis for an automatic appeal. A lung disease which recurred...

Mr. Ward: If his claim in the past was for pulmonary tuberculosis and it had been ruled pre-enlistment in origin, the new presumptions relating to presumption of fitness on enlistment would have affected his case, then certainly he would not need leave to reopen.

Recommendation 22: The Woods Committee recommended that the Pension Appeal Board have certain leave to reopen jurisdiction and wide discretion. There is, of course, no equivalent under the present situation as we have no real appeal system such as envisaged by the Woods' recommendation or the proposal contained in the White Paper. The proposal enunciated by the Woods Committee has been accepted in principle, however. Modification merely would be substituting the appellate division for Pension Appeal Board which was recommended by the Woods Committee.

[*Interpretation*]

Le président: Y a-t-il d'autres questions? Monsieur Ward.

M. Ward: A la recommandation nº 21, le Comité Woods préconise qu'on n'autorise de reprendre les requêtes qu'en de rares occasions.

Rien de tel n'existe à l'heure actuelle: il faut qu'on obtienne l'autorisation de reprendre la requête quand, à la suite d'une décision du Bureau d'appel, on veut faire réexaminer sa demande. Il s'agit donc d'une toute nouvelle façon de procéder et le Livre blanc indique que la recommandation est acceptée en principe. D'après les détails, l'autorisation de reprendre ne sera pas nécessaire dans les cas où la demande du requérant peut subir des répercussions du fait des changements au droit positif telles que des présomptions. Quelques conclusions peuvent être déduites relatives aux forces régulières et à l'état de santé lors de l'enrôlement. Si la demande d'un requérant risque de souffrir de quelque présomption l'autorisation de reprendre ne sera alors pas requise de même que l'autorisation de reprendre ne sera pas requise pour de nouvelles affections. Par ailleurs l'autorisation de reprendre sera nécessaire dans les cas ordinaires.

M. Bigg: Monsieur le président, dans les cas de récidive d'une maladie comme la tuberculose alors que l'on présumait le patient guéri car on peut guérir de la tuberculose maintenant, je pense que ce serait automatiquement une raison d'appel. Une maladie des poumons qui réapparaît...

M. Ward: Si sa demande dans le passé était relative à la tuberculose pulmonaire d'origine antérieure à l'enrôlement d'après le jugement rendu, la nouvelle présomption relative à l'état de santé lors de l'enrôlement aurait une certaine force dans son cas et alors il n'aurait certainement pas besoin de faire reprendre sa demande.

Recommandation nº 22: Le Comité Woods recommande que le Bureau d'appel des pensions possède une certaine compétence en matière d'autorisation de reprendre une demande. Dans la situation présente, il n'existe aucun équivalent car nous ne possédons aucun système d'appel réel tel que celui envisagé dans la recommandation du Rapport Woods ou dans la proposition contenue dans le Livre Blanc. Cependant la proposition du Comité Woods a été acceptée en principe. La seule modification requise est de remplacer «Bureau d'appel des pensions» par «Division des réclamations de la Commission canadienne des pensions» selon la recommandation du Comité.

[*Texte*]

Mr. Winch: Mr. Chairman, on Recommendation 23 may I say, sir, that in my 16 years of handling veterans problems this has been one of the biggest. I hope Mr. Ward will give a very clear explanation on this. I am speaking, sir, from experience in handling veterans problems for 16 years.

The Chairman: Yes, I am sure you are, Mr. Winch, I do not think many of us would dispute that.

Mr. Ward: Recommendation 23: The Woods Committee recommended rebuttable presumptions relating to condition on enlistment. Under the current system if a person served in Canada only and he has a condition which by its very nature must have preceded enlistment—a developmental condition—then in all probability, in fact, I am certain that the Canadian Pension Commission would rule this condition was pre-enlistment in origin. The question then would be whether or not there was aggravation. The Woods Committee recommended that there be a rebuttable presumption of fitness on enlistment and that presumption to be rebutted by a number of things listed in his report such as a record

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prior to enlistment, a condition being obvious or medical opinion evidence indicating that it was pre-enlistment in origin.

The modification was suggested—this recommendation has been accepted, but there will be some slight modification—because Mr. Justice Woods mentioned a three-month period within which if the condition is diagnosed, the presumption will not apply. It is rebutted by it being diagnosed within three months. It was felt that the time limit suggested by Mr. Justice Woods because of investigative procedures that may be required to establish a diagnosis of three months was rather short and so it has been modified to the extent of making that six months.

Mr. MacRae: From enlistment?

Mr. Ward: Yes.

Recommendations 23 (a) (ii) and (iii) have been accepted unchanged.

Recommendation 23 (a) (iv) has been accepted with another slight modification. The use of the words:

> practitioners not in the employ of the Canadian Pension Commission.

might be considered somewhat restrictive because it could rule out specialists employed by the Department of National Health and Welfare who are very good experts and who

[*Interprétation*]

M. Winch: Monsieur le président, pour la recommandation n° 23 je dois vous dire que pendant les 16 années où je me suis occupé des affaires des anciens combattants ce problème a été l'un des plus importants. J'espère que M. Ward pourra nous l'expliquer clairement. Je parle d'expérience à ce sujet.

Le président: en effet, monsieur Winch, vous avez certainement beaucoup d'expérience; personne parmi nous n'a de doutes à ce sujet.

M. Ward: Recommandation n° 23: Le comité recommande que la présomption se rapportant à l'état de santé lors de l'enrôlement puisse être réfutée. D'après le système actuel, si une personne a servi au Canada uniquement et qu'elle souffre d'une affection qui de par sa nature même devait être antérieure à l'enrôlement, une maladie évolutive je suis certain et il est probable que la Commission canadienne des pensions reconnaîtrait que cette affection était d'origine antérieure à l'enrôlement. La question serait alors de savoir s'il y a eu ou non aggravation. Le Comité recommande que la présomption se rapportant à l'état de santé lors de l'enrôlement puisse être réfutée et que cette réfutation puisse se faire au moyen de certaines preuves à l'appui énumérées dans son rapport comme un dossier médical antérieur à l'enrôlement, une affection évidente ou une preuve médicale indiquant que l'affection était d'origine antérieure à l'enrôlement. La modification a été proposée et cette recommandation a été acceptée mais avec un léger changement, du fait que le juge Woods a mentionné une période de trois mois au cours de laquelle si l'affection est diagnostiquée la présomption ne sera pas nécessaire. Elle est réfutée par le fait qu'elle s'est manifestée dans le délai de trois mois. On a pensé que le délai de trois mois proposé par le juge Woods, du fait des procédures d'enquête qui peuvent être nécessaires pour établir un diagnostic, était plutôt court, aussi ce délai a été porté à six mois.

M. MacRae: A compter de l'enrôlement?

M. Ward: Oui. Les recommandations n° 23 *a*) (ii) et (iii) ont été acceptées sans modifications.

La recommandation n° 23 *a*) (iv) a été acceptée avec une autre légère modification. L'emploi des termes:

> Médecins ne relevant pas de la Commission canadienne des pensions

est trop restrictif du fait que cela éliminerait les spécialistes employés par le ministère de la Santé nationale et du Bien-être social qui sont d'excellents experts sans être médecins,

[*Text*]

are not practitioners, that is to say, they are not licensed to practice in a particular province. So that will be changed slightly.

Mr. Bigg: On subsection (i) it seems to me that there might be danger of being a little bit wooden by just changing it from three months to six, although in some cases the difficulty of the Department in diagnosing its case might be so, but on the other hand certain things like contracting malaria in Italy after being sent there rapidly from Canada as a new recruit or frost-bite in the Arctic can certainly occur in less than six months. I do not like these wooden time periods. I would rather it said that in the light of medical practice or something like that it should be left to the doctors to say that in this specific case it would be proper to diagnose the case in the length of time of six weeks. This might be more satisfactory to both parties. Rather than tying it down to either six months or three months, I would prefer some flexibility in that particular clause and I would like to go on record as having said so.

The Chairman: I believe Mr. Winch has a question.

Mr. Winch: Mr. Chairman, I hope you will allow me just a very very brief introduction here because this Recommendation 23 really concerns me and as I have said, I have a very heavy concentration of veterans in my constituency. I handle a vast number of veterans' problems and one of the major problems that I come up against—I am not speaking on technicalities of three months or six months—concerns those who join the armed services of Canada in time of war and who are accepted as having medical category "A". It almost has broken my heart in cases that I have have taken up where the answer has been a pre-enlistment condition.

I am grateful for the privilege I had of appearing for some three hours before the Woods Commission. My contention was and still is that if in time of war a man enlisted in Canada was given the medical category of "A" from either the first war or the second war, there should not be a challenge by the Pension Commission that it was a pre-enlistment condition. Do I understand—I am asking for clarification—that with the technicality of

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three months or six months and, Mr. Chairman, according to the statement given by the

[*Interpretation*]

c'est-à-dire qu'ils n'ont pas l'autorisation d'exercer la médecine dans l'une ou l'autre des provinces. Aussi cette partie subira un léger changement.

M. Bigg: A l'alinéa *i*) il me semble qu'il existe un danger d'inflexibilité si l'on change la période simplement de trois à six mois bien qu'il puisse être difficile pour le service de rendre le diagnostic mais d'autre part vous pouvez contracter la malaria après avoir été envoyé rapidement du Canada en Italie comme nouvelle recrue ou subir des gelures dans l'Arctique et cela peut certainement se produire dans un délai de moins de six mois, mais je n'aime pas ces délais impartis de façon rigide. J'aimerais mieux que l'on laisse aux médecins eux-mêmes le soin de décider si dans ce cas particulier et selon leur opinion d'autorités médicales le diagnostic peut être rendu au bout de six semaines pour le cas en question. Ce serait beaucoup mieux pour les deux parties plutôt que d'imposer un délai de trois ou six mois, je préférerais un peu plus de souplesse pour cette clause en particulier et j'aimerais que l'on prenne note de mon opinion à ce sujet.

Le président: Je pense que M. Winch a une question à poser.

M. Winch: Monsieur le président, je voudrais que vous me permettiez de dire quelques mots à ce sujet, cette recommandation me touche particulièrement car je vous l'ai déjà dit j'ai beaucoup d'anciens combattants dans ma circonscription. Beaucoup de problèmes me sont soumis par d'anciens combattants et l'un des principaux problèmes auxquels je me heurte—je ne parle pas des détails techniques comme des délais de trois ou de six mois—concerne les volontaires qui s'engagent dans les forces armées du Canada en temps de guerre ainsi que ceux qui sont acceptés au point de vue médical sous la catégorie «A». J'ai eu beaucoup de peine dans certains cas dont je me suis occupé lorsque la réponse a été qu'il s'agissait d'une affection antérieure à l'enrôlement.

Je suis profondément reconnaissant du privilège qui m'a été accordé de comparaître devant le Comité Woods pendant trois heures. Je soutenais et je soutiens toujours que si l'on accorde en temps de guerre la cote «A» à un homme qui s'engage que ce soit à l'époque de la Grande guerre ou de la seconde guerre mondiale, la Commission canadienne des pensions ne doit pas prétendre ensuite qu'il s'agissait-là d'une affection antérieure à l'enrôlement. Dois-je comprendre, et je voudrais bien qu'on m'explique cette question des trois mois ou des six mois, monsieur le président car

[*Texte*]

Minister yesterday on certain procedures, it is not now going to be accepted on the changes that if a man was accepted as medical "A" for active service he can still be challenged on a pre-enlistment condition?

Mr. Ward: It is proposed, Mr. Chairman, to virtually adopt unchanged the Woods Committee recommendation relating to presumption of fitness on enlistment, except as I pointed out...

Mr. Winch: That is, if he was accepted as "A" ...

Mr. Ward: ... with two little modifications.

Mr. Winch: Pardon?

Mr. Ward: It is accepted virtually unchanged except for the two slight modifications to which I referred.

Mr. Winch: Mr. Chairman, just for clarification, is my understanding correct that when the necessary changes are made, if a man or a woman were accepted as "A" during a time of war, that the pre-enlistment will no longer be one of our major problems?

Mr. Ward: That person will have the advantage, at long last, of a presumption in his or her favor. That presumption, as recommended by the Woods Committee and accepted, is rebuttable so there may be some disappointment if the presumption is rebutted by one of the forms of rebuttal suggested by the Woods Committee and accepted by...

Mr. Winch: But is the rebuttal therefore to come from the Commission, that they are going to maintain that the "A" being accepted, was a pre-enlistment. That would then be a challenge by the medical office, would it?

Mr. Ward: Some of the rebuttal would be self-evident; that is to say, whether a condition was recorded on medical examination prior to enlistment. It is not a challenge by anyone; it is a self-evident fact that appears on the record.

Mr. Winch: Let me put it this way. It is therefore not going to be made clear in what is now being recommended for change in the Act that having enlisted for active service and accepted as "A" that it is not going to be automatic that they are completely physically fit?

[*Interprétation*]

d'après la déclaration faite hier par le Ministre sur certaines procédures la demande ne sera maintenant pas acceptée du fait que même si un homme a été reconnu apte au service actif avec une cote médicale «A» on peut encore repousser sa demande en prétendant qu'il s'agit d'une affection antérieure à l'enrôlement?

M. Ward: On propose, monsieur le président, d'adopter virtuellement telle quelle la recommandation du Comité Woods en ce qui touche l'état de santé au moment de l'enrôlement, sauf, comme je l'ai fait remarquer,...

M. Winch: C'est-à-dire, si cette personne est classée dans la catégorie «A»...

M. Ward: ...deux petites modifications.

M. Winch: Pardon?

M. Ward: Elle est acceptée virtuellement telle quelle à l'exception de deux légères modifications que j'ai mentionnées plus tôt.

M. Winch: Monsieur le président, pour plus de précision, faut-il croire que lorsque les changements nécessaires seront effectués, quand un homme ou une femme ont été acceptés dans les Forces armées et classés dans la catégorie «A» en temps de guerre, leur état de santé avant l'enrôlement ne nous concernera plus?

M. Ward: Ces personnes auront enfin le bénéfice du doute. Cette présomption, qu'a recommandée le Comité Woods et qui a été acceptée, peut être refutée. Certains seront donc désappointés si cette présomption en leur faveur n'est pas reconnue par l'une des formes d'examen proposée par le Comité Woods et acceptée par...

M. Winch: Ce rejet viendra-t-il de la Commission? Celle-ci va-t-elle maintenir que la condition «A» reconnue remonte plus loin que l'enrôlement? Ce serait mettre en doute la parole du mdecin!

M. Ward: Certains motifs de ce rejet seront évidents, par exemple, le fait qu'un état de santé quelconque a été enregistré lors d'un examen médical avant l'enrôlement. Personne ne défie quiconque; il s'agit d'un fait évident qui figure sur les dossiers.

M. Winch: Je pose ma question autrement. On ne précisera donc pas, dans les modifications recommandées de la Loi, que le fait de s'être enrôlée pour le service militaire et d'avoir été classée dans la catégorie «A», signifie automatiquement qu'une personne est en bonne forme physique?

[*Text*]

Mr. Ward: It is going to be automatic, Mr. Chairman, that they have the benefit of this presumption which is finally coming about but, as Mr. Justice Woods recommended, it is a rebuttable presumption and can therefore be rebutted. As I pointed out, many will receive the full benefit of this generous provision but unfortunately others will not because the presumption will be rebutted. It is a rebuttable presumption.

Mr. Winch: May I ask how you can rebutt if a man is accepted for active service and classified as medical "A", or is that going into too much detail, Mr. Chairman?

The Chairman: There are still 145 of these items which we want to cover in broad outline. The Committee's hearings will continue for some time, Mr. Winch.

Mr. Weatherhead: Mr. Chairman, on that particular point, do I gather there was no presumption of this sort before the present legislation?

Mr. Ward: There has been no presumption of fitness on enlistment as such.

The Chairman: And there would be now?

Mr. Ward: There definitely would be now.

The Chairman: I think this is about as far as we can go.

Mr. Whicher: Under (b) there it says, "or mind of an unskilled observer on examination. . .". Are we to presume that the medical doctors who examined us at the time of enlistment were unskilled?

Mr. Ward: I do not believe that is the intention, Mr. Chairman.

Mr. Whicher: That is what it says.

Mr. Ward: If skilled doctors could say whether or not a condition was obvious then, of course, far fewer people would have the benefit of these provisions. Therefore it has always been the unskilled observer, because as an average citizen I am unable to detect any condition that you may have in the

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nature of a deformity that could be detected by a skilled medical observer and therefore you have the protection that you are using my lack of skill in observation as against the skill of a trained medical doctor.

[*Interpretation*]

M. Ward: Il sera automatiquement entendu, monsieur le président, que ces personnes auront le bénéfice du doute, enfin, mais comme le recommande le juge Woods, ce bénéfice du doute peut être refuté. Comme je le faisais remarquer moi-même, un grand nombre tireront plein avantage de cette généreuse disposition, tandis que d'autres, malheureusement, verront ce bénéfice du doute refuté dans leur cas.

M. Winch: Puis-je vous demander comment ce bénéfice du doute peut être refuté quand un homme a été accepté pour les besoins du service militaire et classé dans la catégorie médicale «A», ou serait-ce exiger trop de détails, monsieur le président?

Le président: Il nous reste encore 145 articles à couvrir dans les grandes lignes. Les audiences du Comité ne sont pas près de se terminer, monsieur Winch.

M. Weatherhead: Monsieur le président, sur ce point, faut-il comprendre qu'aucun bénéfice du doute n'entrait en jeu auparavant?

M. Ward: On ne tenait pas pour acquis l'état de santé acceptable au moment de l'enrôlement proprement dit.

Le président: Et la chose existe maintenant?

M. Ward: Oui.

Le président: Je pense que nous n'irons pas plus loin.

M. Whicher: L'alinéa b) se lit comme suit: «ou à l'esprit d'un observateur peu exercé, lors de l'examen . . .» Faut-il croire que ces médecins qui nous ont examinés à l'enrôlement n'étaient pas chevronnés?

M. Ward: Je ne pense pas que ce soit ce qu'on veut dire, monsieur le président.

M. Whicher: Ce sont les mots exacts.

M. Ward: Si les médecins compétents pouvaient déterminer la présence manifeste ou non d'une maladie, bien entendu, bien moins de gens tireraient avantage de ces dispositions. Par conséquent, on se fonde sur l'observateur non compétent, vu qu'en tant que citoyen ordinaire, je suis incapable de déceler quelque maladie chez vous, quelque infirmité qu'un médecin compétent verrait. Vous pouvez donc tirer avantage de mon manque de compétence dans le travail d'observation.

[*Texte*]

Mr. Whicher: I would say, Mr. Chairman, that the fellow who examined me was skilled and he said I was "A-1".

Some hon. Member: And you were sent overseas?

Mr. Whicher: And I was sent overseas. I agree completely with Mr. Winch, I think that every man, as far as my knowledge goes after long experience in the army, was examined by skilled medical men. I do not think there is such a thing as. . .

Mr. Bigg: In some cases they counted your eyes.

Mr. Winch: But if you were sent overseas and accepted as "A-1", there should be no previous injuries.

Mr. Knowles (Winnipeg North Centre): With respect to the change from three to six months, this possibility of rebutting a presumption by something diagnosed within three months or six months, as it is now recommended, does that limit within that six months period diagnosing something that was there previous to enlistment or could it be the malaria Mr. Bigg picked up after he had been in for five months?

Mr. Ward: The rebuttal of the presumption is the diagnosis, not that the condition had been there. It may have been there long before enlistment but under the Woods Committee recommendation the diagnosis must have been made within three months, and if it was, then the presumption is rebutted.

Mr. Knowles (Winnipeg North Centre): You are now telling me that if a person . .

Mr. Bigg: I would like to clarify that. After enlisting in the army there were men who were sent home with active tuberculosis and they had only been in a month.

Mr. Knowles (Winnipeg North Centre): I understand that, but what about something a man picks up after he has been in five months which he did not have before? He picks up malaria and it is diagnosed as malaria in the fifth month. Does that deny the presumption that he was fit when he enlisted?

Mr. Ward: If the diagnosis was established. Those persons who are responsible for adjudication may very well have submissions made

[*Interprétation*]

M. Whicher: Monsieur le président, la personne qui m'a examiné était compétente et a affirmé que je me classais dans la catégorie des «A-1».

Des voix: Et on vous a envoyé outre-mer?

M. Whicher: Et on m'a envoyé outre-mer. Comme M. Winch, je crois que tous les hommes, pour autant que je sache, après une longue expérience de l'armée, ont été examinés par des médecins compétents. Je ne pense pas qu'on puisse parler de . . .

M. Bigg: Dans certains cas, on comptait vos yeux.

M. Winch: Mais si vous avez été envoyé outre-mer et classé dans la catégorie «A-1», il ne devait exister aucune blessure antérieure.

M. Knowles (Winnipeg-Nord-Centre): A propos du changement de trois à six mois, la possibilité de refuser une présomption en se fondant sur un état quelconque diagnostiqué dans un délai de trois mois ou de six mois, comme on le recommande, limite-t-on ainsi à ce délai de six mois le diagnostic d'état de santé qui existait avant l'enrôlement? Ou M. Bigg aurait-il attrapé la malaria cinq mois après son enrôlement?

M. Ward: C'est par le diagnostic qu'on refuse la présomption, non par le fait que l'état de santé en cause existait auparavant, et qui existait peut-être bien avant l'enrôlement. Selon la recommandation du Comité Woods, le diagnostic doit avoir été rendu dans un délai de trois mois, et le cas échéant, la présomption est rejetée.

M. Knowles (Winnipeg-Nord-Centre): Vous dites qu'une personne qui. . .

M. Bigg: Permettez-moi de préciser. Après leur enrôlement, certains hommes ont été renvoyés chez eux parce qu'ils étaient atteints de tuberculose active, après un mois dans l'armée.

M. Knowles (Winnipeg-Nord-Centre): Je comprends, mais que faites-vous d'un homme qui contracte une maladie quelconque après cinq mois passés dans l'armée, une maladie dont il ne souffrait pas auparavant? Il attrape la malaria et cette maladie est diagnostiquée comme telle au cours du cinquième mois. La présomption qu'il était en bonne santé au moment de l'enrôlement se trouve-t-elle annulée?

M. Ward: Si le diagnostic a été confirmé. Les personnes qui doivent rendre un jugement sur les cas peuvent fort bien recevoir

[*Text*]

to them that this was not a firm diagnosis or that was not a firm diagnosis, and cases may stand or fall on the question of was a diagnosis established. It was felt—and again I should state that this is not a fixed position—that three months may not have been sufficient time for a diagnosis to be established. It may be sufficient time for investigative procedures to be initiated and carried out.

Mr. Knowles (Winnipeg North Centre): I can understand that in the case of diagnosing something that may have been there, such as pulmonary tuberculosis, but I find it hard to understand that it would extend to a diagnosis in the fifth month of something that the man picked up.

Mr. Whicher: Anybody who went to Italy five months after enlistment damn well got malaria in Italy. They did not have it in Canada. I had it, and I saw a lot of boys who had it, and I do not think there is any question about it. If you enlisted 150 days before and you were sent to Italy and you got malaria, I do not believe it was in your blood. I think it should be accepted in the way we have accepted the situation of the Hong Kong veterans.

Mr. Winch: If it comes out 20 years later it should not require the three months or six months after length of service. That is the point that I cannot get through my head.

The Chairman: The Committee may want to make a note here and ask their questions at a later stage in the proceedings. I am sure Mr. Reynolds has made a note of this.

Mr. Ward: Recommendation No. 24. The Woods Committee recommended that an affirmative reply at enlistment in regard to the existence of an injury or disease be considered as a record of the condition on enlistment only if the report of the medical examination confirms the existence of the residual disability. Under the current system an affirmative reply given at the time of medical examination on enlistment is not necessarily conclusive of a pre-enlistment condition, but it can be very damaging and in many cases a man has said he had ear trouble, and it may have been an ear trouble related to a childhood external otitis. Yet there are many, many ear diseases and the ear disease he is now claiming for may have no relation whatsoever with the particular childhood factor. But he did say he had ear disease when he answered the question on enlistment: "Did you have any previous ear disease?"

[*Interpretation*]

des réclamations à l'effet que le diagnostic n'était pas strict, et certains cas peuvent dépendre du fait que le diagnostic a été confirmé ou non. On a jugé, et la position que j'avance n'est pas rigoureuse, qu'un délai de trois mois ne permettait peut-être pas de confirmer un diagnostic. Il suffit à l'enquête.

M. Knowles (Winnipeg-Nord-Centre): Je conçois cela dans le cas d'un diagnostic portant sur un état qui existait possiblement auparavant, comme la tuberculose pulmonaire, mais j'éprouve plus de difficulté à croire qu'il en est de même d'un diagnostic rendu au cours du cinquième mois au sujet d'une maladie contractée récemment par la personne.

M. Whicher: Quiconque est allé en Italie peut fort bien avoir attrapé la malaria après cinq mois. Cette maladie ne s'attrape pas au Canada. J'en ai souffert et vu bien d'autres gars en souffrir, et je ne pense pas qu'on puisse mettre en doute cette réalité. Si vous vous étiez enrôlé 150 jours plus tôt, étiez envoyé en Italie et contractiez la malaria, cette maladie n'était pas latente dans votre sang. Il faut reconnaître cette évidence comme vous l'avez fait dans le cas des anciens combattants de Hong-Kong.

M. Winch: Si la maladie se déclare après 20 ans, il ne faut pas trois mois ou six mois après cette durée de service. C'est ce que je ne puis accepter.

Le président: Le Comité peut prendre note de la chose et poser ses questions un peu plus tard au cours des délibérations. Je suis certain que M. Reynolds en a pris note.

M. Ward: Recommandation n° 24.

Le Comité Woods recommande que la réponse affirmative donnée par une personne au moment de l'enrôlement en ce qui concerne l'existence d'une blessure ou d'une affection ne soit considérée comme une preuve tangible de l'existence de l'affection lors de l'enrôlement que si le rapport de l'examen médical confirme que des traces d'invalidité résultant de la blessure ou de l'affection existent à ce moment-là. En vertu du régime actuel, une réponse affirmative donnée au moment de l'examen médical lors de l'enrôlement ne permet pas nécessairement de conclure à l'existence d'une maladie avant l'enrôlement, mais cela peut être préjudiciable. Souvent, des gens se sont plaint d'avoir eu des troubles de l'ouïe et peut-être que ces troubles étaient reliés à une otite externe datant de l'enfance. Cependant, il y a de très nombreuses maladies des oreilles, et la mala-

[*Texte*]

As I say, that is not conclusive evidence against him but it is damaging, and this recommendation is designed to alleviate some of the hardships encountered because of this situation.

It will be modified to some extent. The modification is that an affirmative reply given in answer to the question on medical examination for enlistment shall only be considered as a record of that injury or disease if by reason of history or subsequent evidence established throughout the service period, throughout hospitalization and so on, it is established beyond a reasonable doubt that the condition for which entitlement is claimed relates directly to the condition for which the affirmative reply was given. That is the slight modication.

Mr. Winch: May I ask one question here, Mr. Chairman? I will be very brief.

Using the illustration given by Mr. Ward, you did have a bit of ear trouble but you are accepted as medical "A" and you are sent overseas. Years later, your hearing goes. You have aggravation of some kind, in warfare. How do you decide then that the aggravation is a result of your service in war? You have been accepted as A-1, but your record shows that you have previously had this ear trouble. How do you decide that? Is that going to be covered?

Mr. Ward: Under the existing situation, if you served overseas and you gave an affirmative reply, you have the benefit of Section 13(1)(c) of the Pension Act, and if your condition was aggravated overseas at any time during your service, then you would get full entitlement with no deduction whatsoever, just as if it had been ruled that your condition was wholly incurred during service.

The Chairman: I wonder if this would be a good point to take a five-minute break. Members of the Committee have been sitting for quite a while. We have a fairly lengthy testimony ahead of us. Should we take a five-minute break to stretch? Would that be a good idea?

(Five minute recess)

[*Interprétation*]

die pour laquelle quelqu'un présente une réclamation est peut-être reliée d'une façon ou d'une autre à son enfance. Mais quand il a rempli le questionnaire d'enrôlement, il a déclaré avoir des troubles de l'ouïe: «Avez-vous déjà eu des maladies de l'oreille?»

Je le répète, ce n'est pas là une preuve concluante contre lui, mais c'est préjudiciable, et cette recommandation vise à diminuer une partie des cas pénibles causés par une situation de ce genre.

Elle sera modifiée jusqu'à un certain point. Cette modification portera qu'une réponse affirmative à la question, lors de l'examen médical de recrutement, ne sera considérée que comme une mention de cette blessure ou de cette maladie si, en raison des antécédents ou d'une preuve établie subséquemment durant la période de service, par hospitalisation et ainsi de suite, il est prouvé hors de tout doute raisonnable que la condition pour laquelle l'intéressé prétend être admissible est reliée directement à la condition à propos de laquelle il a donné une réponse affirmative. Voilà la légère modification qui sera apportée.

M. Winch: Permettez-moi de poser une question ici, monsieur le président. Je serai très bref.

Pour reprendre l'exemple de M. Ward, supposons que vous ayez un petit trouble de l'ouïe, mais qu'on vous accepte comme recrue «A» et qu'on vous envoie à l'étranger. Quelques années plus tard, vous constatez une diminution du sens de l'ouïe. Votre surdité s'aggrave d'une façon ou d'une autre, en pleine guerre. Comment peut-on déterminer alors si l'aggravation résulte du service sous les drapeaux? On vous a classé A-1, mais votre dossier montre que vous avez eu auparavant des troubles de l'ouïe. Comment va-t-on déterminer la chose? Est-ce que la protection s'applique?

M. Ward: Dans l'état actuel des choses, si vous avez servi à l'étranger et que vous avez donné une réponse affirmative, vous pouvez profiter de l'article 13(1) c) de la Loi sur les pensions et si votre état s'est aggravé à l'étranger durant votre service, vous avez alors droit à la pleine indemnité, sans aucune déduction, tout comme si on avait décidé que votre état s'est déclaré entièrement pendant le service.

Le président: Je me demande s'il ne serait pas opportun de faire une pause de cinq minutes. Les membres du Comité siègent depuis un bon moment. Nous avons des témoignages assez longs à entendre. Prenons-nous une pause de cinq minutes pour nous détendre? Est-ce une bonne idée?

(Pause de cinq minutes)

[*Text*]

AFTER RECESS

The Chairman: Shall we proceed now? Would members of the Committee please take their places. Thank you.

Mr. Ward, I think we were at Recommendation 25. Is that right?

Mr. Ward: Yes, Mr. Chairman. May I make a correction? I had a momentary bout of confusion and in my reply to a question relating to an affirmative reply given on medical examination on enlistment with respect to an ear condition, I pointed out that if the man had served overseas he would have received full entitlement had it been aggravated. That is not correct, because it would have been a record. I really had in mind that if he had had one of these developmental conditions that was not recorded on medical examination on enlistment and he went overseas and it was aggravated he would get full entitlement.

Recommendation 25—The Woods Committee recommended that Recommendation 24 be retroactive and the Veterans Bureau review the files for this purpose. Of course, under the current system there is no equivalent. The recommendation has not been adopted.

• 1535

Mr. Winch: But I understand, sir, that you have accepted some period of retroactivity.

Mr. Ward: Yes, sir, further on there are rather generous retroactivity provisions that are referred to in the White Paper.

Recommendation 25(A)—The Woods Committee recommended a new benefit of doubt clause. As you know the current benefit of doubt clause is Section 70, which all of you are familiar with, so I shall not read it out. The recommendation is accepted almost completely except for the insertion of one word. The word "credible" should be added before the word "evidence" in the Woods Committee recommendation. Otherwise the recommendation is completely accepted.

Recommendation 26—The Woods Committee recommended a separate section of preamble setting forth the intent and purpose of the Pension Act. There is no such clause under the present Pension Act. This recommendation is accepted in principle. I cannot give you the precise wording of the proposed preamble other than to state that I under-

[*Interpretation*]

REPRISE DE LA SÉANCE

Le président: Nous allons poursuivre la séance. Veuillez reprendre vos places. Merci.

Monsieur Ward, je pense que nous en étions à la recommandation nº 25, n'est-ce pas?

M. Ward: Oui, monsieur le président. Permettez-moi de faire une correction. J'ai eu un peu de confusion momentanée; à la question portant sur le fait de donner une réponse affirmative lors de l'examen médicale d'enrôlement, en ce qui concerne l'état de l'ouïe, j'ai répondu que si l'intéressé a servi à l'étranger, il aurait reçu la pleine indemnisation, dans le cas où l'état de l'oreille se serait aggravé. Cela n'est pas exact, car il s'agirait là d'un dossier. Ce que je voulais dire, c'est que si un trouble de ce genre s'était développé sans avoir été enregistré lors de l'examen médical de l'enrôlement, et que l'intéressé était allé à l'étranger et que ce trouble se serait aggravé, il aurait droit à l'indemnisation entière.

Recommandation nº 25: Le Comité Woods recommande que la recommandation nº 24 soit rétroactive et que le Bureau des vétérans réexamine les dossiers à cette fin. Bien entendu, selon le régime actuel, il n'y a pas d'équivalent. La recommandation n'a pas été adoptée.

M. Winch: Mais je crois savoir, monsieur, que vous avez accepté une formule quelconque de rétroactivité.

M. Ward: Oui, monsieur, un peu plus loin, il y a des dispositions de rétroactivité assez généreuses qui sont mentionnées dans le Livre blanc.

Recommandation nº 25 (A): Le Comité Woods recommande l'insertion d'une nouvelle clause portant sur le bénéfice du doute. Comme vous le savez, la clause actuelle portant sur le bénéfice du doute est à l'article 70, que chacun d'entre vous connaît; je vais donc m'abstenir d'en donner lecture. La recommandation est acceptée presqu'entièrement sauf pour un mot. Le mot «digne de foi» devrait être ajouté avant le mot «preuve» dans la recommandation du Comité Woods. Pour le reste, la recommandation est accepté dans son entier.

Recommandation nº 26—Le Comité Woods recommande qu'on insère dans la Loi sur les pensions un article séparé ou un préambule énonçant l'intention et l'objectif de la Loi. Cette clause n'existe pas dans la Loi actuelle sur les pensions. Cette recommandation est acceptée en principe. Je ne peux pas vous donner le libellé précis du préambule proposé,

[*Texte*]

stand it will generally follow the view expressed by the Woods Committee recommendation and be in keeping with Canada's obligation to those who in war and peace place their lives at the service of their country. It may be that the precise wording recommended by the Woods Committee will not be followed.

Recommendation 27—The Woods Committee recommended a three-stage procedure. This has been previously alluded to. They recommended a first application, a second application and a renewal application procedure. That recommendation is accepted with a very slight modification. The Woods Committee recommended that there be a first application, a second application, a renewal application and then a further renewal application as of right. The modification is that there be a further renewal application as now exists in discretion.

Recommendation 28—The Woods Committee recommended some modifications in the statement of claim form. The statement of claim form served its purpose under the old and current procedure, but primarily in past years when there was a desire to bring finality to pension claims statement of claim forms were brought into being and the man was required to sign one and set forth all conditions for which he wished to claim.

Therefore he was sort of held to that document; however, under the new procedure it is proposed to try to streamline these things and eliminate as much as possible time limits and forms where you make a statement that you may be held to at a subsequent time. The change requires that an applicant when he is ready to proceed to the entitlement board hearings merely sign what we would call a notice of readiness: I am ready to proceed. That would then enable the administrative machinery to be set into motion and to arrange for his entitlement board hearing. There is no intention to surround him with red tape.

• 1540

Recommendations number 29 concerns renewal applications, and it will be slightly modified. As I pointed out, the Woods Committee recommended that the renewal applications be as of right whereas in the comments of the Woods Committee Report it was made quite clear that the adjudicating body should have a great deal of discretion

[*Interprétation*]

mais je peux dire que, selon ce que je comprends, il sera d'une façon générale conforme à l'opinion exprimée dans la recommandation du Comité Woods et aux obligations que le Canada a envers ceux qui, en temps de guerre comme en temps de paix, mettent leur vie au service de leur pays. Peut-être que le libellé précis recommandé par le Comité Woods ne sera pas utilisé comme tel.

Recommandation nº 27: Le Comité Woods recommande une procédure en trois étapes. Il en a été question précédemment. Le Comité a recommandé une procédure comportant une première demande, une deuxième demande et un renouvellement de demande. Cette recommandation est acceptée avec une légère modification. Le Comité Woods recommande qu'il y ait une première demande, une deuxième demande, un renouvellement de demande et un deuxième renouvellement de demande, qui serait de droit. La modification porte qu'il y aura un deuxième renouvellement de demande, comme c'est le cas maintenant en vertu du pouvoir discrétionnaire.

Recommandation nº 28: Le Comité Woods recommande qu'on apporte certaines modifications à la formule de l'énoncé de la demande. La formule d'énoncé de la demande a bien joué son rôle sous l'ancienne procédure et sous la nouvelle; mais, surtout ces dernières années, lorsqu'on désirait clore une demande de pension, on redigeait une formule d'énoncé de la demande et on demandait à l'intéressé d'en signer un exemplaire et d'énoncer toutes les raisons pour lesquelles il présentait sa demande.

Par conséquent, il devait en quelque sorte s'en tenir à ce document; cependant, selon la nouvelle procédure, on essaiera de mettre ces formules à la page et de supprimer autant que possible les délais et les formules par lesquelles l'intéressé pourrait faire une déclaration qui pourrait l'obliger par la suite. Par la modification, on demandera au requérant, (lorsqu'il sera prêt à se présenter devant le bureau d'admissibilité) de simplement signer ce qu'on pourrait appeler un avis de consentement portant qu'il est prêt à entamer la procédure. Cela permettrait ensuite de mettre en mouvement la machine administrative et d'organiser son audience devant le bureau d'admissibilité. On ne cherche nullement à le submerger de formalités administratives.

La recommandation nº 29 porte sur les renouvellements de demandes, et elle sera légèrement modifiée. Comme je l'ai fait remarquer, le Comité Woods a recommandé que les renouvellements de demandes soient de droit, bien que dans les commentaires du rapport du Comité Woods, il est clairement dit que l'organisme d'arbitrage devrait avoir

[*Text*]

whether renewal applications should be entertained. Therefore there was a conflict between what the Woods Committee actually recommended and their comments relating to that recommendation. In order not to clog the machinery by having a right to renewal, so that some people could ask for 30 renewals and there would be a right each time, the current system of renewal is in the discretion of the adjudicating body. After you have had your first application as of right, second application as of right, revewal as of right, further renewals would be in the discretion of the adjudicating body.

Recommendation number 30. The Woods Committee recommended entitlement officers decide first, second and renewal decisions. Under the current system all decisions in the field of pension are decisions of the Canadian Pension Commission and must be signed by two commissioners and this recommendation for having an entitlement officer decide first, second and renewal decisions is not accepted.

Recommendation number 31. The Woods Committee recommended renewal applications in matters of discretionary benefits, assessment and aggravation. Under the current system there is no right to a hearing, no right to the procedural benefits of the Pension Act, unless you are claiming for what is called an entitlement matter; that is to say whether or not your bronchitis was incurred during service or aggravated during service.

Up until recently if you disputed the degree of aggravation you had no right to a hearing, in the discretion of the Commission you could appear under Section 7(3), but that has been changed in recent times, initiated by the Commission, and now a degree of aggravation is a matter of entitlement and the right to a hearing now exists on that question.

The Woods proposal of course has been changed so much in procedure. He had envisaged two systems of getting up to his pension appeal board, one on entitlement matters through the normal procedure and the other on discretionary matters through a Section 7(3) proceeding, but still the right to a

[*Interpretation*]

beaucoup de latitude quant à décider s'il doit accueillir favorablement un renouvellement de demande. Par conséquent, il y avait contradiction entre ce que le Comité Woods a effectivement recommandé et les commentaires qu'il a fait sur cette recommandation. Pour ne pas enrayer la machinerie administrative en offrant un droit de renouvellement tel que certains pourraient présenter trente demandes de renouvellement et jouir de ce droit à chaque fois, le régime actuel des renouvellements de demandes laisse à l'organisme d'arbitrage la latitude de les accueillir à sa discrétion. Une fois présenté la première demande de droit, la deuxième demande de droit, et le renouvellement de demande de droit, les autres renouvellements de demandes seront laissés à la discrétion de l'organe d'arbitrage.

Recommandation n° 30: La Commission Woods recommande que les agents d'admissibilité prennent la première et la seconde décision ainsi que la décision concernant le renouvellement. Selon le régime actuel, toutes les décisions concernant les pensions sont prises par la Commission canadienne des pensions, et doivent être signées par deux commissaires, et la recommandation portant qu'un agent d'admissibilité prenne la première et la deuxième décision, ainsi que la décision concernant le renouvellement n'est pas acceptée.

Recommandation n° 31—Le Comité Woods recommande que les intéressés puissent présenter des renouvellements de demandes en ce qui concerne les avantages discrétionnaires, l'évaluation et l'aggravation. Le régime actuel ne donne pas droit à une audience, ni aux avantages de la procédure de la Loi sur les pensions, à moins que la réclamation porte sur ce qu'on appelle une question d'admissibilité, c'est-à-dire lorsqu'il s'agit, par exemple, de décider si oui ou non votre bronchite est survenue durant le service ou s'est aggravée durant le service.

Jusqu'à récemment, si vous contestiez le degré d'aggravation, vous n'aviez pas droit à une audience; à la discrétion de la Commission, vous pouviez comparaître en vertu de l'article 7(3), mais cela a été modifié récemment, à la demande de la Commission, et maintenant, l'aggravation d'un état constitue matière à admissibilité et les intéressés ont maintenant droit à une audience sur cette question.

La proposition du Comité Woods a tellement été modifiée en ce qui concerne la procédure. L'auteur du rapport avait envisagé deux méthodes selon lesquelles les intéressés pourraient se faire entendre de son bureau d'appel sur les pensions; l'une portant sur les motifs d'admissibilité, l'intéressé procédant de

[*Texte*]

Section 7(3) hearing being at the discretion of the adjudicating body. Of course under the new proposal, which we hope will give equal justice to all, it does not matter whether you are claiming for an entitlement matter or a discretionary matter, you will have the full benefit of all the procedures and can go all the way up, to the appellate division if necessary. Therefore this proposal is not adopted and the new procedure as outlined in the White Paper affords a very just system.

Recommendation number 32. The Woods Committee recommendation relates to a disposition of discretionary benefits and it is similar to the previous one. Under the current system all the decisions must be made by two or more commissioners. This recommendation number 32 is not accepted.

Recommendation number 33 relates to disposition of assessment and aggravation cases, and it is also not accepted.

Recommendation number 34. The Woods committee recommended that second or renewal applications be not mandatory prior to entitlement hearing. Under the current system you can proceed to an Appeal Board directly from an initial decision, a first or second renewal, at the wish of the applicant, only in World War II claims or Korean service or special duty areas. In claims based on World War I service and regular force service you must go through definite steps, you must have a first hearing and then you must have a second hearing before you can get to the Appeal Board level. The Woods Committee recommendation is accepted in principle but, as outlined in the White Paper, all the procedural benefits will now apply equally and it will be the same procedure for all applications.

Recommendation number 35. The Woods Committee recommended use of standard application forms. Under the current system forms are used in applications but it is not a statutory requirement to use forms and any applicant can initiate a pension claim or an appeal, or at any stage within the claim between initial and Appeal Board initiate these procedures by merely picking up the

[*Interprétation*]

la façon normale, et l'autre portant sur les questions discrétionnaires, l'intéressé procédant selon l'article 7(3), mais en même temps, il était laissé à discrétion de l'organisme arbitral le droit de permettre une audience en vertu de l'article 7(3). Bien entendu, selon la nouvelle proposition, qui, nous l'espérons, sera juste pour tout le monde, il n'est pas important que votre réclamation porte sur une question d'admissibilité ou sur une question discrétionnaire, et vous pourrez profiter de toutes les procédures et remonter toute la filière, jusqu'à la Division des appels, s'il y a lieu. Par conséquent, cette proposition n'est pas adoptée et la nouvelle procédure, telle qu'elle est énoncée dans le Livre blanc, constitue un régime très juste.

Recommandation n° 32—La recommandation du Comité Woods porte sur la décision concernant les avantages discrétionnaires, et elle est semblable à la recommandation précédente. Dans le régime actuel, toutes les décisions doivent être prises par deux commissaires ou plus. Cette recommandation n° 32 n'est pas acceptée.

La recommandation n° 33 porte sur la décision concernant les cas d'évaluation et d'aggravation, et elle n'est pas acceptée non plus.

Recommandation n° 34.—Le Comité Woods recommande que la deuxième demande et le renouvellement de demande ne soient pas obligatoires avant qu'on puisse procéder à une audience d'admissibilité. Dans le régime actuel, le requérant peut, à son gré, en appeler directement à un bureau d'appel d'une première décision, et d'un premier ou d'un deuxième renouvellement, mais seulement pour des réclamations portant sur la Deuxième guerre mondiale ou le service en Corée ou le service dans des zones spéciales. Quant aux réclamations portant sur le service durant la Première guerre mondiale ou le service dans les forces régulières, il faut suivre une filière définie; il vous faut avoir une première audience, puis une deuxième, avant de pouvoir en appeler au niveau du bureau d'appel. La recommandation du Comité Woods est acceptée en principe, mais comme on le signale dans le Livre blanc, tous les avantages de la procédure s'appliqueront dorénavant également, et la procédure sera la même pour toutes les demandes.

Recommandation n° 35.—Le Comité Woods recommande qu'on se serve de formules de demande uniformes. Dans le présent régime, on se sert de formules pour présenter les demandes, mais le règlement ne le prévoit pas expressément, et tout requérant peut présenter une réclamation ou un appel relativement à une pension, ou il peut, à toute étape de la procédure de réclamation entre l'étape initiale

[*Text*]

telephone or writing, or even by a letter from a Member of Parliament or anyone on his behalf. To use standard application forms for all purposes can be helpful but it does remove flexibility and therefore the recommendation is modified to the extent that standard application forms for entitlement claims will be utilized only where practicable. That then gives the applicant and the adjudicating body some area for flexibility in that they can initiate certain proceedings witout having to have a particular form filled out and signed.

Recommendation number 36. The Woods Committee recommended discretion to accept informal applications. Of course this is exactly the system that is currently in use and is very close to what the new system will be, and it is accepted unchanged.

Recommendations number 37 and 38. The Woods Committee recommended a standard format for decisions and that decisions be written on prescribed forms. Under the current system, standard forms are used for decisions, one type of form at the appeal level and at the other another type of form. However, the format currently in existence is not as complex nor as sophisticated as that recommended by the Woods Committee.

As mentioned earlier, the format suggested by the Woods Committee is accepted in principle and there will only be very slight modifications relating to new titles, because there will not be a pension appeal board and he did not envisage the Department of Veterans Affairs becoming involved in the lower adjudication level.

Recommendation 39. The Woods Committee recommended that the Veterans' Bureau provide a general counselling service. This recommendation is accepted unchanged. In the current system the Veterans' Bureau does provide a counselling service and the duties appear under Section 11 of the Pension Act which this proposal will clearly set out in more precise terms. Recommendation 40.

Mr. Winch: Mr. Chairman, on 40 I am hoping to expedite the business because it is very important. I am hoping that Mr. Ward perhaps can give us a little bit of an outline—I understand it is going to be a separate bureau—of what their functions are. I think if we can get a little bit of understanding from

[*Interpretation*]

et l'étape de l'appel, faire d'emarrer ces procédures simplement en décrochant le téléphone ou en écrivant, ou bien en obtenant une lettre d'un député ou de n'importe quelle personne, en son nom. Une formule uniforme de demande servant dans tous les cas pourrait être utile, mais elle enlève de la souplesse, et par conséquent, la recommandation est modifiée de manière que les formules uniformes de demande, pour les réclamations portant sur l'admissibilité, ne soient utilisées que lorsque c'est possible. Cela donne donc au requérant et à l'organe d'arbitrage un peu de souplesse en ce sens qu'ils peuvent entreprendre certaines procédures sans devoir remplir et signer une formule précise.

Recommandation n° 36. Le Comité Woods recommande la discrétion dans l'acceptation des demandes officieuses. C'est évidemment le même système qui est d'usage courant; le nouveau système sera presque exactement le même et on l'accepte sans modification.

Recommandations n°s 37 et 38. Le Comité Woods recommande une façon uniforme de rédiger les décisions, dont le texte devra figurer sur des formules prévues. Selon le système actuel, les décisions sont libellées dans des formules uniformes, dont l'une s'applique au niveau de l'appel, et l'autre est utilisée dans les causes différentes. Cependant, la forme la plus couramment employée n'est pas aussi complexe ni aussi subtile que celle que recommande le Comité Woods.

Comme on l'a déjà signalé, la forme qu'a proposée le Comité Woods est acceptée en principe et il n'y aura qu'une légère modification relative à de nouveaux titres, puisqu'il n'existera pas de bureau d'appel visant les pensions et qu'il n'est pas question que le ministère des Affaires des anciens combattants se trouve impliqué au niveau inférieur d'adjudication.

Recommandation n° 39. Le Comité Woods recommande que le Bureau des vétérans fournisse un service de consultations générales. Cette recommandation est agréée sans modification. Dans le système actuel, le Bureau des vétérans fournit un tel service de consultations, et ses attributions figurent à l'article 11 de la Loi sur les pensions que cette nouvelle proposition définira en termes plus précis. Recommandation n° 40.

M. Winch: Monsieur le président, au sujet de cette recommandation n° 40, j'espère expédier la question, car c'est très important. M. Ward peut sans doute nous donner un peu plus d'explications—si je comprends bien, ce sera un bureau distinct—sur ce que sont ses fonctions. En obtenant un peu plus d'explica-

[*Texte*]

Mr. Ward, it may perhaps stop us asking questions.

Mr. Ward: Yes, Mr. Chairman, Recommendation 40. The Woods Committee recommended that advocates advise the applicant if his claim is unlikely to succeed, and this recommendation is accepted unchanged.

Now under the current system we have the duty under Section 11 of the Pension Act to advise and assist pension applicants in all phases of their pension claim.

Mr. Winch: You are part of the Canadian Pension Commission.

Mr. Ward: We are a branch of the Department of Veterans Affairs and at the present time my boss is the Deputy Minister. Neither he nor I nor the Department have anything to do with the Canadian Pension Commission, which is an entirely independent separate body. They are the adjudicators. We are the pleaders on behalf of the pension applicant. We have interpreted our role as the Woods Committee Report points out in its comment, pretty well along the lines suggested in the recommendations, and we will continue to do so. We will have to do so under the new proposals but we have done so in the past.

Mr. Winch: I am sorry, Mr. Chairman, have I misunderstood something. Under the proposal you will be a completely separate bureau of advocates? Have I misunderstood something there?

Mr. Ward: The proposal will make the Bureau of Pensions Advocates completely independent of the Canadian Pension Commission, the Department of Veterans Affairs. My boss then, if I am the Chief Pensions Advocate of that new Bureau, will be the Minister and not the Deputy Minister as it is now. This, of course, is necessary because the Department will be moving into the field of adjudication at the lower levels; therefore, we could not have one branch of the Department arguing a case before another branch of the Department. The proposal is that the Bureau be completely independent and that is accepted.

Mr. Winch: Before you cut my throat, which you are all set to do, can I ask in that position how do you then come in to assist the veterans on their problems?

[*Interprétation*]

tions de la part de M. Ward, nous serons peut-être moins portés à lui poser des questions.

M. Ward: Oui, monsieur le président; au sujet de la recommandation nº 40, le Comité Woods recommande que les avocats conseillent le requérant si sa réclamation a peu de chances d'être reconnue, et cette recommandation est agréée sans modification.

Selon le régime actuel, l'article 11 de la Loi sur les pensions nous oblige à conseiller et à aider, à toutes les phases de leur réclamation, ceux qui postulent une pension.

M. Winch: Vous faites partie de la Commission canadienne des pensions.

M. Ward: Nous formons une direction du ministère des Affaires des anciens combattants et, actuellement, je relève du sous-ministre. Ni lui ni moi, ni le ministère ne faisons corps avec la Commission canadienne des pensions, qui est un organisme distinct et tout à fait indépendant, jouant un rôle d'arbitrage. Nous sommes chargés de plaider au nom de celui qui postule une pension. Nous avons conçu notre rôle comme le définit le rapport du Comité Woods dans ses observations et qui est assez conforme aux grandes lignes tracées dans ses recommandations; nous continuerons de le faire. Nous devrons agir ainsi aux termes des nouvelles propositions, mais nous avons suivi cette ligne de conduite dans le passé.

M. Winch: Pardonnez-moi, monsieur le président, mais y a-t-il un point que j'ai mal compris? Selon cette proposition, vous constituez un bureau d'avocats entièrement distinct? Aurais-je faussement interprété cette affirmation?

M. Ward: Cette proposition rendra le Bureau des avocats des pensions entièrement indépendant de la Commission canadienne des pensions et du ministère des Affaires des anciens combattants. Si je suis l'avocat en chef des pensions de ce nouveau Bureau, je relèverai du ministre et non pas du sous-ministre, comme c'est le cas maintenant. C'est évidemment ce qui s'impose puisque le ministère sera appelé à rendre jugement aux niveaux inférieurs et que nous ne pourrions avoir une division du ministère défendant une cause contre une autre de ses divisions. La proposition consiste à rendre ce Bureau entièrement indépendant et c'est ce qui est agréé.

M. Winch: Avant que vous ne me coupiez la gorge comme vous êtes en train de le faire, puis-je vous demander comment, en l'occurrence, serez-vous en mesure d'aider les

[*Text*]

Mr. Ward: Whenever any prospective pension applicant wishes to have our services.

Mr. Winch: He will have to apply for the services?

Mr. Ward: We are not required to provide the service unless he wants our service because he is free to choose us or choose anyone of you or his own legal counsel or veterans organizations.

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The Chairman: He must initiate the step.

Mr. Ward: Yes, definitely.

Mr. Winch: That is the point I was after Mr. Chairman. He must initiate the step.

Mr. Ward: He is completely free to choose whether he wishes this government agency to represent him.

The Chairman: Thank you.

Mr. Peters: But he always has been.

Mr. Ward: Yes, he always has been.

The Chairman: No change in that.

Mr. Ward: Recommendation 41. The Woods Committee recommended a survey concerning the use of barristers and solicitors and this recommendation is accepted without change.

Mr. Winch: That includes members of Parliament I presume.

The Chairman: I doubt it, Mr. Winch.

An hon. Member: If they have legal training.

An hon. Member: If you are willing to donate your time.

Mr. Weatherhead: Mr. Chairman, what is the situation at the present time?

Mr. Ward: The present situation, Mr. Chairman, is that the Act requires appointment of barristers whenever practical.

Mr. Winch: Mr. Chairman, that is the reason for my question actually. If a veteran wants his member of Parliament to handle it, that could be done under this section?

[*Interpretation*]

anciens combattants à résoudre leurs problèmes?

M. Ward: Dans tous les cas où chaque requérant éventuel aspirant à une pension désirera recourir à nos services.

M. Winch: Il devra faire appel à ces services?

M. Ward: Nous ne sommes pas tenus de les rendre à moins qu'il ne le souhaite, car il est libre de nous choisir ou de choisir n'importe quel autre représentant ou son propre conseiller juridique ou l'un des organismes d'anciens combattants.

Le président: C'est à lui d'en prendre l'initiative.

M. Ward: Oui, sans aucun doute.

M. Winch: C'est là où je voulais en venir, monsieur le président. Il doit en prendre l'initiative.

M. Ward: Oui. Il est entièrement libre de décider s'il désire voir cette agence du gouvernement le représenter.

Le président: Je vous remercie.

M. Peters: Mais il l'a toujours été.

M. Ward: Oui, il l'a toujours été.

Le président: Il n'y a donc rien de changé.

M. Ward: Recommandation n° 41. Le Comité Woods recommande une étude sur l'utilisation des avocats, et cette recommandation est acceptée sans modification.

M. Winch: Ce qui inclut les députés, je présume?

Le président: J'en doute, monsieur Winch.

Une voix: S'ils ont une formation juridique.

Une voix: Si vous voulez bien y donner votre temps.

M. Weatherhead: Monsieur le président, quelle est actuellement la situation?

M. Ward: La situation actuelle, monsieur le président, c'est que la loi exige la nomination d'avocats quand la chose est jugée pratique.

M. Winch: Monsieur le président, c'est justement la raison de ma question. Si un ancien combattant désire voir son député défendre sa cause, cela est-il possible aux termes de cet article?

[*Texte*]

Mr. Ward: Oh, yes, sir, if the member of Parliament has sufficient free time and is willing to undertake the role of representing the applicant, there is nothing to prevent that.

Mr. Knowles (Winnipeg North Centre): This recommendation relates solely to the personnel of the Bureau.

Mr. Ward: That is right, Mr. Knowles.

Mr. Knowles (Winnipeg North Centre): As to whether they should be lawyers . .

Mr. Ward: Whether they should be lawyers or . . .

Mr. Knowles (Winnipeg North Centre): . . .or human beings.

Mr. Ward: . . or someone else, laymen.

Mr. MacRae: Mr. Ward, how many of your advocates are now lawyers?

Mr. Ward: All 29 advocates now on staff are lawyers.

Mr. MacRae: There are none other than lawyers?

Mr. Ward: No, sir.

Mr. MacRae: Thank you.

Mr. Ward: Recommendation 42. The Woods Committee recommended that the Veterans' Bureau have funds for medical opinions, and this is accepted unchanged.

Recommendation 43. The Woods Committee recommended that the Veterans' Bureau be established under a separate act; to be called Bureau of Pensions Advocates; to be operated as an independent agency reporting direct to the Minister and to be charged with the sole responsibility of assisting pension applicants.

This recommendation is slighty modified. The recommendation that it be under a separate act is modified so that the Bureau of Pensions Advocates will be set up under a separate part of the Pension Act. It is logical to have all the bodies concerned under the same act but different parts of the act so that a person knows where the authority is derived from in one act. That is really the only change in this recommendation, the rest is completely accepted.

Mr. Knowles (Winnipeg North Centre): You will also have the separateness you indicated a moment ago in that the head of this Bureau will not report to the Deputy Minister.

[*Interprétation*]

M. Ward: Oh oui, monsieur. Si le député a suffisamment de loisirs et veut bien le représenter, rien ne l'en empêche.

M. Knowles (Winnipeg-Nord-Centre): Cette recommandation ne vise que le personnel du Bureau.

M. Ward: C'est vrai, monsieur Knowles.

M. Knowles (Winnipeg-Nord-Centre): Quant au fait qu'ils devraient être avocats . . .

M. Ward: Qu'ils soient avocats ou . . .

M. Knowles Winnipeg-Nord-Centre): . . .ou des êtres humains.

M. Ward: . . . ou quelque autre profane.

M. MacRae: Monsieur Ward, combien sont avocats parmi les membres de votre personnel?

M. Ward: Les 29 membres de mon personnel actuel sont tous avocats.

M. MacRae: Il ne compte pas d'autre membres que des avocats?

M. Ward: Non, monsieur.

M. MacRae: Merci.

M. Ward: Recommandation n° 42. Le Comité Woods recommande que le Bureau des vétérans dispose de fonds destinés à obtenir des opinions d'ordre médical, ce qui est agrée sans modification.

Recommandation n° 43. Le Comité Woods recommande que le Bureau des vétérans soit établi aux termes d'une loi distincte dite du Bureau des avocats des pensions et qu'il fonctionne à titre d'agence indépendante relevant directement du ministre et chargée exclusivement d'aider les postulants à une pension.

Cette recommandation est légèrement modifiée. La recommandation selon laquelle il relève d'une loi distincte est modifiée de façon que le Bureau des avocats des pensions soit créé aux termes d'une partie distincte de la Loi sur les pensions. Il est logique que tous les organismes intéressés le soient aux termes de la même loi, mais dans différentes parties de cette loi, afin qu'une personne sache d'où émane l'autorité conférée par une seule loi. Ce n'est vraiment que l'unique changement apporté à cette recommandation, et le reste est entièrement agréé.

M. Knowles (Winnipeg-Nord-Centre): Vous avez aussi la distinction que vous avez signalée tout à l'heure et spécifiant que le chef de ce Bureau ne relèvera pas du sous-ministre.

[*Text*]

Mr. Ward: No, sir. I believe the Minister made that very clear yesterday when he answered a question on that point.

An hon. Member: That is right.

Mr. Weatherhead: Mr. Chairman, am I correct in assuming that the pension advocates at the present time assist veterans in ways other than just under the Pension Act? Do they assist them with respect to other veterans' problems?

Mr. Ward: Not officially, sir. Officially we confine our activities solely to preparing and presenting pension claims, but in the normal course of a day you may give some advice on some other matter under the veterans' charter. However, that is dangerous because we only call ourselves experts in the pension field and even then who can be an expert in this field?

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Mr. Marshall: Is there anything in the modifications to indicate whether there should be full-time pensions advocates where you have part-time, and they do not have the time or the energy to do all the work that is necessary?

Mr. Ward: Mr. Chairman, there was no Woods Committee recommendation relating to that point, but I understand, Mr. Marshall, it is a point dear to you and it will always be kept under review.

Recommendation No. 44: The Woods Committee recommended that the Veterans' Bureau not furnish information on individual cases to the office of the Minister or other departmental officials.

This recommendation is not accepted. In the current situation we do furnish information to any individuals who seek information relating to pension claims, not necessarily disclosing information on individual cases. When the Minister receives an inquiry from a Member of Parliament, for instance, he may refer it to the Canadian Pension Commission, or the Veterans' Bureau. We receive such inquiries, and we prepare a report for the Minister relating to an individual case. And, as the man's representative, we can give this information.

Mr. Winch: May I ask one question, then, Mr. Chairman? As members of Parliament are called upon to handle veterans' cases and

[*Interpretation*]

M. Ward: Non, monsieur. Je crois que le ministre l'a déclaré très clairement hier en répondant à une question sur ce point.

Une voix: C'est vrai.

M. Weatherhead: Monsieur le président, ai-je raison de croire que les avocats des pensions assistent actuellement les anciens combattants en vertu, aussi, d'autres loi que la Loi des pensions? Les aident-ils dans la solution d'autres problèmes des anciens combattants?

M. Ward: Non, pas officiellement, monsieur. Officiellement, nous ne nous bornons qu'à préparer et à présenter les réclamations visant les pensions, mais au cours d'une journée il arrive de donner des conseils sur quelque autre aspect de la charte des anciens combattants. C'est toutefois dangereux, car nous ne nous prétendons spécialisés que dans le domaine des pensions, et même là qui peut se dire expert?

M. Marshall: Les modifications mentionnent-elles qu'il devrait y avoir des avocats des pensions à plein temps, là où ils ne sont qu'à temps partiel, et s'ils n'ont pas le temps on l'énergie de faire tout le travail nécessaire?

M. Ward: Monsieur le président, le Comité Woods ne comporte pas de recommandations dans ce sens-là, mais je comprends, monsieur Marshall, que c'est une question qui vous tient à cœur et que l'on continuera à s'en occuper.

Recommandation n° 44: Le Comité Woods recommande que le Bureau des vétérans ne fournisse pas de renseignements sur les causes individuelles au cabinet du ministre ou à d'autres fonctionnaires du ministère.

Cette recommandation n'est pas acceptée. A l'heure actuelle, nous donnons des renseignements aux individus qui en sollicitent sur les réclamations de pension, sans nécessairement donner de renseignements sur les causes individuelles. Lorsque le ministre reçoit une demande d'un député, par exemple, il se peut qu'il la transmette à la Commission canadienne des pensions ou au Bureau des vétérans. Nous recevons des demandes de ce genre et nous rédigeons à l'intention du ministre un rapport qui a trait à une cause individuelle. Et, comme représentants de l'individu, nous pouvons donner ces renseignements.

M. Winch: Puis-je alors poser une question, monsieur le président? Puisqu'on demande aux députés de s'occuper des causes des an-

[*Texte*]

problems has any consideration been given to making it unnecessary for a member to go through the Minister; that he should be able to go directly to the head of the Commission? I do, but is there any requirement that he go through the Minister?

The Chairman: I think that involves the question of public administration which I think involves more than this Department.

Mr. Winch: I do not go through the Minister. I go direct.

The Chairman: I do not know whether the witness wishes to reply to that; I do not know whether he really can reply, Mr. Winch, in fairness to him. Mr. Ward?

Mr. Winch: You do not anticipate that members of Parliament can, as I think most of us do, go directly to the Department? Will this mean that we may have to go through the Minister?

The Chairman: I do not think Mr. Ward can say what is the policy of dealing with Members of Parliament and the public service, Mr. Winch. I do not think that is a question he can answer.

Mr. Ward: Feel free to write a letter to the Chief Pensions Advocate. I will do my best to reply.

Mr. Knowles (Winnipeg North Centre): If he writes the Minister he will get the same reply.

Mr. Winch: But it takes about two days longer.

The Chairman: We can reverse that procedure, I am sure.

Mr. Weatherhead: Was the reason for this proposal by the Woods Committee to make it not obligatory on the Veterans' Bureau to give confidential information to the Veterans Affairs Department, or to anyone else?

The Chairman: Mr. Ward?

Mr. Ward: I think that was partially the reason, Mr. Chairman. This is also quite a burden if there is quite a large flood of letters. Our resources are not very great, and having to engage in this sort of activity withdraws the resources which may be required in preparing and presenting cases, or in general administration.

[*Interprétation*]

ciens combattants, a-t-on songé à rendre obligatoire pour le député de passer par le ministre et à l'habiliter à s'adresser directement au directeur de la Commission? C'est ce que je fais, mais le député est-il obligé de passer par le ministre?

Le président: Je crois qu'il s'agit d'une question d'administration publique qui met également en cause d'autres ministères que le nôtre.

M. Winch: Je ne passe pas par le ministre: j'y vais directement.

Le président: Je ne sais pas si le témoin désire donner une réponse à cette question; je ne sais pas s'il peut vraiment répondre, monsieur Winch, en toute justice envers lui. Monsieur Ward?

M. Winch: Vous ne prévoyez pas que les députés peuvent s'adresser directement au ministère, comme, à mon avis, la plupart d'entre nous le font? Cela veut-il dire que nous serons peut-être obligés de passer par le ministre?

Le président: Je ne pense pas que M. Ward puisse dire quelle est la ligne de conduite en matière de relations avec les députés et avec la Fonction publique, monsieur Winch. Je ne crois pas qu'il puisse répondre à une question de ce genre.

M. Ward: Vous avez toute la latitude voulue pour adresser une lettre à l'avocat en chef des pensions, et je ferai de mon mieux pour y répondre.

M. Knowles (Winnipeg-Nord-Centre): S'il écrit au ministre, il recevra la même réponse.

M. Winch: Mais il faut environ deux jours de plus.

Le président: Je suis certain que nous pouvons avoir recours à une méthode inverse.

M. Weatherhead: Le motif de la proposition faite par le Comité Woods était-il de ne pas obliger le Bureau des vétérans à fournir des renseignements confidentiels au ministère des Affaires des anciens combattants ou à tout autre individu ou organisme?

Le président: Monsieur Ward?

M. Ward: C'était là, en partie, le motif, monsieur le président. La chose entraîne aussi une lourde tâche, s'il y a un très grand nombre de lettres. Notre personnel n'est pas des plus considérables et si nous devions entreprendre un travail de ce genre, cela nous enlèverait un personnel qui est peut-être nécessaire pour préparer et présenter les causes ou pour l'administration générale.

[*Text*]

Mr. Weatherhead: Yes; but I gather you are rejecting this proposal No. 44, and are saying that you are still going to give information to the Department?

Mr. Ward: Mr. Chairman, I think most people who have discussed this are realists. When the Minister wants information he will obtain it from...

Mr. Weatherhead: Surely, Mr. Chairman, these people are solicitors, or acting in the same capacity as solicitors, and there must be a lot of confidential solicitor-and-client information that it would not be beneficial, perhaps, to give out to what is in effect the other side. Am I not correct in that?

Mr. Ward: Yes. You get rather unusual situations in that under the proposed system the Chief Pensions Advocate will report direct to the Minister and, therefore, the Minister is his boss. The Bureau will be representing a client retained by the pension applicant to represent him, and the client may very well write a letter to the Minister, or the Minister may ask for information from the

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person representing the client. I have written many letters, and I do not see anything sinister in it, or that it limits our role or affects our image as representing the applicant.

Mr. Saltsman: The effect of accepting the recommendation would be to keep members of Parliament out of the consideration of veterans cases, I presume. This may have been the intent of the Commission, to try to keep Members of Parliament out by having the Commission be the ultimate decider of these things. For this reason I think I would support the rejection of the recommendation and take the position that you are taking on the matter. In other words, it has, in fact, been rejected?

Mr. Ward: It has been rejected, yes, sir.

Recommendation No. 45: Recommendation 45(a) relates to preparation of summaries of evidence, or statements of cases, which is rather synonymous. It recommends that the Veterans' Bureau's responsibility in this field be discontinued. Under the current system the Veterans' Bureau has the responsibility of preparing the summary of evidence which is a document, as I mentioned earlier, containing all relevant information on file, and which is given to the applicant in most cases and used as a useful tool at the appeal board hearings.

[*Interpretation*]

M. Weatherhead: C'est vrai, mais, si je comprends bien, vous rejetez la proposition n° 44 et vous dites que vous continuerez à donner des renseignements au ministère?

M. Ward: Monsieur le président, je crois que la plupart des personnes qui ont discuté de cette question sont des gens réalistes. Si le ministre désire avoir des renseignements, il les obtiendra de...

M. Weatherhead: Monsieur le président, ces gens sont des avocats ou jouent le rôle d'avocats, et il doit y avoir beaucoup de renseignements de nature confidentielle entre avocats et clients qu'il ne serait pas avantageux de livrer à une personne qui est de fait, l'adversaire. N'ai-je pas raison sur ce point?

M. Ward: Oui. Il se présente des situations assez étranges du fait qu'en vertu du régime proposé, l'avocat en chef des pensions fera rapport directement au ministre et que, par conséquent, le ministre sera son supérieur ou son patron. Le Bureau sera le représentant d'un client engagé par un requérant à cette fin-là, et le client adressera peut-être une lettre au ministre ou le ministre pourra bien demander des renseignemens à la personne qui représente le client. J'ai écrit moi-même plusieurs lettres et je n'y vois rien de sinistre. Je ne crois pas non plus que cela puisse restreindre notre rôle ou nuire à l'idée qu'on se fait du représentant d'un client.

M. Saltsman: Accepter la recommandation aurait pour effet, je suppose, de tenir les députés à l'écart de l'étude des causes des anciens combattants. C'était peut-être là l'intention de la Commission, c'est-à-dire d'essayer de tenir les députés à l'écart en confiant à la Commission le rôle d'arbitre ultime de ces affaires-là. C'est pourquoi je crois que j'appuierai le rejet de la recommandation et que j'adopterai votre propre attitude en la matière. Autrement dit, la recommandation a été vraiment rejetée, n'est-ce pas?

M. Ward: Oui, monsieur, elle l'a été.

Recommandation n° 45: La recommandation 45 (a) a trait à la rédaction des résumés de preuves, ou à l'énoncé des causes, expressions à peu près synonymes. Elle porte que l'on mette fin à la responsabilité du Bureau des vétérans en la matière. En vertu du régime actuel, c'est du Bureau des vétérans que relève la rédaction des résumés de preuves, documents, comme je viens de le dire, qui renferment tous les renseignements disponibles dans les classeurs et que l'on donne au requérant dans la plupart des causes pour être utilisés à bon escient lors des audiences de la Division des appels.

[*Texte*]

Some criticism arose that because the Veterans' Bureau prepares the summary of evidence the lawyer-client relationship is weakened in that we will include in the summary adverse evidence; in a sense it could be said that we are pleading the case for and against.

The Woods Committee recommended that the Canadian Pension Commission prepare the statement of case or summary of evidence. If that had been accepted, or if the Department of Veterans Affairs, in view of its new adjudication role, had been responsible for preparing summary of evidence, even more criticism might arise from veterans, and perhaps legitimately so. After all, it is one thing for the veteran's own representative to prepare the summary of evidence; it is another thing altogether for the adjudicating body to prepare the summary of evidence.

I think the veterans as a whole would feel much safer and much happier having their own representative prepare the summary of evidence. Over the years the Veterans' Bureau has prepared many thousands, and by and large it is a routine job posing no particular difficulties.

As this question of the weakening of our image and the lessening of the lawyer-client relationship has been raised because of our role in preparing summaries of evidence, it is now proposed that while the Veterans' Bureau will continue to prepare the summary of evidence, as mentioned in the White Paper, the Veterans' Bureau will not be required to disclose all information that comes into its possession, as is the case at the present time. In our role of preparing a summary of evidence if adverse opinion evidence from the man's physician comes into our possession and onto the departmental file it must be included in the summary of evidence.

It is proposed that we should only be required to place on the departmental file copies of medical and other records that come into our possession, these records of course being equally available to the adjudicating authorities. I have in mind such records as the Department of National Defence files, our Department of Veterans Affairs files, other government departments' files, records of hospitals, records of doctors—the actual record. That record is equally available to the adjudicating authority, therefore there is

[*Interprétation*]

On a critiqué le fait qu'étant donné que le Bureau des vétérans rédige le résumé des preuves, les rapports entre avocats et clients se trouvent affaiblis, en ce sens que nous faisons entrer dans le résumé des preuves défavorables; d'une certaine façon, on pourrait dire que nous plaidons le pour et le contre.

Le Comité Woods a recommandé que la Commission canadienne des pensions rédige l'énoncé de la cause ou le résumé des preuves. Si l'on avait accepté cette recommandation, ou si le ministère des Afaires des anciens combattants, étant donné son nouveau rôle dans les décisions, avait été responsable de la rédaction des résumés de preuves, il y aurait peut-être eu encore plus de critiques de la part des anciens combattants, et à juste titre, peut-être. Après tout, il faut bien admettre que c'est une chose, pour le représentant d'un ancien combattant, de rédiger un résumé de preuves et que la situation n'est plus la même si c'est l'organisme qui rend les décisions qui se charge de ce même résumé de preuves.

Je crois que les anciens combattants, dans l'ensemble, se sentiraient beaucoup plus en sécurité et seraient beaucoup plus heureux si c'était leurs propres représentants qui rédigeaient les résumés de preuves. Le Bureau des vétérans, par le passé, en a rédigé des milliers, et il s'agit surtout d'un travail de routine qui n'offre pas de difficultés spéciales.

Puisque l'on a parlé de l'affaiblissement possible des rapports entre avocats et clients à cause du rôle que nous jouons dans la rédaction des résumés de preuves, on propose maintenant, tout en laissant au Bureau des vétérans le soin de continuer à rédiger les résumés de preuves, comme l'indique le Livre blanc, que ledit Bureau ne soit pas tenu de révéler tous les renseignements qui lui parviennent, comme c'est le cas à l'heure actuelle.

Quand nous rédigeons un résumé des preuves, si des preuves d'opinions défavorables nous parviennent de la part du médecin de l'individu en cause pour passer ensuite dans le dossier du ministère, ces preuves doivent être incluses dans le résumé des preuves.

On propose que nous soyons obligés de placer dans les dossiers du ministère uniquement des copies des documents médicaux et des autres documents qui nous parviennent alors que ces dossiers seraient aussi à la disposition des autorités qui rendent les décisions cela va de soi. Je songe à des documents tels que ceux du ministère de la Défense nationale, nos propres documents du ministère des Affaires des anciens combattants et les documents des autres ministères, les dossiers des hôpitaux, des médecins et au dossier réél. Ce

[*Text*]

nothing sinister or wrong if, when we come into possession of that record, we include it in the summary of evidence—because it is also available to the adjudicating bodies in any event.

However, we shall not be required to disclose information in the nature of medical opinion or information given to us by our client. To elaborate a little on that, we now can pick up a telephone and ask Dr. Brown if he thinks that such and such a condition is related to the pension condition. If Dr. Brown says "No" we thank him and that is the end of the matter. We would not ask for his written opinion. That is his opinion, his own personal opinion, it is not a piece of evidence, it is not a question of record, therefore it is considered that this is more in the nature of a privileged communication much as you find between solicitor and client outside.

Mr. Winch: But if Dr. Brown had sent you a written opinion would that go into your record?

Mr. Ward: Under the present system, yes; under the new proposal, no—as long as it is his opinion and not part of a hospital or medical record. Nor would we have to disclose our client's letters saying that he cannot really recall what happened; nor witnesses. We may have written to 30 witnesses, all of them saying "I do not remember this man". If all that is disclosed it does cast an unfavourable slant on the case because, after all, if 30 witnesses cannot remember this man that should be privileged communication and will be under the new system.

Mr. Winch: If some say they do remember, does that go into the record?

Mr. Ward: Yes, we will use that favourable evidence for the applicant's cause.

Mr. Weatherhead: Is there no one besides the Pensions Advocate that can find out the hospital record and this sort of thing? It seems to me that the Pensions Advocates, if they are representing the veteran, should only be including the matters supporting the veter-

[*Interpretation*]

dernier est aussi à la disposition de l'autorité qui rend les décisions, et il n'y a donc rien de sinistre ou de mal lorsque ce dossier arrive chez nous; nous y ajoutons le résumé des preuves car il est aussi à la disposition des organismes qui rendent les décisions, quoi qu'il arrive.

Nous ne serons pas obligés, toutefois, de révéler des renseignements qui se rattachent à des opinions ou à des renseignements de médecins que le client nous a communiqués. Voici quelques précisions: nous pouvons décrocher le récepteur du téléphone et demander au Dr Brown s'il croit que telle ou telle état maladif se rattache aux maladies mentionnées dans le régime de pensions. Si le Dr Brown répond par la négative, nous le remercions et l'affaire se termine là. Nous ne lui demandons pas de nous adresser son opinion par écrit. C'est là son opinion personnelle. Cela ne constitue pas une preuve, cela n'entre pas dans les dossiers, mais on estime qu'il s'agit plutôt d'une communication offerte comme une sorte de privilège, comme cela se produit entre avocats et clients dans la pratique privée.

M. Winch: Si le Dr Brown vous avait communiqué son opinion par écrit, ce document aurait-il été versé au dossier?

M. Ward: Oui, en vertu du régime actuel, mais non, en vertu de la nouvelle proposition, étant donné qu'il s'agit de l'opinion d'un médecin et non pas d'un dossier d'hôpital ou de médecin. Et nous ne serions pas tenus de révéler les lettres de notre client où il mentionne qu'il ne se souvient pas de ce qui est arrivé, et les témoins non plus n'y seraient pas tenus. Nous avons peut-être adressé des lettres à une trentaine de témoins qui répondent tous «Je ne me rappelle pas cette homme». Si l'on révèle tout cela, il en résulte un préjugé défavorable contre la cause puisqu'après tout, si 30 témoins ne peuvent se rappeler cet individu, cela devrait entrer dans la catégorie des communications offertes comme une sorte de privilège et elles seront considérées comme telles en vertu du nouveau régime.

M. Winch: Si quelques témoins disent qu'ils se le rappellent, leur témoignage sera-t-il versé au dossier?

M. Ward: Oui, cette preuve favorable sera utile à la cause du requérant.

M. Weatherhead: Outre l'avocat des pensions, y a-t-il d'autres personnes qui peuvent examiner le dossier d'hôpital et autres documents semblables? Il me semble que les avocats des pensions, s'ils représentent l'ancien combattant, ne devraient insérer au dossier

[*Texte*]

an and some other group should represent or defend the other side against that case as best they can. I guess this has not been the case at all in the past, you more or less impartially gathered the evidence as best you could and then presented it in the best light for the veteran. I gather we are getting away from that situation now because you are much more independent, you will be acting much more in an ordinary solicitor-client relationship and acting for just one side, if you can call them sides and I think you can. Would it not be advisable to have someone else gather the records which are disadvantageous to the veteran and not put that under your responsibility?

• 1515

Mr. Ward: That is a possibility. It could be administratively difficult and cumbersome in that we as the applicant's representative are in control and in charge of his case and we want to secure whatever available favourable evidence we can from any source by our own methods. Now to be saddled with a system whereby somebody else gathers the evidence and then we must make the best case of the evidence gathered by someone else would tend to limit...

Mr. Weatherhead: I do not want to belabour this, Mr. Chairman, but I am not suggesting that. I am saying you gather all the evidence you can but that you would only be expected to put in the favourable evidence, not the evidence of the records, opinions or anything else that were unfavourable to the veteran.

Mr. Ward: Of course most of the medical evidence—not all, but most—appears in the departmental files and in the service documents and, after all, they are available right there to the adjudicating authority. All we have been doing in preparing a summary of evidence is including the favourable and unfavourable evidence largely from those sources.

Mr. Knowles (Winnipeg North Centre): It sometimes strengthens your case to admit the weaknesses before the other fellow points them out.

Mr. Ward: That is quite correct, sir, and it is a very good tactic at Appeal Board hearings to come right out and say, "We have a basic weakness", and sort of knock your own

[*Interprétation*]

que les documents qui appuient ce dernier et que d'autres groupes devraient représenter la partie adverse ou plaider contre la cause du mieux qu'ils le peuvent. Je crois que les choses ne se sont pas du tout passées de cette façon-là, par le passé; vous avez, de manière plus ou moins impartiale, recueilli les preuves dans la meilleure mesure possible pour ensuite les soumettre dans le contexte le plus favorable à l'ancien combattant. Je crois comprendre que nous abandonnons cette façon de faire parce que vous êtes beaucoup plus indépendants et que vous agirez beaucoup plus comme dans les rapports entre avocats et clients ordinaires et que vous agirez pour une partie seulement, si je peux m'exprimer ainsi, et je crois pouvoir le faire. Ne serait-il pas à conseiller que d'autres recueillent les dossiers défavorables à l'ancien combattant pour que cela ne relève pas de vous?

M. Ward: C'est là une chose possible. Ce serait difficile et encombrant, du point de vue administratif, étant donné que, comme représentants du requérant, nous avons le contrôle et la charge de sa cause et que nous désirons, par nos propres méthodes, obtenir de quelque source que ce soit toutes les preuves favorables qui sont accessibles. S'il fallait être liés à un système où d'autres personnes recueillent les preuves que nous devrons ensuite utiliser de notre mieux, cela tendrait à restreindre...

M. Weatherhead: Je ne veux pas insister outre mesure, mais ce n'est pas là ce que je propose. Ce que je dis, c'est que vous recueillez toutes les preuves possibles mais que vous êtes censés verser au dossier seulement les preuves favorables et non pas les preuves des dossiers de documents ou de toute autre chose qui ne sont pas favorables à l'ancien combattant.

M. Ward: Naturellement, la plupart des preuves d'ordre médical, pas toutes mais la plupart, se trouvent dans les classeurs du ministère et dans les archives du service. Après tout, elles sont à la disposition de l'organisme qui rend les décisions. Tout ce que nous faisons en rédigeant les résumés de preuves consiste à inclure les preuves tant favorables que défavorables qui nous parviennent en grande partie de ces sources.

M. Knowles (Winnipeg-Nord-Centre): Parfois, une cause acquiert plus de force du fait qu'on admet ses lacunes avant qu'elles ne soient signalées par l'adversaire.

M. Ward: Vous avez parfaitement raison, monsieur, et, lors des audiences de la Division des appels, c'est une excellente tactique de déclarer spontanément qu'il y a une lacune

[*Text*]

case down for the purpose in mind that this will help you to build it up.

Mr. MacRae: Mr. Chairman, I would like to ask Mr. Ward perhaps a related question although it does apply here. What is the position in regard to the veteran having accessibility to his own documents? As I understand it, his advocate can be the veteran's bureau, of course, or a service organization—those are the two normal advocates in a case—but if a veteran chooses to have a lawyer handle his case or if he chooses to present his own case, those options are open to him too. Am I correct in that, first of all, before I proceed?

Mr. Ward: Yes.

Mr. MacRae: And you from the veteran's bureau would have complete access to the veteran's documents and, as I said, the others would, but am I not correct that the veteran is not permitted access to his documents at this time?

Mr. Ward: That is not quite correct, Mr. Chairman.

Mr. MacRae: It is not?

Mr. Ward: The Pension Act does provide for access to the documents by the applicant and his representatives subject to departmental instructions. The departmental instructions are such that the applicant may very well see all his documents, provided he does not suffer from a neuropsychiatric disease. In any event, the outside solicitor or outside veteran's organization has full access to the documents regardless of whether or not their client has a neuropsychiatric disease.

Mr. Winch: Could the Legion advocate, who is a wonderful man and does a very good job in the provincial command in British Columbia, get these various documents to take up a case?

Mr. Ward: If he is representing the pension applicant and such applicant has given his written permission for that Legion official to inspect his files for the purpose of preparing and presenting a pension claim, he could certainly see the documents.

Mr. MacRae: Would it not rest at that particular point with the advocate as to whether or not he chooses to let the veteran see the

[*Interpretation*]

fondamentale et, pour ainsi dire, de démolir sa propre cause en vue de la mettre en valeur.

M. MacRae: Monsieur le président, j'aimerais poser à M. Ward une question qui est peut-être connexe, mais elle s'applique vraiment à ce que nous disons actuellement. Quelle est l'attitude relative à l'accès de l'ancien combattant à ses propres documents? Si je comprends bien, son avocat peut être le Bureau des vétérans, cela va de soi, ou une association d'anciens combattants: ce sont là les deux avocats normaux d'une cause. Mais si un ancien combattant décide de choisir son propre avocat pour plaider sa cause, ou de la plaider lui-même, il a encore accès à ces options. Avant d'aller plus loin, pouvez-vous me dire si j'ai raison là-dessus?

M. Ward: Oui.

M. MacRae: Vous, du Bureau des vétérans, vous avez libre accès aux documents de l'ancien combattant, et, comme je l'ai dit, les autres aussi, mais ai-je raison de dire qu'à ce moment-là, l'ancien combattant n'a pas accès à ses documents?

M. Ward: Cela n'est pas tout à fait exact, monsieur le président.

M. MacRae: Ce ne l'est pas?

M. Ward: La Loi sur les pensions prévoit l'accès aux documents de la part du requérant et de ses représentants, sous réserve des directives du ministère. Ces dernières peuvent bien autoriser le requérant à voir tous ses documents, à la condition qu'il ne souffre pas de maladies neuropsychiatriques. A tout événement, l'avocat de l'extérieur ou l'association extérieure d'anciens combattants a libre et complet accès aux documents, que leur client souffre ou non de maladies neuropsychiatriques.

M. Winch: L'avocat de la Légion, homme remarquable et qui fait de l'excellent travail dans le district provincial de la Colombie-Britannique, pourrait-il obtenir les documents pour entreprendre une cause?

M. Ward: S'il représente une personne qui demande une pension et que cette personne a autorisé par écrit le fonctionnaire de la Légion à examiner son dossier en vue de rédiger et de présenter une réclamation de pension, il pourrait certainement voir les documents.

M. MacRae: N'est-ce pas, à ce moment-là, l'avocat qui devrait décider s'il peut laisser voir les documents à l'ancien combattant?

[*Texte*]

document? I know of a specific case where a veteran was refused access to his medical documents in the Department of Veterans Affairs. If, as Mr. Winch has suggested, the

• 1620

Veterans Bureau have the documents, or Mr. MacFarlane of the Legion, or one of his service officers, are they bound not to prevent a man from seeing his documents?

Mr. Ward: The departmental instructions are rather lengthy, Mr. MacRae, but by and large, unless there is a question of neuropsychiatric disease brought forth, the pension applicant can, under the instructions, see this document but this is not encouraged. Certainly all his representatives have full access. Now there may be individual cases where, for one reason or another, higher authority under the instructions indicates that it would be best perhaps if this information were not disclosed in that individual case. But speaking generally, the machinery is there for inspection, and while it is not generally widely encouraged, many people do inspect their documents. Certainly the Royal Canadian Legion inspects many, many documents and many files with the written consent of the veteran and pursuant to the provisions of the Act and the departmental instructions.

Mr. MacRae: They must have written consent before they can get the documents.

Mr. Ward: In the past there may have been some aura of secrecy and so on, but certainly since Mr. Reynolds and myself have been involved in the head office, we have had no desire to suppress any evidence.

Mr. MacRae: Thank you. I am perfectly satisfied.

Mr. Ward: Recommendations 48 to 60 inclusive generally relate to delegation of decision-making authority to senior pension medical examiners of the Canadian Pension Commission and Claims and Review Division of the Canadian Pension Commission. But you will appreciate that under the new proposed procedure, the initial adjudication will be made by the Department of Veterans Affairs, and the administration of the Pension Act will be done by the Department. Therefore, these recommendations would require further review and there may or there may not be

[*Interprétation*]

J'ai eu connaissance d'un cas précis où l'ancien combattant n'a pu avoir accès à son dossier médical, au ministère des Affaires des anciens combattants. Comme M. Winch l'a laissé entendre, si le Bureau des vétérans possède les documents, ou bien M. MacFarlane, de la Légion, ou l'un de ses fonctionnaires, sont-ils tenus de ne pas empêcher un individu de voir ses documents?

M. Ward: Les directives du ministère sont assez longues, monsieur MacRae, mais, dans la très grande majorité des cas, à moins qu'il ne soit question de maladies neuropsychiatriques, celui qui demande une pension peut voir ses documents, conformément aux directives, mais on n'y insiste pas trop. Tous ses représentants y ont certainement accès. Il peut, toutefois, se présenter des cas individuels où, pour une raison ou pour une autre, les personnes haut placées, en vertu des directives, font savoir qu'il vaudrait peut-être mieux, dans tel ou tel cas en particulier, que les renseignements ne soient pas dévoilés. En général, toutefois, on a pris des mesures pour laisser examiner les documents et même si on n'encourage pas beaucoup les gens à le faire, plusieurs personnes viennent examiner leurs documents. Il est bien certain que la Légion royale canadienne examine de très nombreux documents et plusieurs classeurs avec le consentement écrit de l'ancien combattant et conformément aux dispositions de la loi et aux directives du ministère.

M. MacRae: Il leur faut le consentement écrit avant de pouvoir obtenir les documents.

M. Ward: Par le passé, il est possible qu'il y ait eu une atmosphère quelque peu secrète, mais depuis que M. Reynolds et moi-même nous occupons du bureau principal, nous n'avons jamais eu le moindre désir de supprimer quelque preuve que ce soit.

M. MacRae: Je vous remercie. Je suis complètement satisfait.

M. Ward: Les recommandations 48 à 60 inclusivement se rattachent, en général, à la délégation de l'autorité relative aux décisions à prendre, délégation en faveur des examinateurs principaux, du point de vue médical, de la Commission canadienne des pensions et de la Division des réclamations et des révisions de la Commission canadienne des pensions. Mais vous vous rendez compte qu'en vertu de la nouvelle façon de procéder, c'est le ministère des Affaires des anciens combattants qui rendra la première décision et c'est lui aussi qui sera chargé de l'administration de la Loi

[*Text*]

certain delegation on certain matters under the new structure, but the details have not been worked out and it is under review.

The Chairman: In other words, it is neither accepted nor rejected.

Mr. Ward: That is right. It is still under consideration.

The Chairman: I wonder if this is the point at which we might adjourn for the day. We will resume tomorrow morning at 9.30. I would like to thank the members for their attendance which has been very good indeed, and we will see you tomorrow morning.

[*Interpretation*]

sur les pensions. C'est pourquoi ces recommandations exigeront un examen plus poussé, et il est possible qu'il y ait, ou qu'il n'y ait pas, de délégation relative à certaines questions en vertu de la nouvelle structure, mais les détails ne sont pas encore arrêtés, et toute l'affaire est encore à l'étude.

Le président: Autrement dit, la question de la délégation n'a été ni acceptée ni rejetée.

M. Ward: C'est exact. Toute la question est encore à l'étude.

Le président: Je me demande si nous ne pourrions pas lever la séance là-dessus, pour aujourd'hui. Nous reprendrons nos délibérations demain matin à 9 h. et demie. Je remercie les membres d'avoir assisté en aussi bon nombre. Nous nous reverrons demain matin.

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STANDING COMMITTEE ON

VETERANS AFFAIRS

COMITÉ PERMANENT DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS AND EVIDENCE

PROCÈS-VERBAUX ET TÉMOIGNAGES

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No. 14

THURSDAY, SEPTEMBER 18, 1969

LE JEUDI 18 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings) *(Voir Procès-verbaux)*

STANDING COMMITTEE ON
VETERANS AFFAIRS

COMITÉ PERMANENT
DES
AFFAIRES
DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*
Vice-Chairman Mr. Carl Legault *Vice-président*

and Messrs. et Messieurs

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae
Marshall,
McIntosh
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—20

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

[*Text*]

MINUTES OF PROCEEDINGS

THURSDAY, September 18, 1969
(17)

The Standing Committee on Veterans Affairs met this day at 9.30 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs, Badanai, Bigg, Francis, Groos, Guay (*St. Boniface*), Laniel, Legault, MacRae, Marshall, Saltsman, Turner (*London East*), Weatherhead—(12).

Other Members present: Mr. Knowles, M.P. (*Winnipeg North Centre*).

Witnesses: From the Department of Veterans Affairs: Mr. D. K. Ward, Chief Pensions Advocate; *from the Canadian Pension Commission*: Mr. T. D. Anderson, Chairman.

The Committee resumed the review of the Woods Committee recommendations and the questioning of the witnesses.

Recommendations number 61 to 110 inclusive were reviewed.

At 12:00 o'clock noon the Committee recessed to 2:00 p.m.

AFTERNOON MEETING
(18)

The Committee resumed sitting at 2:00 p.m.

Members present: Messrs. Badanai, Bigg, Francis, Guay (*St. Boniface*), Laniel, Latulippe, Legault, MacRae, Marshall, Saltsman, Turner (*London East*), Weatherhead—(12).

Other Members present: Mr. Knowles, M.P. (*Winnipeg North Centre*).

Witnesses: From the Royal Canadian Legion: Mr. Robert Kohaly, Dominion President, and Mr. D. M. Thompson, Secre-

[*Traduction*]

PROCÈS-VERBAUX

Le JEUDI 18 septembre 1969
(17)

Le Comité permanent des affaires des anciens combattants se réunit à 9 h. 30 ce matin, sous la présidence de M. Lloyd Francis, président.

Députés présents: MM. Badanai, Bigg, Francis, Groos, Guay (*Saint-Boniface*), Laniel, Legault, MacRae, Marshall Saltsman, Turner (*London-Est*), et Weatherhead—(12).

Aussi présent: M. Knowles (*Winnipeg-Nord-Centre*), député.

Témoins: Du ministère des Affaires des anciens combattants: M. D. K. Ward, avocat en chef des pensions; *de la Commission Canadienne des pensions*: M. T. D. Anderson, président.

Le Comité poursuit l'étude des recommandations du Comité Woods et l'interrogatoire des témoins.

On étudie les recommandations 61 à 110 inclusivement.

A midi, le Comité suspend ses travaux jusqu'à 14 h. cet après-midi.

SÉANCE DE L'APRÈS-MIDI
(18)

Le Comité reprend ses travaux à 14 h. cet après-midi.

Députés présents: MM. Badanai, Bigg, Francis, Guay (*Saint-Boniface*), Laniel, Latulippe, Legault, MacRae, Marshall, Saltsman, Turner (*London-Est*) et Weatherhead—(12).

Également présent: M. Knowles (*Winnipeg-Nord-Centre*), député,

Témoins: De la Légion canadienne: M. Robert Kohaly, président national et M. D. M. Thomson, secrétaire général. *Des*

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tary General. *From The War Amputations of Canada*: Mr. H. C. Chadderton, Secretary.

Mr. Kohaly read the brief of the Delegation of Nationally Chartered Veterans Organizations.

The Committee proceeded to the questioning of the witnesses.

At 4:25 p.m. the Committee adjourned to Friday, September 19, 1969 at 9:30 a.m.

Amputés de guerre du Canada: M. H. C. Chadderton, secrétaire.

M. Kohaly donne lecture du mémoire de la délégation des organisations d'anciens combattants à chartre nationale.

Le Comité interroge les témoins.

A 16 h. 25, le Comité s'ajourne jusqu'au vendredi 19 septembre 1969, à 9 h. 30 du matin.

Le greffier du Comité,
D. E. Levesque.
Clerk of the Committee.

[*Texte*]

EVIDENCE

(*Recorded by Electronic Apparatus*)

Thursday, September 18, 1969

• 0948

The Chairman: Can we call the Committee to order, please? We have not quite a full quorum, but according to a resolution we have the authority to hear witnesses and to take evidence before the full quorum arrives.

Mr. MacRae: It is quality not quantity that counts.

The Chairman: That is right, Mr. MacRae.

I understand Mr. MacRae has something that he would like to suggest to the Committee.

Mr. MacRae: In Mr. Ward's reading of the recommendations yesterday, he outlined for us whether each recommendation was accepted in part, or with modification. I would like to suggest that perhaps Mr. Ward—I know he is a very busy man—might just simply list the recommendations by number, and then beside them indicate either accepted, rejected, or whatever the case may be.

We are not getting all our people here, unfortunately, and sometimes we might miss one. A very brief tabulation like that would be very helpful. Then in the hours when we are not here we could go over our own recommendations and if we have missed any, correct them, and it would help us, I think.

The Chairman: You are suggesting, if I understand it, Mr. MacRae, possibly a two- or three-page sheet with simply accepted, rejected, modified, or something like that?

Mr. MacRae: Yes, in part, or accepted with modifications, and so on.

The Chairman: A tabular type of presentation for check purposes for members of the Committee.

Mr. MacRae: Yes, that is right. That is what I would suggest.

The Chairman: Mr. Ward, do you have a comment on that?

Mr. D. K. Ward (Deputy Chief Pensions Advocate): Mr. Chairman, that can be prepared and submitted in the very near future.

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le jeudi 18 septembre 1969

Le président: Puis-je rappeler le Comité à l'ordre? Bien que nous ne soyions pas en nombre, il y a une résolution qui nous autorise à entendre des témoins et à consigner des témoignages avant d'avoir le quorum.

M. MacRae: C'est la qualité, non la quantité, qui compte.

Le président: C'est juste, monsieur MacRae.

Je crois que monsieur MacRae a une proposition à faire au Comité.

M. MacRae: Dans sa lecture des recommandations hier, M. Ward nous a signalé si chacune avait été acceptée en partie ou après modification. J'aimerais proposer qu'il soit permis à M. Ward, qui est très occupé, je le sais, de numéroter simplement une liste des recommandations et d'indiquer en regard de chacune: «acceptée» ou «rejetée», selon le cas.

Nous n'avons pas toujours tous nos gens, malheureusement, de sorte qu'un oubli est toujours possible. Une petite liste de ce genre deviendrait alors très utile. Alors, quand nous nous absentons de la réunion, nous pourrions passer notre liste en revue et rectifier tout oubli que nous pourrions avoir fait. Voilà qui nous aiderait bien, je pense.

Le président: Vous parlez, n'est-ce pas, monsieur MacRae, d'une liste de deux ou trois pages, avec de simples notations, telles que «acceptée», «rejetée», «modifiée», etc.

M. MacRae: Oui, «en partie» ou «acceptée après modification», et ainsi de suite.

Le président: Une simple énumération aux fins de vérification pour les membres du Comité.

M. MacRae: Oui, c'est exact. Voilà ce que je propose.

Le président: Monsieur Ward, vous auriez des remarques à faire à ce sujet?

M. D. K. Ward (avocat en chef adjoint des pensions): Monsieur le président, nous pouvons dresser une telle liste et vous la remettre sous peu.

[*Text*]

Mr. MacRae: Thank you very much.

The Chairman: Are there any other comments from members of the Committee? If not, I invite Mr. Ward to continue. Mr. Guay.

Mr. Guay (St. Boniface): The only suggestion I have to make, Mr. Chairman, is that I am sure this would be appreciated by those who have not attended. I know that I will not be here tomorrow, and if this goes on I would appreciate it if we get what Mr. MacRae has requested.

I feel at the same time, though, that while this is going on that we are not really losing a lot of time because I think it is very informative. But I think that the time is going on while this is going on, and we are going to be sitting a lot longer than what we had anticipated unless there are some drastic changes that take place. I would like to ask you this morning—I will be back here Monday morning—when you anticipate finishing the Committee; not starting it really, but finishing it.

The Chairman: With your permission, I will ask Mr. Reynolds to indicate the program he has lined up for us and some of his problems. Would you like to speak to this for a minute, Mr. Reynolds?

Mr. P. E. Reynolds (Special Adviser to the Committee, Department of Veterans Affairs): The following are the organizations that have been contacted. This afternoon we have a delegation from the Nationally Chartered Veterans' Organizations led by Mr. Kohaly. Tomorrow morning we will have the National Council of Veterans Associations headed by Mr. Lundberg. We have nothing scheduled for tomorrow afternoon. On Monday, all day, we will have the War Amputations of Canada; on Tuesday, all day, we will have the Hong Kong Veterans Association of Canada and on Wednesday morning for the morning only, we will have the National Dieppe Prisoners of War Association.

An hon. Member: Would you repeat that, please?

The Chairman: The National Dieppe Prisoners of War Association.

Mr. Reynolds: There is nothing further scheduled for Wednesday afternoon. The only other firm arrangement I have made so far is for September 29 at 9.30 a.m., when the Nursing Sisters' Association of Canada will appear as witnesses.

[*Interpretation*]

M. MacRae: Je vous remercie.

Le président: Y a-t-il d'autres observations de la part des membres du Comité? Sinon, je demanderai à M. Ward de poursuivre, Monsieur Guay.

M. Guay (Saint-Boniface): Une seule remarque, monsieur le président. Je suis sûr que les membres devant s'absenter apprécieront l'importance d'une telle liste. Je sais que j'aurai à m'absenter demain; si le Comité siège alors, je serai bien heureux que nous obtenions ce que M. MacRae a demandé. J'estime aussi, toutefois, à mesure que les séances se poursuivent, que nous ne perdons pas notre temps, car tout cela est fort instructif. Dans l'intervalle, le temps passe, si bien que nous allons siéger beaucoup plus longtemps que prévu, à moins que les choses ne changent radicalement. J'aimerais vous demander ce matin—je serai de retour lundi matin—à quel moment le Comité prévoit terminer ses travaux, pas les entreprendre vraiment, mais les terminer.

Le président: Avec votre permission, je demanderai à M. Reynolds de nous exposer le programme dressé pour nous et de faire état de certaines des difficultés qui se présentent. Pourriez-vous nous dire quelques mots à ce sujet, monsieur Reynolds?

M. P. E. Reynolds (conseiller spécial du Comité, ministère des Affaires des anciens combattants): Voici les organisations avec lesquelles nous avons pris contact: cet après-midi, nous entendrons une délégation des organisations d'anciens combattants à charte nationale, présidée par M. Kohaly; demain matin, le Conseil national des associations d'anciens combattants, dont M. Lundberg dirige la délégation. Rien n'est prévu pour demain après-midi. Toute la journée de lundi sera consacrée aux Amputations de guerre du Canada; toute la journée de mardi, l'Association canadienne des anciens combattants de Hong-kong, et mercredi, le matin seulement, l'Association nationale des prisonniers de guerre de Dieppe.

Une voix: Voudriez-vous répéter la dernière phrase, je vous prie?

Le président: L'Association nationale des prisonniers de guerre de Dieppe.

M. Reynolds: Rien n'est prévu pour mercredi après-midi. Le seul autre engagement ferme que j'ai pris jusqu'ici est pour le 29 septembre prochain à 9h. 30 du matin, lorsque l'Association des religieuses infirmières du Canada viendra témoigner.

[*Texte*]

I am expecting to see representatives from all the associations this afternoon and tomorrow morning at which time I hope to get their dates or the dates they will be ready, so by tomorrow afternoon I should know pretty definitely when the associations can make their presentations. All of them want to come either at the end of this month or the beginning of next month. Therefore, I would suggest that after Wednesday morning we allow the departmental officials to finish their presentation because there is going to be a gap on Wednesday afternoon, Thursday and Friday and it is unlikely we will get any veterans' organization to come before us on those days.

Mr. Guay (St. Boniface): Could we not hear the Department on Wednesday afternoon and possibly adjourn until the following week, Mr. Chairman?

The Chairman: This depends on the progress we make. I think the Committee might want to consider, Mr. Guay, whether we should adjourn for a few days next week.

Mr. Guay (St. Boniface): I asked this, if I may interrupt you, Mr. Chairman, because I would like to see a planned program whereby I will know the exact time we are going to take off and the time that we will be sitting so that I, too, may plan my program accordingly.

The Chairman: This is what we are trying to do.

Mr. Guay (St. Boniface): Right now we are really up in the air.

The Chairman: Mr. Guay, we are trying to do this. We have in mind exactly the kind of problem you have—we all have the same problem—but Mr. Reynolds has been in daily touch with as many of these groups as he can just trying to get firm dates from them and to resolve the problem.

Mr. Guay (St. Boniface): Very good.

The Chairman: We want to give everyone an opportunity to appear who has expressed a desire to do so, but there is a problem. It is not easy to get firm dates.

Mr. Groos had his hand up a few minutes ago.

Mr. Groos: No.

The Chairman: Mr. Bigg.

[*Interprétation*]

Je compte rencontrer les représentants de toutes les associations cet après-midi et demain matin; j'espère alors pouvoir établir les dates respectives de leur comparution; demain après-midi, donc, je serai à peu près fixé à ce sujet. Toutes ces associations voudraient se présenter soit à la fin de ce mois-ci, soit au début du mois prochain. Je proposerais donc qu'à partir de mercredi après-midi, nous permettions aux fonctionnaires du Ministère de terminer leurs dépositions, étant donné que rien n'est prévu pour mercredi après-midi, jeudi et vendredi, et qu'il est peu probable que des associations d'anciens combattants consentent à venir témoigner ces jours-là.

M. Guay (Saint-Boniface): Nous pourrions peut-être entendre les dépositions des fonctionnaires ministériels mercredi après-midi, puis ajourner jusqu'à la semaine prochaine, monsieur le président?

Le président: C'est selon les progrès que nous accomplirons. Le Comité voudra peut-être, monsieur Guay, envisager la possibilité d'ajourner pour quelques jours la semaine prochaine.

M. Guay (Saint-Boniface): Permettez-moi de vous interrompre, monsieur le président. Si je le demande, c'est que j'aimerais que notre programme soit bien établi, c'est-à-dire à quels moments nous siégons et nous ajournons, de manière à ce que je puisse organiser mon emploi du temps en conséquence.

Le président: C'est ce que nous tentons de faire.

M. Guay (Saint-Boniface): Il n'y a rien de décidé en ce moment.

Le président: Monsieur Guay, nous essayons de régler cette question. Nous avons justement à l'esprit le genre de problèmes que vous avez; c'est notre lot commun, d'ailleurs. Or, M. Reynolds s'est tenu chaque jour en contact avec le plus de ces associations possible afin d'obtenir d'eux des engagements fermes et de résoudre la question.

M. Guay (Saint-Boniface): Très bien.

Le président: Nous voulons donner à tous ceux qui en ont manifesté le désir, l'occasion de comparaître devant le Comité, mais une difficulté se pose: il n'est pas facile d'obtenir un engagement ferme de leur part.

M. Groos a levé la main, il y a quelques instants.

M. Groos: Non.

Le président: Monsieur Bigg.

[*Text*]

Mr. Bigg: I want to hear every veterans' group, but I do not see any particular virtue in prolonging our own sittings just to be here. If we have an indication that the veretans' groups are going to be delayed roughly a

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week, I do not see why we cannot tidy up our work, go home and then come back...

The Chairman: Right.

Mr. Bigg: ...because I certainly have lots of things to do at home. We can see departmental officials, as far as I am concerned, at any time and, in fact, even after we come back. The setting up of the details of what we are going to do about what the veterans want can be fitted in much better than the hearing of the veterans.

The Chairman: Mr. Bigg, I could not agree with you more. I think we should hear those who want to come right away, get that behind us and then consider adjourning for a period until we can get firm dates from all of the rest of them. So, with your approval, this is what we will try to do.

Mr. Guy (St. Boniface): With one exception on that particular point and, I am sure, most members will agree. I would not want to be sitting, Mr. Chairman, during the recess maybe one day a week and then drag this over. I would suggest if we were to adjourn that the other meetings be scheduled closer to the opening of the House on October 22.

The Chairman: As I said, Mr. Guay, if we adjourn, our objective would be to come back to clean up the business, not to have short intervals.

Mr. Ward, you may continue.

Mr. Ward: Mr. Chairman, I believe we are on Recommendation 61. This recommendation relates to the regular force services and, as members of this Committee well know, the authority and grounds for payment of pension to the regular forces is found in Section 13(2) of the Pension Act. Briefly, the grounds for pension for regular forces are that the member must establish that his injury or disease arose out of or was directly connected with his regular force service. That is also the case in death claims. The key to regular force service claims is that there must be a causal relationship to service as opposed to the

[*Interpretation*]

M. Bigg: Je suis bien prêt à entendre toutes les associations d'anciens combattants, mais je ne vois pas l'utilité de prolonger nos séances uniquement afin d'être ici. S'il semble que ces associations ne pourront se présenter avant une semaine, je ne vois pas pourquoi nous ne pourrions pas mettre de l'ordre dans nos affaires, retourner chez nous et revenir ensuite...

Le président: D'accord.

M. Bigg: ...car j'ai certes beaucoup de choses à faire chez moi. J'estime qu'il est possible de faire venir les fonctionnaires ministériels à n'importe quel moment, à notre retour même. Il est plus facile d'établir le détail des mesures que nous voulons prendre à l'égard des revendications des anciens combattants, que de fixer la date de comparution de leurs associations.

Le président: Monsieur Bigg, je ne saurais être plus d'accord avec vous. Je pense que nous devrions entendre les associations qui veulent comparaître dès maintenant, en terminer avec eux, puis ajourner indéfiniment jusqu'à ce que nous puissions obtenir un engagement ferme de la part des autres organismes. Avec votre permission, voilà ce que nous allons tenter de faire.

M. Guay (Saint-Boniface): A une exception près, à laquelle la plupart des membres souscriront, j'en suis sûr. Je n'aimerais pas, monsieur le président, siéger peut-être une journée par semaine pendant l'intersession et procéder à pas de tortue. Si le Comité s'ajourne, il devrait, je crois, prévoir que les séances ne reprennent qu'un peu avant l'ouverture de la Chambre, le 22 octobre.

Le président: Je le répète, monsieur Guay, si nous ajournons, nous tenterons de ne revenir que pour liquider la question, non pas pour siéger à de brefs intervalles. Monsieur Ward, vous pouvez poursuivre.

M. Ward: Monsieur le président, sauf erreur, nous en sommes à la recommandation nº 61. Elle a trait au service des forces régulières et, comme les membres du Comité le savent, l'autorité et les motifs de versement des pensions destinées aux forces régulières se trouvent à l'article 13(2) de la Loi sur les pensions. En résumé, les pensions des forces régulières sont versées lorsqu'un membre établit que sa blessure ou maladie est consécutive ou se rattache directement à son service dans les forces régulières; c'est également le cas pour les réclamations pour cause de décès. Pour les réclamations découlant du service

[*Texte*]

insurance principle that applies to World War II with which all members are undoubtedly familiar.

The Woods Committee recommended certain basic changes in the grounds for payment of pension to regular forces. They also recommended the introduction of a number of presumptions relating to specific factors with which I will deal in a minute. They also recommended that the rate of pension be the same for regular force as it is for pension based on World War II and World War I claims. Of course, that is the current situation, the amount of pension is identical for all pensioners with service-incurred disabilities.

Recommendation 61(b): This is the recommendation of the Woods Committee that calls for a major change in the grounds for payment of pensions. The recommendation was that pension coverage for regular force members on the basis of death, injury, disease or aggravation be related to service in the forces, rather than the current basis of "arose out of or was directly connected with military service". That portion of the recommendation has not been adopted.

The Chairman: That was Recommendation 61(d)?

Mr. Ward: 61(b), "b" as in baker.

The Chairman: Oh, I am sorry.

Mr. Saltsman: May I ask a short question on that? Could we have some indication of the reasons for it not being adopted because this strikes me as a very significant recommendation based on my own observation of some veterans' cases and the acceptance of that particular recommendation of the Woods Report would have been of real interest and

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need to some veterans. I know of one case in particular of a lung condition that, it is being argued, was related to the service or was aggravated by the service. It cannot be demonstrated that it "arose as a result of the service" and it might be of benefit to the veteran if the Woods Commission recommendation were accepted rather than if the present position were continued. Would you tell me why this Woods recommendation was not accepted.

Mr. Ward: Mr. Chairman, it is a significant recommendation, as you said. Undoubtedly in

[*Interprétation*]

dans les forces régulières, l'essentiel, c'est qu'il existe un rapport causal avec le service, par opposition au principe de l'assurance qui s'applique à la Seconde Guerre mondiale, principe dont tous les membres sont sans doute au courant.

Le comité Woods préconise certaines modifications de base au versement des pensions des forces régulières, outre qu'il propose de faire entrer un certain nombre de suppositions relatives à des facteurs déterminés et dont je parlerai dans un instant. Il voudrait aussi que le taux des pensions soit le même pour les forces régulières que celui des pensions fondées sur les réclamations découlant des Première et Seconde Guerres mondiales. Voilà où les choses en sont, bien entendu, pour le moment: les pensions sont identiques pour tous ceux qui ont subi des blessures au cours de leur service.

Recommandation 61 b): le comité Woods, en l'occurrence préconise des modifications importantes aux motifs de versement des pensions. Les pensions versées aux membres des forces régulières pour cause de décès, de blessure, de maladie ou d'aggravation de celle-ci se rattacheraient au service dans les forces armées, au lieu d'être «consécutive ou directement rattachée au service militaire». Cette partie de la recommandation a été rejetée.

Le président: S'agit-il de la recommandation 61 *d*)?

M. Ward: Non, 61 *b*), la deuxième lettre de l'alphabet.

Le président: Pardon.

M. Saltsman: Puis-je poser une brève question à ce sujet? Pourrions-nous savoir pourquoi elle a été rejetée, car je trouve cette proposition fort importante, si j'en juge d'après des cas qui sont venus à ma connaissance; l'adoption de cette recommandation du rapport Woods aurait intéressé certains anciens combattants qui s'en seraient prévalu.

Je me souviens, en particulier, d'un cas où l'on soutenait que des troubles pulmonaires étaient rattachés au service ou aggravés par celui-ci. On ne peut faire la preuve que ces troubles sont «consécutifs au service»; il serait avantageux aux anciens combattants que cette recommandation du comité Woods soit adoptée, au lieu de conserver la pratique actuelle. Me diriez-vous pourquoi l'on a rejeté cette proposition?

M. Ward: Monsieur le président, il s'agit d'une recommandation importante, comme

[*Text*]

the consideration of this proposal it was taken into consideration that the words "related to service" are somewhat vague and perhaps they do not clearly reflect the basic principle that payment of pension for regular force persons has always been on the basis of service causation. In other words, using the words "related to service", they could create the impression that almost any incident taking place during service related to service. Perhaps in many people words "related to service" could create the impression, and indeed could be interpreted by many to mean that the insurance principle traditionally confined to wartime service or theatre of operations and special duty areas is now applicable to regular force cases.

I say these factors were undoubtedly considered, but as to the reason for the rejection I am unable to say.

Mr. Saltsman: Mr. Chairman, I know that the intention of the Committee is to proceed as rapidly as possible and we could get bogged down with quite a lengthy discussion of this. I will leave it for the moment, but I do intend to pursue this later on because of its very great importance, in my view.

The Chairman: Thank you, Mr. Saltsman. Mr. Groos.

Mr. Groos: Mr. Chairman, I think it would be better if I waited until we got to (c) because it is related more specifically to that than to (b).

The Chairman: Mr. Ward.

Mr. Ward: Recommendation 61(b)(i) recommends creation of a presumption relating to physical training. That is to say, these presumptions would arise whenever you were engaged in any recreational, physical training or sport activity organized and authorized by service authorities and there would be a presumption that your injury occurring at that time would be deemed related to services, the Woods Committee recommends, or arose out of activity directly connected with service, as it is proposed now. That recommendation is accepted in principle. There is a slight modification that merely excludes the word "recreational". Otherwise the presumption as suggested by the Woods Committee recommendation is accepted.

Mr. Bigg: I gather from that that the organized sport would not be considered recreation in that very narrow sense. Is that right? If

[*Interpretation*]

vous le dites. Nul doute qu'en analysant cette proposition, on a tenu compte du fait que l'expression «rattachée au service» est plutôt vague et ne reflète peut-être pas nettement le principe fondamental que le versement des pensions des forces régulières s'est toujours fondé sur le service lui-même. Autrement dit, l'expression «rattachée au service» peut donner à entendre qu'à peu près tout incident est attribuable au service s'il s'est déroulé au cours de celui-ci. Il se peut qu'aux yeux de bien des gens, cette expression leur laisse l'impression (et les porte à l'interpréter ainsi) que le principe de l'assurance qui est depuis toujours restreint au service en temps de guerre, aux théâtres des opérations et aux zones de service particulier, soit désormais applicables aux réclamations des forces régulières.

On a certainement pris ces facteurs en considération, mais j'ignore au juste pourquoi la recommandation a été rejetée.

M. Saltsman: Monsieur le président, je sais que le Comité entend agir le plus rapidement possible et que nous pourrions perdre beaucoup de temps en longues discussions à ce propos. Je vais laisser la question de côté pour le moment, mais je me propose d'y revenir plus tard, car j'y attache beaucoup d'importance.

Le président: Merci, monsieur Saltsman. Monsieur Groos.

M. Groos: Monsieur le président, il vaudrait mieux attendre que nous en soyons à c), je pense, car ma question se rapporte davantage à c) qu'à b).

Le président: Monsieur Ward.

M. Ward: La recommandation 61 b) préconise une supposition relative à l'éducation physique. C'est dire que cette supposition découlerait de toute activité dans le domaine des loisirs, de l'éducation physique ou des sports qui est autorisée et organisée par les autorités militaires; toute blessure survenue au cours d'une telle activité serait réputée attribuable au service, selon que le comité Woods le recommande, ou consécutive à l'activité rattachée directement au service, comme il est proposé maintenant. Cette recommandation a été adoptée en principe; elle porte une légère modification, le mot «loisirs» ayant été retranché. A part cela, la supposition préconisée par le comité Woods est acceptée.

M. Bigg: Si je comprends bien, les sports organisés n'entrent pas dans la définition des loisirs, au sens strict du terme, n'est-ce pas?

[*Texte*]

they were ordered out to play football as a PT exercise, that would be considered—

Mr. Ward: If they were engaged in organized football games, I should think under the terms of this recommendation which has been accepted in principle, the presumption would arise in their favour.

Mr. Bigg: If they were skiing in the Alps on their own time this might not be.

Mr. Ward: Perhaps skiing under those circumstances, or perhaps playing ping pong or bridge, or other recreational activities would not be covered under the modification that has been made.

Mr. Marshall: Mr. Ward, this applies to militia. You are leaving out the word "militia". You are just using regular forces.

Mr. Ward: That would include militia. We consider the reserve and the regular forces on the same terms.

Mr. Bigg: I would like to say that a distinction should be made as to whether or not they are under military orders and whether or not that includes recreational or sport in the narrow sense, just as a caveat on future discussions. I could be put in the guardroom for not playing football when I was told to, but I probably could not be forced to play ping pong.

Mr. Ward: If I might say so, Mr. Chairman, we are dealing with a presumption which would arise. That does not preclude the man from establishing his claim with or without the presumption. If he was engaged in a recreational activity, while he may not have the advantage of the presumption, nevertheless he could very well establish his claim notwithstanding that he does not have the benefit of that presumption.

Recommendation 61 (b) (ii) recommends a presumption relating to transportation. This portion of the recommendation is accepted in principle. There is a slight modification, however, and that is deleting the word "authorized" and substituting the word "required."

Recommendation 61 (b) (iii) recommends a presumption relating to transportation from isolated areas and is accepted unchanged.

Recommendation 61 (b) (iv) recommends a presumption relating to special health hazards. This recommendation is accepted in principle but is slightly modified by replacing

[*Interprétation*]

Si l'on m'ordonnait de jouer au football dans le cadre de l'éducation physique, ce serait considéré comme...

M. Ward: S'il s'agissait d'un match de football organisé, je dirais qu'aux termes de cette recommandation adoptée en principe, la supposition jouerait à l'avantage du requérant.

M. Bigg: S'il skiait dans les Alpes au cours de ses moments de loisir, peut-être ne pourrait-il pas s'en prévaloir.

M. Ward: En l'occurrence, le ski, le ping-pong, le bridge ou d'autres divertissements ne tomberaient peut-être pas sous le coup de la modification.

M. Marshall: Monsieur Ward, cela s'applique à la milice. Vous laissez tomber le terme «milice» et ne parlez que des forces régulières.

M. Ward: La milice y est comprise. Nous mettons la réserve et les forces régulières sur le même pied.

M. Bigg: Je trouve qu'une distinction s'impose, selon qu'il s'agisse d'un ordre militaire ou non, selon que la chose comprend les loisirs ou les sports dans le sens strict de ces termes, à titre de mise en garde dans les délibérations futures. On pourrait me mettre au cachot pour avoir refusé de jouer au football, mais on ne pourrait probablement pas m'obliger à jouer au ping-pong.

M. Ward: Permettez-moi de préciser, monsieur le président, qu'il s'agit d'une supposition hypothétique. Rien n'empêche le requérant de présenter une réclamation qui fait ou ne fait pas appel à cette supposition. S'il s'adonnait à un divertissement quelconque, qu'il puisse ou non se prévaloir de la supposition, il pourrait néanmoins faire valoir sa réclamation, nonobstant le fait qu'il ne peut se prévaloir de cette supposition.

Le deuxieme alinéa de la recommandation 61 b) préconise une supposition ayant trait aux déplacements. Cette partie de la recommandation est acceptée en principe, sauf une légère modification, soit de retrancher le mot «autorisé» et d'y substituer le mot «requis».

La recommandation 61 b) (iii) préconise une supposition relative aux déplacements à partir de régions isolées; elle a été adoptée telle quelle.

La recommandation 61 b) (iv) porte sur une supposition relative aux dangers particuliers pour la santé. Elle a été acceptée en principe, compte tenu d'une légère modification de la

[*Text*]

the word "incident" with the word "incidence" for self-evident reasons.

Recommendation 61 (b) (v) recommends a presumption relating to service operations, training and administration, and is accepted unchanged.

Recommendation 61 (b) (vi) recommends a presumption relating to environmental hazards and is accepted unchanged.

Recommendation 61 (c) recommends a presumption relating to travel duty status. This portion of the recommendation is accepted in principle but is modified to the extent of deleting the words "related to service" and substituting the words "to arise out of and be directly connected with such military service."

Mr. Groos: Mr. Chairman, on this point the expression "travel duty status" is not exactly familiar to me. I think I know what it means, but I wonder if any consultations have taken place between your Department and the Department of National Defence in respect of this. There does arise something which I think is quite important. When a person is moved from—let us say for the sake of argument—Ottawa to Halifax, he may be en route and have leave at the same time. He is allowed to proceed by any means he wishes: his own vehicle, air or whatever it is. Between the time he leaves Ottawa and the time he arrives in Halifax, is he covered by this expression "travel duty status"? It may be, it seems to me, that you will require some consultation with the Department of National Defence for them to appoint him on "travel duty status" for a certain period so that it will not last an entire month and a half, let us say, or whatever it is. He is put on special "travel duty status" for the length of time it takes him to drive from A to B. I wonder if I have made myself clear.

Mr. Ward: Perfectly clear, Mr. Chairman. The example you have given has arisen from time to time and has created difficulty. That is to say, some of the cases in which a man is on travel duty status and on leave at the same time have been granted and some cases have been turned down. Undoubtedly this and other factors led to this welcome recommendation to cover people under travel duty status.

With regard to consultation, of course the Department of National Defence did make representations to the Woods Committee. The Department of National Defence and members of the Canadian Pension Commission and Veterans Affairs are, as you know, members of a standing committee. And while I cannot define for you at this point what travel duty status means, it will certainly be

[*Interpretation*]

version anglaise («incidence» se substitue à «incident»).

Quant à la recommandation 61 b) (v), elle a trait à une supposition relative aux opérations, à l'entraînement et à l'administration; elle reste inchangée.

La recommandation 61 b) (vi) se rapporte à une supposition intéressant les dangers de milieu; elle a été adoptée telle quelle.

La recommandation 61 c) préconise une supposition relative aux voyages commandés. Cette partie de la recommandation a été acceptée en principe, sauf que l'expression «se rattachant au service» a été remplacée par l'expression «consécutive et rattachée directement à ce service militaire».

M. Groos: A ce propos, monsieur le président, l'expression «voyage commandé» ne m'est pas trop familière. Je crois en connaître le sens, mais je me demande s'il il y a eu des consultations à cet égard entre votre Ministère et celui de la Défense nationale. Il en ressort un détail que j'estime important. Lorsqu'une personne est mutée, mettons, d'Ottawa à Halifax, il se peut qu'elle soit en route et en congé à la fois. On peut lui laisser le choix du mode de transport: son propre véhicule, par avion, et ainsi de suite. A compter de son départ d'Ottawa jusqu'à son arrivée à Halifax, est-elle couverte par l'expression «voyage commandé»? Il se peut, à mon sens, que des consultations s'imposent avec le ministère de la Défense nationale pour que celui-ci désigne cette personne «en voyage commandé» pour une période donnée, afin que la durée ne soit pas d'un mois et demi, mettons. La personne serait «en voyage commandé» tout le temps qu'il lui faudrait pour se rendre d'un endroit à l'autre. Je me demande si je me suis exprimé clairement.

M. Ward: Tout à fait, monsieur le président. Le cas que vous avez cité s'est présenté de temps à autre et a posé certaines difficultés. Plus précisement, lorsque les requérants étaient à la fois en voyage commandé et en congé, certains ont vu leur demande agréée, d'autres, rejetée. C'est sans doute un tel état de choses, outre d'autres facteurs, qui ont donné lieu à cette recommandation visant les personnes en voyage commandé.

Quant aux consultations, le ministère de la Défense nationale a certes formulé des instances auprès du comité Woods. Ce ministère, de même que la Commission canadienne des pensions et des affaires des anciens combattants, comptent des représentants, comme vous le savez, à un comité permanent. Même si je ne puis vous donner en ce moment le sens exact de l'expression «voyage com-

[*Texte*]

worked out and undoubtedly the National Defence people will be most helpful in that area.

Recommendation 61(d) recommends a presumption relating to acts not military in nature. This, of course, is accepted in principle but is modified by deleting the words "related to" and substituting the words "arising out of and being directly connected with such military service".

Recommendation 61(e) recommends that Section 14 of the Pension Act, which creates a prohibition for payment of pension on grounds of improper conduct, should not apply to members of the armed forces and that a separate misconduct principle should be incorporated into the Pension Act covering only members of the regular forces.

This portion of the recommendation is not accepted. However, I should point out at this stage that there are recommendations dealing with the subject of improper conduct, and regular force cases will be treated equally with all others under the proposals relating to the general subject of improper conduct.

Recommendation 61(f) recommends that the Veterans Bureau establish facilities within Canadian Forces Headquarters to handle regular force claims. This portion of the recommendation is not accepted.

Recommendation 61(g) recommends that in all other respects the provisions which shall apply in regard to pensions for members of the forces in time of war shall apply to the militia or members of the regular forces. Of course, under the current Pension Act there is nothing to prohibit the provisions of the Pension Act with regard to procedure, compassionate pension and other provisions from applying to the regular force, and it has always been the case. And, of course, this recommendation is not accepted.

Mr. Bigg: It was accepted?

Mr. Ward: Not accepted.

Mr. MacRae: Mr. Chairman, would Mr. Ward just clarify one point for me. What is the final status of a member of the Canadian Forces who is proceeding on annual leave and suffers an injury or death? That has been one of the most contentious of all issues in regard to regular force pensions.

• 1015

Mr. Ward: As I understand it, Mr. Chairman, the position will be that if he is pro-

[*Interprétation*]

mandé», on le définira sûrement; nul doute que le personnel de la Défense nationale se révélera des plus utiles à cet égard.

La recommandation 61 *d*) préconise une supposition relative aux actes à caractère non militaire. Elle a été adoptée en principe, bien entendu, après avoir été modifiée par la substitution des termes «être consécutif ou rattaché directement au service militaire» aux termes «se rattacher au service».

Quant à la recommandation 61 *e*), elle porte que l'article 14 de la Loi sur les pensions, selon lequel le versement d'une pension est interdit dans les cas de mauvaise conduite, ne devrait pas s'appliquer aux membres des forces armées, et qu'on devrait inclure dans une section distincte de cette loi un principe régissant la mauvaise conduite qui n'intéresserait que les membres des forces régulières.

Cette partie de la recommandation a été rejetée. Néanmoins, je dois souligner dès maintenant qu'il y a des recommandations portant sur l'inconduite, et que les membres des forces régulières seront traités au même titre que les autres à l'égard des propositions d'ordre général relativement à l'inconduite.

La recommandation 61 *f*) stipule que le Bureau des vétérans établisse les installations nécessaires au quartier général des forces armées du Canada, afin de pouvoir s'occuper des réclamations présentées par les membres des forces régulières. Cette partie de la recommandation a été rejetée.

Aux termes de la recommandation 61 *g*), sous tous les autres aspects, les dispositions qui doivent s'appliquer à l'égard des pensions des membres des forces armées en temps de guerre devraient s'appliquer à la pension des membres de la milice ou des forces régulières. Sous l'empire de la présente Loi sur les pensions, il est entièrement possible, certes, d'en invalider les dispositions concernant la procédure, la pension de commisération et d'autres questions, dans le cas des forces régulières; il en fut toujours ainsi. Cette recommandation a été rejetée, bien entendu.

M. Bigg: Elle a été adoptée?

M. Ward: Rejetée.

M. MacRae: Monsieur le président, j'aimerais que M. Ward élucide un point pour ma gouverne. Quel serait le statut définitif d'un membre des forces armées canadiennes qui serait blessé ou tué au cours de ses vacances? Voilà l'une des questions les plus litigieuses en ce qui concerne les pensions des forces régulières.

M. Ward: Sauf erreur, monsieur le président, si le membre en cause part d'une région

[*Text*]

ceeding on leave from an isolated area, he would be covered. If he is proceeding on leave from Toronto to go to his home in Montreal, I do not believe that he would be covered. But if he is at Aklavik or some remote Arctic post or other remote area then, as I understand it, he will have the benefit of the presumption.

Mr. MacRae: Thank you, that is all I wanted to know.

Mr. Bigg: Again, this is just as far as presumption is concerned. He is not barred from pension necessarily. It is just that he does not have a presumption working in his favour.

Mr. Ward: The others, of course, are not barred from claiming pensions and some of them may very well succeed without the benefit of the presumption. And, of course, even with the benefit of presumption, you might not succeed, but that would be rather rare.

Mr. Saltsman: Mr. Chairman, something is beginning to concern me as we go through these recommendations, the ones that are accepted and the ones that are not. It is simply this, that to be in the armed forces is to be in a very special position, somewhat different than an ordinary workman, simply because you cannot choose where you are going to be stationed, and you cannot choose where you are going to be when you have to go home on leave. This is cropping up in the questioning. Yet the attitude that seems to be taken—and I hope that someone will take exception with me if my interpretation is not correct—is that these people are ordinary workmen and should be treated as ordinary workmen.

I am perhaps over-simplifying it, but this is the impression I am getting, that you say that if they are going on leave they are going to be treated the same as any civilian who is going from his job back to his home. Now this presumption seems to be creeping in. What makes it difficult is that normally, if they were ordinary workmen, they would have recourse to a union, to arbitration of some kind. Here the veterans of our armed forces are being put, I think, in a rather impossible position. They are not being treated as special...

The Chairman: Mr. Saltsman, the only concern I have in my mind is procedural at this point. You are raising much broader questions than just the specific issue before us and, no doubt, properly so. I am not taking exception to that, but I am trying to keep in mind that we have a veterans' organization

[*Interpretation*]

isolée, il est couvert, mais s'il part de Toronto pour se rendre chez lui à Montréal, mettons, il ne l'est pas. Donc, s'il se trouve à Aklavik, à quelque autre poste dans l'Arctique ou dans une région isolée, il peut, sauf erreur, se prévaloir de cette supposition.

M. MacRae: Merci, c'est tout ce que je voulais savoir.

M. Bigg: Encore une fois, c'est au seul point de vue de la supposition. Il ne lui est pas nécessairement impossible de recevoir une pension. C'est tout simplement que la supposition en cause ne joue pas à son avantage.

M. Ward: Il n'est pas interdit aux autres, bien entendu, de réclamer une pension, et d'aucuns réussissent à l'obtenir, même s'ils n'ont pu se prévaloir de cette supposition. Par ailleurs, il est possible d'invoquer cette supposition et de voir sa demande rejetée, quoique la chose soit plutôt rare.

M. Saltsman: Monsieur le président, une chose me préoccupe de plus en plus, à mesure que nous examinons ces recommandations, les unes adoptées, les autres rejetées. C'est simplement ceci: être dans les forces armées, c'est être dans une situation bien particulière, un peu différente de celle d'un travailleur ordinaire, car on ne choisit pas l'endroit où l'on est affecté, ni l'endroit où l'on se trouve lorsqu'on part en vacances. Voilà qui ressort des questions posées auparavant. Pourtant, l'attitude que l'on semble prendre—et j'espère que l'on me reprendra si mon interprétation est inexacte—c'est que l'on a affaire à des travailleurs ordinaires, qu'il faut donc traiter en tant que tels.

Je simplifie peut-être trop les choses, mais c'est l'impression que j'ai; vous dites que si un membre part en vacances, il est traité sur le même pied qu'un civil qui revient chez lui après sa journée de travail. Or, cette supposition me semble percer lentement, mais voilà le hic. Normalement, un travailleur ordinaire peut avoir recours à son syndicat, à l'arbitrage, etc., tandis qu'en l'occurrence, on met les membres de nos forces armées dans une situation impossible, je pense. On ne les traite pas comme des cas particuliers...

Le président: Monsieur Saltsman, ma seule préoccupation, en ce moment, se rapporte à la procédure. Vous soulevez, à juste titre, sans doute, une question qui déborde le cadre de la discussion. Je ne m'y oppose pas, mais je dois me rappeler qu'une association d'anciens combattants est censée venir comparaître cet

[*Texte*]

appearing before us this afternoon. We had hoped that we could conclude Mr. Ward's review of the recommendations this morning, which is obviously not going to be possible. But I think that the extent to which we open up broader questions like this will make it more difficult to observe the kind of agenda we have tried to set in the beginning. There will be ample opportunity...

Mr. Saltsman: I appreciate the position Mr. Chairman. My only reason for bringing it up was in the hope that something might be said about this position that...

The Chairman: I do not think Mr. Ward is in a position to...

Mr. Saltsman: If you prefer that we raise this question another time, Mr. Chairman, I am willing to go along with your desire to expedite matters.

The Chairman: I do not think Mr. Ward is in a position to make further comment on the matters you raised at this point.

Mr. Ward: Recommendation 62. The Woods Committee recommended a standing advisory committee comprised of the Canadian Armed Forces, Canadian Pension Commission and the Veterans' Bureau. This recommendation is accepted in principle, and indeed such a standing committee has been formed and I understand has conducted a meeting already. There are slight modifications necessary, however, in view of the change of the role of adjudication. The membership of the standing advisory committee would correspondingly change to include the Department of Veterans Affairs.

• 1020

Recommendation 63. As members of this Committee well know, the terms of reference of the Woods Committee did not include the study of pension rates, and although the Committee listened to representations on this subject and summarized them in its report, this whole question of pension rates again, as you know, is under review. I am unable to add very much more than that to what has been added by the Deputy Minister and the Minister.

Recommendations 64 and 65. The Woods Committee recommended supplementary pension for multiple disability pensioners, up to 350 per cent in some cases. Under the current system, there is no supplementary pension or pension for exceptional incapacity. The maximum pension award, aside from additional pension for helplessness and attendance

[*Interprétation*]

après-midi. Nous comptions en terminer ce matin avec les recommandations que M. Ward nous expose une à une, mais c'est devenu manifestement impossible. Il me semble qu'en permettant des questions d'une portée aussi vaste, nous aurons beaucoup de mal à nous en tenir au programme que nous nous étions fixés au départ. Il y aura de nombreuses autres occasions...

M. Saltsman: Je comprends la situation, monsieur le président. La seule raison pour laquelle j'en ai fait mention, c'est que j'espérais ainsi provoquer certaines observations à ce propos...

Le président: Je crois que M. Ward n'est pas en mesure de...

M. Saltsman: Si vous préférez que nous soulèvions cette question un autre tantôt, monsieur le président, je me plierai à vos désirs d'accélérer nos travaux.

Le président: M. Ward n'est pas en mesure, je pense, de faire d'autres commentaires au sujet des questions que vous venez d'aborder.

M. Ward: Sans sa recommandation 62, le comité Woods propose qu'il soit établi un comité consultatif permanent formé de représentants des forces armées canadiennes, de la Commission canadienne des pensions et du Bureau des vétérans. Cette recommandation a été adoptée en principe; de fait, ce comité permanent est déjà constitué et, sauf erreur, s'est réuni une fois déjà. De légères modifications s'imposent, toutefois, par suite de la modification du rôle de l'arbitrage. L'effectif du comité consultatif permanent se modifiera en conséquence pour que le ministère des Affaires des anciens combattants puisse en faire partie.

En ce qui a trait à la recommandation 63, comme les membres du Comité le savent, le mandat du comité Woods ne comportait pas l'étude du taux des pensions; quoique des instances aient été entendues à cet égard et figurent en résumé dans le rapport du comité, c'est une question qui, vous le savez, demeure à l'étude. Je ne peux vraiment ajouter rien d'autre à ce qu'ont dit le sous-ministre et le Ministre à ce propos.

Aux recommandations 64 et 65, le comité Woods préconise une pension supplémentaire, allant parfois jusqu'à 350 p. 100, dans certains cas d'infirmités multiples. Sous le régime actuel, il n'est prévu aucune pension supplémentaire ni de pension à l'égard de l'infirmité exceptionnelle. La pension maximale, outre les versements supplémentaires pour la fai-

[*Text*]

allowance and for wives and children, on behalf of them, is 100 per cent. If a person is 100 per cent disabled, 100 per cent pension can be paid if he holds entitlement for the condition causing that disablement, and that is the ceiling. I cannot add very much to what appears in the White Paper and what the Minister has said concerning this portion of the Woods Committee recommendation. However, as you know, it is proposed to recognize exceptional burden of disablement, and lump sum grants and war allowances of not less than $400 and up to $1,200 per annum will be forthcoming.

Recommendation 66. The Woods Committee recommended that Section 25 of the Pension Act remain in its present form. This, as you know, is the Section of the Pension Act that provides for compassionate pension award, and the recommendation is accepted unchanged.

Recommendation 67. The Woods Committee recommended that the Canadian Pension Commission make a fuller and broader use of Section 25. Under Section 25 as it currently stands, the Commission may grant compassionate pension in any case it considers specially meritorious and the applicant is otherwise unqualified to receive a pension award. I should say that the recommendation is accepted in principle.

The portion of the recommendation relating to a fuller use of Section 25 is accepted without any modification. The remaining portion of the recommendation relating to a broader use of Section 25 is not really accepted because it is felt that the use of Section 25 is broad at the present time and perhaps could be considered broader than the original intent and purpose when Section 25 was brought into being.

Recommendation 68. The Woods Committee recommended that an ordinary standard of service be required in Section 25 cases. The section calls for a meritorious case; it does not mention standard of service or that there must be meritorious service as such or per sé. In the past there has been great weight placed on meritorious service and some have felt that you must have meritorious service in order to qualify for a Section 25 award. That has not been the case, although the majority of cases had meritorious service. This recommendation is accepted unchanged; that is to say, the ordinary standard of service is accepted.

[*Interpretation*]

blesse et les prestations connexes, ainsi que les versements au bénéfice de l'épouse et des enfants du pensionné, s'établit à 100 p. 100. Dans le cas d'infirmité à 100 p. 100, une pension à 100 p. 100 est versée au requérant qui établit son droit de la percevoir, mais c'est là le maximum admissible. J'aurais peu de choses à ajouter à ce qui figure dans le Livre blanc et aux propos du Ministre quant à cette recommandation du comité Woods. Néanmoins, comme vous le savez, on projette de tenir compte du fardeau exceptionnel qu'impose l'infirmité; on autorisera sous peu des subventions globales et des prestations de guerre d'au moins $400 et pouvant atteindre $1,200 l'an.

Dans sa recommandation 66, le comité Woods préconise que l'article 25 de la Loi sur les pensions demeure inchangé. Il s'agit, comme vous le savez, de l'article ayant trait aux pensions de commisération; la recommandation a été acceptée telle quelle.

Recommandation 67. Selon le comité Woods, la Commission canadienne des pensions devrait faire un emploi plus libéral et plus large de l'article 25 susmentionné. Aux termes actuels de cet article, la Commission peut octroyer une pension de commisération dans les cas qu'elle juge particulièrement méritoires et lorsque le requérant est inadmissible autrement à une pension. Je dois dire que cette recommandation a été adoptée en principe.

Quant à la partie de la recommandation portant sur l'emploi plus libéral de l'article 25, elle a été acceptée sans modification; pour ce qui est de l'emploi plus large de cet article, la chose n'est pas vraiment acceptable, car il appert qu'on interprète présentement l'article en question dans un sens assez large, qui excède peut-être déjà l'esprit et la lettre de l'article 25.

Dans sa recommandation 68, le comité Woods est d'avis que des normes ordinaires de service devraient s'appliquer aux cas visés par l'article 25. Il y est question de cas méritoires; nulle part n'y est-il fait mention de normes de service ou de service méritoire exigible en tant que tel. Dans le passé, on a beaucoup insisté sur cette question du service méritoire; d'aucuns ont même cru que le service méritoire était une condition préalable pour être admissible à une pension au titre de l'article 25. Il n'en est pas ainsi, quoique la plupart des cas aient comporté un service méritoire. Cette recommandation a été acceptée telle quelle, c'est-à-dire que les normes ordinaires de service seront adoptées.

[*Texte*]

• 1025

Recommendation 69. The Woods Committee recommended special application procedure for compassionate pension claims under Section 25. There was, as I understand it, a three-tiered system recommended. The Commission could consider it as a whole, or they could consider it by entitlement boards, or through the present Section 7(3) hearings. Of course this recommendation is modified to the extent that under the new pension procedures proposed, all persons claiming an award under Section 25 will have for the first time a right to a hearing and full procedural benefits, right from initial application up to Appellate Division level.

Recommendation 70. The Woods Committee recommended administrative instructions be published relating to Section 25 applications. This recommendation is accepted unchanged. In the current system there are instructions, but not to the extent envisaged by this recommendation.

Recommendation 71. The Woods Committee recommended that compassionate pension claims be appealed to the Pension Appeal Board. Of course this recommendation is modified in light of the change in procedure proposed whereby Section 25 applicants may proceed from initial application right up to and including Appellate Division. I might point out that under the Woods Committee recommendation you could only get to the Pension Appeal Board or the Entitlement Hearing level if a Section 7(3) hearing had been authorized, but it would be authorized at the discretion of the Commission. Under the new procedure it will be a right of a person to have a hearing and all the procedural rights will flow with it.

Recommendation 72. The Woods Committee recommended that the purpose of compassionate pension be set out in a directive. This recommendation is accepted unchanged.

Recommendation 73. The Woods Committee recommended benefits for Section 25 pensioners under the Children of War Dead (Educational Assistance) Act, and this recommendation is accepted unchanged.

Recommendation 74. The Woods Committee recommended that compassionate pension under Section 25 be awarded in multiple disability cases exceeding 350 per cent. Under the current system pension awards under Section

[*Interprétation*]

Recommandation 69. Le comité Woods préconise une procédure spéciale pour les demandes de pension de commisération postulées au titre de l'article 25. Il en suggère, sauf erreur, trois formes différentes. Ces demandes pourraient être étudiées soit par la Commission dans son ensemble, par des bureaux d'admissibilité ou lors d'audiences tenues au titre de l'article 7(3). Cette recommandation a été modifiée, bien entendu, dans la mesure où, suivant les nouvelles modalités de pension projetées, tous ceux qui présentent une demande aux termes de l'article 25 pourront, pour la première fois, exiger une audience et se prévaloir de tous les avantages offerts par la procédure, depuis le premier stade de la demande jusqu'à celui de l'appel.

Dans sa recommandation 70, le comité Woods estime qu'il faudrait diffuser des instructions administratives par rapport aux demandes qu'autorise l'article 25. Cette recommandation a été adoptée sans modification. Il existe des instructions sous le régime actuel, mais pas dans la mesure qu'envisage cette recommandation.

Recommandation 71. Selon le comité Woods, les demandes de pension de commisération devraient pouvoir faire l'objet d'appels auprès du Bureau d'appels des pensions. Cette recommandation varie, bien entendu, en fonction du nouveau projet de procédure, lequel permettra aux requérants visés par l'article 25 de passer du stade de la présentation de la demande à celui de l'appel, inclusivement. Chose à signaler, aux termes de la recommandation formulée par le comité Woods, on ne pouvait interjeter appel auprès du Bureau d'appels des pensions ou d'un bureau d'admissibilité que si une audience était autorisée en vertu de l'article 7(3), chose qui était laissée à la discrétion de la Commission. Suivant la nouvelle procédure, le requérant pourra exiger une audience et jouir de tous les droits de procédure qui en découlent.

Dans sa recommandation 72, le comité Woods préconise que le but de la pension de commisération soit exposé dans une directive. Cette recommandation demeure inchangée.

Recommandation 73. Le comité Woods propose que les pensionnés visés par l'article 25 puissent se prévaloir des avantages efferts par la Loi sur l'aide aux enfants des morts de la guerre (Éducation). Cette recommandation a été acceptée telle quelle.

Recommandation 74. De l'avis du comité Woods, une pension de commisération devrait être consentie, au titre de l'article 25, au delà de 350 p. 100 dans les cas d'infirmités multiples. Sous le régime actuel, aucune pension

[*Text*]

25 cannot exceed the amount the pensioner would otherwise be entitled to if his claim had been upheld. As pointed out previously the recommendation relating to pensions exceeding 100 per cent and going up as high as 350 per cent has not been accepted, therefore, this recommendation is not accepted.

• 1030

Recommendations 75 and 76. The Woods Committee recommended separate entitlement for consequential disability. Under the current system, as I understand it, consequential disabilities are covered by the Canadian Pension Commission giving a broad and generous interpretation under the authority of Section 5 of the Act, which gives them exclusive jurisdiction to interpret Section 13 in such a manner that it would include disabilities consequential upon pension conditions. However, it is accepted in principle that the act be amended to clearly have in legislation provision for consequential disability. But the Woods Committee recommendation is modified to the extent that it is proposed to amend the act to provide that pension be paid for a disability which is in whole or in part an extension of a pensionable disability or for any additional disability anatomically unrelated to the pensionable disability but which is considered to be caused in whole or in part by the pensionable disability. This would include physical injury types of cases and also medical development types of cases.

An hon. Member: I do not quite understand that. Would that mean a man falling down the stairs because he is blind.

Mr. Ward: Mr. Chairman, as I understand it, there are generally two types of cases. The first is where you may suffer a physical injury in the manner you suggested, sir, and perhaps you have a pension condition of Ménière syndrome which may have caused dizziness and that caused you to fall off the ladder. It is anatomically unrelated but it is a causal relationship.

Mr. Bigg: An accident caused by the condition...

Mr. Ward: That type would be covered.

A part of Recommendation 76 touches upon the question of paired organs and that is dealt with in another proposal.

Recommendation No. 77. The Woods Committee recommended separate entitlement for

[*Interpretation*]

autorisée en vertu de l'article susmentionné ne peut dépasser le montant auquel le requérant aurait droit autrement si sa demande était agréée. Tel qu'il a été signalé plus haut, la recommandation antérieure au sujet des pensions au delà de 100 p. 100, jusqu'à un maximum de 350 p. 100, a été rejetée, de sorte que celle-ci l'est également.

Recommandations 75 et 76. Le comité Woods préconise une admissibilité distincte pour infirmité secondaire. Sous le régime actuel, sauf erreur, l'infirmité secondaire relève de la Commission canadienne des pensions, laquelle donne une interprétation large et libérale de l'article 5 de la Loi, selon lequel la Commission a le droit exclusif d'interpréter l'article 13 de manière à tenir compte de l'infirmité secondaire dans les conditions ouvrant droit à pension. Toutefois, nous acceptons en principe de modifier la loi afin qu'elle porte clairement une disposition à l'égard d'une infirmité secondaire. Mais la recommandation du comité Woods est modifiée en ce sens qu'on y propose de modifier la loi afin de verser une pension au titre d'une infirmité qui découle, en tout ou en partie, d'une infirmité ouvrant droit à pension, ou au titre de toute autre infirmité sans aucun rapport anatomique avec l'infirmité ouvrant droit à pension, pourvu que l'on estime qu'elle découle en tout ou en partie de l'infirmité ouvrant droit à pension. Cette disposition s'étendrait aux blessures physiques ainsi qu'aux complications médicales.

Une voix: Je ne comprends pas très bien. Est-ce que cela signifie qu'une personne qui tombe dans les escaliers parce qu'elle est aveugle...

M. Ward: Si je comprends bien, monsieur le président, il existe, en général, deux genres de causes. La première est celle où la personne subit une blessure physique de la façon dont vous l'avez expliqué par votre exemple, monsieur, alors qu'elle souffre peut-être du syndrome de Ménière ouvrant droit à pension qui a pu causer un étourdissement et entraîner sa chute. Il n'y a pas de rapports anatomiques mais un rapport causal.

M. Bigg: Un accident causé par la condition.

M. Ward: Ce genre d'accident donnerait droit à pension.

Une partie de la recommandation 76 porte sur la question des organes pairs dont on traite dans une autre proposition.

Dans la recommandation 78 de son rapport, le comité Woods recommande une admissibi-

[*Texte*]

consequential disabilities related to pensionable disabilities. This recommendation is accepted unchanged.

Recommendation 78. The Woods Committee recommended pension for new disabling conditions even if not consequential upon the pension condition if the effect of the new condition is to worsen the pension condition. Under the current system, in order to be pensioned for a new disabling condition you must either establish that it was incurred during service, attributable to service, aggravated during service, or that it is directly related to and consequential upon a pension condition. If you are unable to establish that of course, you fail to receive pension for the new condition.

If your pension condition is worsened by a new condition, you may very well under the present system receive an increase in pension for your pension condition because by and large it does not matter what causes an increase in disability of a pension condition, you are paid for the amount of disability found from time to time on medical examination.

• 1035

The Woods Committee recommendation is modified to the extent that it is proposed to provide that where any member of the forces has suffered the loss, or the permanent loss of the use, of any paired organ in the body, and that loss is held attributable to his service, the subsequent loss or impairment of the efficiency of the other corresponding organ from any cause unrelated to service shall be pensioned at 50 per cent of the rate it would have been pensioned if the loss or impairment had been attributable to service.

I should explain immediately that if the subsequent impairment or loss of the other paired organ is attributable to service then you would naturally receive full pension, of course, up to the maximum of 100 per cent.

Recommendation 79. The Woods Committee recommended pension for total blindness if loss of sight of second eye was not related to pension loss of sight of other eye.

This recommendation is accepted in principle to the extent I outlined with regard to Recommendation 78.

[*Interprétation*]

lité distincte lorsqu'il s'agit d'une infirmité secondaire qui découle d'une infirmité ouvrant droit à pension. Cette recommandation est acceptée telle quelle.

Dans la recommandation 78 du rapport du Comité Woods, on recommande d'accorder une pension au titre d'une nouvelle affection qui n'est ni imputable ni secondaire à une infirmité ouvrant droit à pension, pourvu que cette seconde infirmité ait pour effet d'aggraver l'infirmité ouvrant droit à pension. Aux termes de la loi actuelle, pour obtenir une pension au titre d'une nouvelle infirmité, le requérant doit prouver qu'il l'a contractée alors qu'il était en service, ou à la suite de ses fonctions, qu'elle a été aggravée alors qu'il était en service, ou qu'elle est imputable et secondaire à une infirmité ouvrant droit à pension. Si vous ne pouvez en faire la preuve, vous ne recevez évidemment pas de pension au titre de la nouvelle infirmité.

Si une nouvelle infirmité vient aggraver l'infirmité ouvrant droit à pension, vous pouvez très bien, en vertu de la présente procédure, toucher une pension accrue au titre de l'infirmité ouvrant droit à pension car, en dernière analyse, peu importe ce qui cause une aggravation de l'infirmité ouvrant droit à pension, la pension est établie en fonction du degré d'infirmité déterminé par un examen médical périodique.

La recommandation du Comité Woods est modifiée en ce sens qu'on propose de formuler la disposition de façon à verser au membre des forces armées qui a subi la perte, ou la perte permamente de l'usage d'un membre pair et qu'on estime que cette perte est imputable à ses fonctions, une pension de 50 p. 100 du taux de pension auquel il aurait eu droit pour la perte ou l'affaiblissement subséquent de l'efficacité du membre correspondant, quelle qu'en soit la cause, même en dehors de ses fonctions, si cette perte ou cet affaiblissement était imputable à ses fonctions.

Je m'empresse d'expliquer que si la perte ou l'affaiblissement subséquent de l'autre membre pair est imputable à ses fonctions, il touchera normalement une pension complète jusqu'au maximum de 100 p. 100.

Dans la recommandation 79 de son rapport, le Comité Woods recommande d'accorder une pension de cécité absolue si la perte de la vue du second œil ne résulte pas de l'infirmité ouvrant droit à pension.

Cette recommandation est acceptée en principe, sujette aux mêmes restrictions que j'ai exposées à l'égard de la recommandation 78.

[*Text*]

Recommendation 80. The Woods Committee recommended revision of necessities in the Table of Disabilities for the blind. This recommendation is accepted unchanged.

Recommendation 81. The Woods Committee recommended that the blind be rated at a constant category in the Table of Disabilities.

Under the current system the Table of Disabilities provides for a number of categories, the prime one being constant. Up to $3,000 is paid for attendance allowance for a bed-ridden case or a paraplegic with complete cord lesions. The impact of the recommendation is that the blind be rated to be included in the same category as those two groups I mentioned. At the present time, the blind are in a special category in the Table of Disabilities and in the loss of both eyes or total blindness an amount of $2,750. can be awarded for attendance allowance. I should point out that this recommendation has not been adopted.

Mr. Marshall: Is that 81, Mr. Chairman?

Mr. Ward: Recommendation 81, Mr. Chairman.

Recommendation 82. The Woods Committee recommended that attendance allowance be paid only if need of attendance is conditional upon a pensionable disability.

Under the current system Section 30 of the Pension Act, which provides authority for payment of attendance allowance, does not specify that the pension condition be the cause of the need for attendance. This recommendation is not accepted.

The Chairman: On the face of it, the recommendation is more restrictive than the present one.

Mr. Ward: It would appear that way, Mr. Chairman.

Mr. MacRae: This is the one that the council of veterans' organizations disagreed with too, is it not? You have read their submission?

Mr. Ward: Yes, very much, in disagreeing with that recommendation.

Mr. MacRae: So we have washed this one out.

Mr. Bigg: Perhaps it was made in error in the existing regulations.

[*Interpretation*]

Dans la recommandation 80 du rapport du Comité Woods, on recommande de réexaminer les «nécessités» qui figurent à la Table des invalidités établie à l'égard des aveugles. Cette recommandation est acceptée telle quelle.

Dans sa recommandation 81, le Comité Woods recommande que les aveugles soient rangés dans la catégorie des soins constants de la Table des invalidités.

A l'heure actuelle, la Table des invalidités comporte plusieurs catégories dont la plus élevée est celle des soins constants. On verse une allocation de soins jusqu'à concurrence de $3,000 pour un malade alité ou un paraplégique souffrant d'une lésion totale de la moelle épinière. Il ressort de cette recommandation que les aveugles entreront dans la même catégorie que les deux groupes mentionnés. A l'heure actuelle, les aveugles forment un catégorie spéciale de la Table des invalidités, et s'ils sont aveugles des deux yeux, c'est-à-dire les cas de cécité absolue, on peut leur verser une allocation de soins d'un montant de $2,750. Je dois vous faire remarquer que cette recommandation n'a pas été adoptée.

M. Marshall: Est-ce qu'il s'agit de la recommandation 81, monsieur le président?

M. Ward: Oui, monsieur le président.

A la recommandation 82, le Comité Woods recommande que l'allocation de soins ne soit versée que si leur besoin de soins dépend d'une invalidité donnant droit à une pension.

A l'heure actuelle, l'article 30 de la Loi sur les pensions qui autorise le paiement des allocations de soins, ne précise pas que le besoin de soins doit dépendre de l'invalidité donnant droit à une pension. Cette recommandation est rejetée.

Le président: A première vue, la recommandation est plus restrictive que la disposition actuelle.

M. Ward: Il semble que ce soit le cas, monsieur le président.

M. MacRae: Il s'agit de la recommandation avec laquelle le conseil des organisations d'anciens combattants n'était pas d'accord également, n'est-ce pas? Avez-vous lu leur mémoire?

M. Ward: Oui, c'est bien cela. Il n'était pas d'accord avec cette recommandation.

M. MacRae: Elle a donc été expurgée.

M. Bigg: Peut-être que cette disposition s'était glissée par erreur dans les présents règlements.

[*Texte*]

The Chairman: We can only presume, all right, Mr. Ward.

Mr. Ward: Recommendation 83. The Woods Committee recommended revision in the special categories for attendance allowance for amputees under the Table of Disabilities. Under the current system the table of disabilities sets forth specific amounts for amputees under special categories. The Woods Committee recommends additional specified categories relating to amputees, as you will note from the synopsis of the Woods Report recommendations.

This recommendation is not entirely accepted. It is recognized that the table of disabilities should be amended to make it clear that all levels contained therein, other than maximum or minimum amounts and general subdivisions, are to be used as guidlines only, that they are not fixed and absolute and that actual awards be made in keeping with the extent to which the individual is dependent, based upon careful examination and unbiased judgment.

What I am saying in effect is that instead of a fixed amount there will be flexibility.

Recommendation 84: The Woods Committee recommended that:

> the Syme's Amputation be considered the same as a below the knee amputation.

for Attendance Allowance purposes.

Under the current system the table of disabilities indicates that bi-lateral Symes can receive $600 for Attendance Allowance.

Mr. MacRae: I think you explained, Mr. Ward, that a Syme's amputation is half of the foot, is it not?

Mr. Ward: Well, I am not a medical man...

Mr. MacRae: I know, but...

Mr. Ward: I understand that it is near the ankle; but if you want expert advice on that I am afraid...

Mr. MacRae: But half the foot...

• 1045

Mr. Ward: If they retain the joint above the heel, I believe it is. But there is some argument by the amputees to the effect that it is actually a detriment and that the man is better off if he does not have the added appendage.

[*Interprétation*]

Le président: Nous ne pouvons que supposer ..Monsieur Ward.

M. Ward: Dans la recommandation 83 de son rapport, le Comité Woods recommande qu'on procède à une révision des catégories spéciales d'amputés relativement aux allocations de soins prévues dans la Table des invalidités. A l'heure actuelle, la Table des invalidités indique les montants précis qui seront versés aux amputés des catégories spéciales. Le Comité Woods recommande qu'on ajoute d'autres catégories pour les amputés, comme vous le remarquerez à la lecture du résumé des recommandations du Rapport Woods.

Cette recommandation n'est pas entièrement acceptable. Nous admettons qu'il faudrait modifier la Table des invalidités afin d'établir clairement que tous les niveaux qui y paraissent, autres que les montants maxima et minima et les subdivisions générales, ne sont que des points de repère qui ne sont pas fixes et immuables; il faudrait également établir clairement que les pensions seront accordées en fonction du degré de dépendance de la personne en cause après un examen soigné et une décision impartiale.

Cela revient en dire, en réalité, qu'au lieu d'avoir un montant fixe, il y aura une certaine souplesse.

Dans sa recommandation 84, le Comité Woods recommande:

> Que l'amputation de Syme soit considérée comme l'équivalent d'une amputation au-dessous du genou.

aux fins de l'allocation de soins.

A l'heure actuelle, la Table des invalidités indique qu'une amputation de Syme sur les deux membres pairs donne droit à $600 au titre d'allocation de soins.

M. MacRae: Je crois que vous avez expliqué, M. Ward, que l'amputation de Syme est l'amputation de la moitié du pied, n'est-ce pas?

M. Ward: Je ne suis pas médecin, mais...

M. MacRae: Je sais, mais...

M. Ward: Je crois comprendre que c'est près de la cheville, mais si vous voulez une expertise à ce sujet, je crains...

M. MacRae: Mais la moitié du pied...

M. Ward: S'ils laissent le joint au-dessus du talon, je crois que c'est ainsi qu'on l'appelle. Mais certains amputés prétendent que c'est un inconvénient, en réalité, et que la personne se sent plus à l'aise si on lui enlève également ce joint.

[*Text*]

Mr. MacRae: That is right, yes.

Mr. Ward: Yes; from the evidence we heard in the Committee.

Mr. MacRae: That is true.

Mr. Groos: He seems to be at a disadvantage in having the added bone structure, which is apparently worse than having the full amputation; and they think it is unfair.

Mr. Ward: I am sure they will have more recommendations and comment on that.

Mr. Bigg: We will probably go further into that when we have the amputees before us.

Mr. Ward: As I was going to say, in the bi-lateral, below-knee amputation Attendance Allowance up to $1500 may be paid, so that there is that difference of $600 to $1500, in the case of bi-lateral amputees. This recommendation is not accepted.

Recommendations 85 and 86: Under recommendation 85, the Woods Committee suggests that Attendance Allowance continue for constant class in hospital, and in 86 that Attendance Allowance continue for two months for classes below constant when in hospital.

Under the current system, we have a lack of uniformity in dealing with Attendance Allowance cases. For instance, Attendance Allowance for blind persons under Section 33 of the Pension Act is continued during the pensioner's hospitalization, from the beginning of his hospitalization to the termination of his hospitalization. In the case of Attendance Allowance for paraplegics an equivalent amount is continued under the provisions of the Veterans Treatment Regulations and up to two months' hospitalization. For all other persons in receipt of Attendance Allowance, including the amputees, Attendance Allowance is discontinued upon admission to DVA hospital under paraplegics.

The Woods proposal is accepted in principle. There have been modifications. It is felt that Attendance Allowance recipients should be treated equally, and as outlined in the White Paper it is proposed to provide that Attendance Allowance for all classifications be continued when the pensioner is in hospital under treatment or care of the Depart-

[*Interpretation*]

M. MacRae: C'est exact.

M. Ward: Oui, d'après les témoignages que nous avons entendus en Comité.

M. MacRae: C'est exact.

M. Gross: Il semble désavantagé du fait qu'on lui ait laissé une structure osseuse qui, en apparence, est pire que l'amputation et ils estiment que c'est injuste.

M. Ward: Je suis convaincu qu'ils présenteront d'autres recommandations et d'autres commentaires à ce sujet.

M. Bigg: Nous étudierons probablement cette question d'une manière plus approfondie lorsque les amputés viendront témoigner.

M. Ward: Comme j'allais le dire, une allocation de soins à la suite d'une amputation bilatérale au-dessous du genou peut s'élever à $1,500. Il y a donc une différence entre $600 et $1,500 dans le cas des amputés de membres pairs. La présente recommandation est rejetée.

Les recommandations 85 et 86: à la recommandation 85, le Comité Woods préconise qu'on maintienne l'allocation de soins pour un pensionné qui fait partie de la catégorie des soins constants lorsqu'il est hospitalisé et à la recommandation 86, que l'allocation de soins soit maintenue durant deux mois pour les pensionnés qui font partie des catégories inférieures à la catégorie des soins constants, lorsqu'ils sont hospitalisés.

Sous le régime actuel, l'examen des cas d'allocation de soins manque d'uniformité. Ainsi, l'allocation de soins des aveugles, en vertu de l'article 33 de la Loi sur les pensions est maintenue durant l'hospitalisation du pensionné, depuis son entrée jusqu'à sa sortie de l'hôpital. Pour les cas d'allocation de soins des paraplégiques, un montant d'argent est maintenu aux termes des dispositions du Règlement sur le traitement des anciens combattants et les frais d'hospitalisation pour une période de deux mois. Pour toutes les autres personnes qui reçoivent une allocation de soins, y compris les amputés, l'allocation s'arrête dès qu'ils sont admis à l'hôpital du ministère des Affaires des anciens combattants à titre de paraplégiques.

La proposition du Comité Woods est acceptée en principe. Il y a toutefois eu des modifications. Nous sommes d'avis qu'il faut traiter les bénéficiaires de l'allocation de soins sur un pied d'égalité et, comme on l'a souligné dans le Livre blanc, on propose de veiller à ce que l'allocation de soins pour toutes les catégories soit maintenue, lorsque le pen-

[*Texte*]

ment for the month in which the pensioner was admitted and for one month thereafter.

Further modification to the Woods Committee recommendation is that a discretion will be given to the administrators of the Act to continue payment of Attendance Allowance for an indefinite period, when the Attendance Allowance is the major portion of the pensioner's income, or when discontinuance would result in undue hardship to the pensioner or his dependents.

Recommendation 87: The Woods Committee recommended that Attendance Allowance not be considered part of pension.

Under the current system Attendance Allowance is an addition to pension and the definition of "pension" includes all payments under the Act. This recommendation is accepted unchanged.

Recommendation 88: The Woods Committee recommended certain revisions in existing policy relating to automatic age increases.

Under the current system when pensioners in receipt of pension at the rates of 50 per cent, 60 per cent, or 70 per cent, in respect of an amputation or disability due to or arising out of wounds or injuries as a result of direct action with the enemy, reach the age of 55 years an additional 10 per cent is added to their assessment, with further increases of 10 per cent added when they reach the ages of 57 and 59, until the assessment for such disabilities becomes 80 per cent; and this is applied only if the disability is "apparently permanent" in nature. This recommendation is not accepted.

• 1050

The Chairman: Perhaps we could take a recess for five minutes.

(Recess)

• 1105

The Chairman: Mr. Ward, would you like to continue. I understand we are starting with No. 89. We have completed 88.

Mr. Ward: Recommendation No. 89. The Woods Committee recommended that consequential disability be added in automatic age increase cases. So, as I understand it, if a pensioner in receipt of 50 per cent for GSW of the leg, for instance, is on the automatic age increase policy and he is given entitlement for a consequential condition such as arthritis of the spine, there must be an assessment made of the arthritis. If, say, it were 15 per cent, that must be added to the pension

[*Interprétation*]

sionné est hospitalisé et se trouve sous le traitement ou les soins du Ministère, durant le mois où le pensionné a été admis et pour le mois suivant. Une autre modification apportée à la recommandation du comité Woods permettrait aux administrateurs de la Loi d'exercer leur discrétion pour verser l'allocation de soins durant une période indéterminée lorsqu'elle représente le principal revenu du pensionné et qu'un arrêt mettrait injustement le pensionné ou ses dépendants dans une mauvaise posture.

Recommandation 87: Le Comité Woods préconise que l'allocation de soins ne soit pas considérée comme une partie de la pension.

A l'heure actuelle, l'allocation de soins vient s'ajouter à la pension et la définition de la «pension» s'étend à toutes les prestations versées en vertu de la Loi. Cette recommandation est acceptée telle quelle.

Recommandation 88: Le Comité Woods recommande certaines modifications à la règle actuelle relative aux augmentations automatiques en raison de l'âge.

Sous le régime actuel, lorsque les pensionnés qui reçoivent une pension à des taux de 50, 60 ou 70 p. 100 pour une amputation ou une invalidité causée ou résultant de blessures reçues sur le champ de bataille, atteignent l'âge de 55 ans, on ajoute un autre 10 p. 100 à leur évaluation avec des augmentations ultérieures lorsqu'ils atteignent 57 et 59 ans, jusqu'à ce que l'évaluation de ces invalidités soit de l'ordre de 80 p. 100. Cela s'applique si l'invalidité est «apparemment permanente». La présente recommandation est rejetée.

Le président: Nous pourrions peut-être faire une pause de cinq minutes.

(Pause)

Le président: Monsieur Ward, aimeriez-vous poursuivre? J'ai l'impression que nous en sommes à la recommandation 89, car nous avons terminé l'examen de la recommandation 88.

M. Ward: Dans sa recommandation 89, le comité Woods recommande qu'une invalidité secondaire soit ajoutée aux cas d'augmentations automatiques en raison de l'âge. Si je comprends bien, si un pensionné qui reçoit une pension de 50 p. 100 pour une blessure à la jambe par arme à feu, par exemple, bénéficie de la règle d'augmentations automatiques en raison de l'âge et qu'il est jugé admissible pour une affection secondaire comme l'arthrite de la colonne, on doit procéder à une

[*Text*]

already in payment, including the amount paid for automatic age increase. So that if he went up to 70 per cent through the automatic age increase provision he would have an additional 15 per cent for the arthritis, giving him 85 per cent. That is how I understand the Woods Committee recommendation. This recommendation is accepted partially in principle, subject to the possibility of establishing an assessment of the consequential disability. In some cases it is very easy to establish a separate assessment of the consequential disability, in other cases it is difficult, and in some cases it is virtually impossible, I understand from medical experts, to distinguish in terms of disability between the pension condition and the subsequently related condition.

Recommendation No. 90. The Woods Committee recommended that Sections 20, 21 and 22 of the Pension Act be replaced by a limitation that only one pension be paid by the federal government. Under the current system, where death or disability for which pension is payable is caused under circumstances creating legal liability upon some person to pay damages, the pensioner is placed in a position whereby he can accept the full damages but may or may not receive the full pension. In other words, in such a situation the amount of damages is capitalized and the pension is capitalized. If the amount of damages exceeds the capitalized amount of pension he may accept the pension and not keep the damages, or he can keep the damages but he would not receive the pension. If the capitalized value of the damages is less than the

• 1110

capitalized value of the pension he may again accept all the damages or no pension, or vice versa, but he may in that case receive the full damages plus a pension that would be equal to the difference between the capitalized value of the damages and the capitalized value of the pension. This is a somewhat complex subject and I hope my remarks clarified it to some extent.

Mr. Guay (St. Boniface): Mr. Chairman, I believe this was the case that Mr. Whicher brought to our attention yesterday, that of a chap being hurt up to the hip by an accident and then when the claim came through we had to leave it there. What was the amount of

[*Interpretation*]

évaluation de l'arthrite. Si on l'évalue à 15 p. 100, on devrait ajouter ce pourcentage au montant actuel de la pension, y compris le montant versé au titre de l'augmentation automatique en raison de l'âge. Ainsi, s'il atteint 70 p. 100 en vertu de la disposition relative à l'augmentation automatique en raison de l'âge, il recevrait un autre 15 p. 100 pour l'arthrite, ce qui reviendrait à 85 p. 100. C'est ainsi que j'interprète la recommandation du Comité Woods. Cette recommandation est en partie acceptée en principe, sous réserve d'une évaluation possible de l'invalidité secondaire. Dans certains cas, il est très facile de faire une évaluation distincte de l'invalidité secondaire; dans d'autres cas, il est difficile, et dans d'autres, pratiquement impossible, d'après certains médecins spécialistes, de distinguer ce degré d'invalidité qui découle de l'affection ouvrant droit à la pension et de l'affection secondaire subséquente.

Dans sa recommandation 90; le comité Woods préconise que les articles 20, 21 et 22 de la Loi sur les pensions soient remplacés par une restriction sur le gouvernement fédéral à ne verser qu'une seule pension. Sous le régime actuel, lorsque la mort ou l'invalidité qui ouvrent droit à une pension sont survenues dans des circonstances qui obligent la personne responsable à verser des dommages-intérêts, le pensionné est placé dans une position où il peut recevoir le montant des dommages-intérêts, mais perdre son droit à pension en tout ou en partie. Autrement dit, dans une telle situation, le montant des dommages-intérêts est capitalisé, tout comme la pension. Si le montant des dommages-intérêts dépasse le montant capitalisé de la pension, il peut accepter la pension et refuser le remboursement des dommages-intérêts, ou il peut prendre le montant des dommages-intérêts et perdre son droit à la pension. Si la valeur capitalisée des dommages-intérêts est inférieure à celle de la pension, il peut encore accepter le montant des dommages-intérêts sans pension, ou vice versa, mais il faut dans ce cas toucher les dommages-intérêts plus une pension qui représenterait la différence entre la valeur capitalisée des dommages-intérêts et celle de la pension. C'est une question quelque peu compliquée, mais j'espère que mes commentaires auront contribués à la rendre plus claire dans une certaine mesure.

M. Guay (Saint-Boniface): Monsieur le président, je crois que tel était le cas que monsieur Whicher a porté à notre attention hier au sujet de la personne qui a été blessée à la hanche dans un accident et alors, lorsque la réclamation nous est parvenue, on a dû la

[*Texte*]

repayment that he was speaking of? Have you had a chance to look into that?

The Chairman: I think probably Mr. Ward is not in a position to answer that.

Mr. Ward: No, Mr. Chairman, I have not looked into it. The case has not been identified to me. I can only say, as I outlined, that if the capitalized value of the damages was less than the capitalized value of the pension then he could keep his damages but he would receive a lesser pension than he normally would be entitled to.

The Chairman: And it would depend very much on the specific case.

Mr. Ward: Yes.

The Chairman: It is not easy to make general comments on these things.

Mr. Ward: The recommendation is modified and, as outlined in the White Paper, it is proposed to modify the recommendation by retaining the present provisions of Sections 20, 21 and 22 but amending the Act to provide that where death or disability for which pension is payable is caused under these circumstances creating liability upon a third party and damages are recovered the widow or pensioner be permitted to retain a portion of the damages represented by special damages, pain and suffering, and loss of consortium.

Recommendation 91. The Woods Committee recommended the enactment of special legislation to refund damages, in other words a retroactive feature relating to their proposal contained in recommendation 90. There is no comparative benefit under the current system. This recommendation is not adopted.

Recommendation 92. The Woods Committee recommended a basic minimum 50 per cent pension for all former Hong Kong Force members. As you know, under the current system the amount of pension is dependent upon assessment of disability existing from time to time. There are features relating to this recommendation contained in the White Paper and the recommendation is accepted unchanged.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I think Mr. Ward's words were "all former Hong Kong veterans". Is there not a qualification? Does not each veteran have to have an assessable disability?

[*Interprétation*]

laisser de côté. Quel était le montant du remboursement dont il parlait? Avez-vous eu l'occasion d'y jeter un regard?

Le président: Monsieur Ward n'est probablement pas en mesure de nous répondre là-dessus.

M. Ward: Non, monsieur le président, je n'ai pas étudié la question. Ce cas ne m'a pas été présenté. Je peux seulement dire, comme je l'ai déjà souligné, que si la valeur capitalisée des dommages-intérêts était inférieure à la valeur capitalisée de la pension, il peut conserver ces dommages-intérêts et recevoir une pension moindre que celle à laquelle il aurait normalement droit.

Le président: Et cela dépendra beaucoup du cas particulier.

M. Ward: Oui.

Le président: Ce n'est pas facile de faire des commentaires d'ordre général sur ces choses.

M. Ward: La recommandation est modifiée, et comme on le souligne dans le Libre blanc, la recommandation retient les présentes dispositions des articles 20, 21 et 22, mais préconise la modification de la Loi afin de pourvoir à ce que, lorsque la mort ou l'invalidité ouvrant droit à pension survient dans des circonstances où une tierce partie est tenue responsable et doit verser des dommages-intérêts, la veuve ou le pensionné soit autorisé à retenir une partie des dommages-intérêts au titre de dommages spéciaux tels que la douleur, la souffrance ou la perte du conjoint.

Dans sa recommandation 91, le comité Woods recomande l'adoption d'une loi spéciale pour le remboursement des dommages-intérêts. En d'autres termes, il s'agit d'une mesure rétroactive basée sur la proposition contenue dans la recommandation 90. Il n'y a aucun avantage semblable en vertu du présent système. Cette recommandation est rejetée. A la recommandation 92, le comité Woods recommande une pension minimale de base de 50 p. 100 pour tous les anciens combattants de Hong-Kong. A l'heure actuelle, comme vous le savez, le montant de la pension est calculé d'après l'évaluation périodique du degré d'invalidité. Il y a un paragraphe se rapportant à cette recommandation dans le Livre blanc; elle est acceptée sans modification.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je crois que M. Ward a parlé de «tous les anciens combattants de Hong-Kong». Il n'y a pas de distinction? Ne faut-il pas que chaque ancien combattant souffre d'un certain degré d'invalidité?

[*Text*]

Mr. Ward: Yes, I am merely giving a synopsis of the recommendation. But the recommendation is accepted unchanged and is much broader than I...

Mr. Knowles (Winnipeg North Centre): But to eight veterans it makes a difference.

The Chairman: I believe the minister, in his testimony, indicated that all but eight of the Hong Kong Veterans have assessable disabilities. I do not think that when we get to the details there will be very many who fail to qualify.

Mr. Laniel: Mr. Chairman, perhaps Mr. Ward could tell us if this would also apply to other veterans who were prisoners of war for a long period in the Asian part of the world. Are "Hong Kong veterans" limited only to the Hong Kong Force?

Mr. Ward: Mr. Chairman, the recommendation of the Woods Committee was confined to Hong Kong veterans and the acceptance of that recommendation, as outlined in the White Paper, is also confined to Hong Kong veterans.

• 1115

The Chairman: I am sure this is a matter we will want to look at. I have a letter from an air force veteran who was taken prisoner of the Japanese in the fall of Singapore and was a prisoner of the Japanese for a comparable period. There may be others in that situation.

Mr. Ward: Recommendation 93. The Woods Committee recommended that widows of Hong Kong Force members be eligible for a Section 25 award on the basis of a irrebuttable presumption that death was attributable to service. This recommendation, as you know from the White Paper, is accepted in principle but there has been a modification made. It is felt that there should be legislation stronger than the provisions of Section 25 as the vehicle for authorization of these pension awards. As you know, Section 25 is a discretionary section giving the adjudicating authority discretion to pay. It was felt that this should not be a discretionary matter and perhaps that is one of the reasons, but not by any means the sole reason, that a separate vehicle is being used as coverage for this particular group. Another slight modification is that it appears the Woods Committee recommendation con-

[*Interpretation*]

M. Ward: C'est exact, je donne simplement un aperçu de la recommandation. Mais elle est acceptée et elle est beaucoup plus large que ...

M. Knowles (Winnipeg-Nord-Centre): Mais cela fait une différence pour huit anciens combattants ...

Le président: Je crois que le ministre a déclaré devant le Comité que tous les anciens combattants de Hong-Kong souffrent d'un certain degré d'invalidité, sauf huit. Je pense que lorsque nous aborderons les détails il n'y en aura pas beaucoup qui ne satisferont pas aux exigences.

M. Laniel: Monsieur le président, peut-être que M. Ward pourrait nous dire si cette disposition s'applique aussi à tous les autres anciens combattants qui furent prisonniers de guerre pendant une longue période en Asie. Est-ce que le terme «Ancien combattant de Hong-Kong» s'applique uniquement à l'armée de Hong-Kong?

M. Ward: Monsieur le président, la recommandation du comité Woods portait uniquement sur les anciens combattants de Hong-Kong, et la recommandation telle qu'acceptée dans le Livre blanc porte elle aussi sur les anciens combattants de Hong-Kong.

Le président: C'est un sujet auquel nous nous arrêterons certainement. Je possède une lettre d'un ancien combattant de l'aviation qui a été fait prisonnier au cours de la chute de Singapour et qui a été prisonnier des Japonais pendant une période semblable. Il y a certainement d'autres situations comparables.

M. Ward: Dans sa recommandation 93, le comité Woods préconise que les veuves des anciens combattants des forces de Hong-Kong soient admissibles à une pension en vertu de l'article 25 sur la base de la présomption irréfutable que la mort est due au service. Cette recommandation, telle que décrite dans le Livre blanc, est acceptée en principe, mais on a ajouté une modification. On a pensé que la loi devait être plus explicite que les dispositions de l'article 25 afin de permettre l'attribution d'une telle pension. Comme vous le savez l'article 25 consiste en une disposition discrétionnaire laissant à l'autorité responsable le soin de juger s'il doit y avoir pension ou pas. Nous avons crû bon de décider qu'il n'y avait pas là matière à discrétion. Et c'est peut-être là une des raisons, et non la seule, pour laquelle une autre disposition s'applique à ces cas particuliers. Une autre légère modifi-

[*Texte*]

fines this benefit to the widows of former Hong Kong veterans and the White Paper proposal will include the children.

Recommendation 94. The Woods Committee recommended certain procedures in order that the operation of the Medical Advisory Branch be expedited. There is quite a number of procedures, relating to such things as establishment of a clerical section in the Medical Advisory Branch, the use of medical secretaries for the medical advisors and things of that nature, and the recommendation is accepted unchanged.

Recommendation 95. The Woods Committee recommended that the role of the Commission's Medical Adviser be restricted to that of providing medical opinion to the Commission in regard to applications for pension. This recommendation is accepted in principle but there are some slight modifications. It is felt that the words "in regard to applications for pension" are too restrictive and should be deleted. The reason of course is that they operate and provide opinions in areas additional to applications for pensions, for example in the area of assessment, and the desire is not to restrict them to the role as suggested by the Woods Committee recommendation.

Recommendation 96. The Woods Committee recommended that the current white slip system be replaced by a "medical precis" system. Again, this recommendation is accepted in principle with some slight modification. Subsection (b) of the recommendation is modified to the extent that the medical adviser's precis shall furnish an opinion where appropriate, the reason for that of course being that it is senseless that it be mandatory for the medical adviser to furnish a medical opinion in a case in which medical opinion is not required, it being a case depending largely on facts and records.

Recommendation 97. The Woods Committee recommended a study to determine whether or not a section be established within the Commission to determine which cases should be submitted to the Medical Advisory Branch for opinion. This recommendation has been accepted unchanged.

Recommendation 98: The Woods Committee recommended that there be no change in the wording of Section 1 of the Pension Act. Section 1, as you know, merely states that this Act may be cited as the Pension Act and the recommendation has been accepted unchanged.

Recommendation 99: The Woods Committee recommended that Section 8 of the Pension

[*Interprétation*]

cation est celle de l'inclusion par le Livre blanc des enfants, alors que le rapport Woods semble restreindre cette disposition aux veuves.

A la recommandation 94, le comité Woods a recommandé certaines procédures afin d'accélérer les travaux de la Direction consultative médicale. Il y a un certain nombre de procédures relatives à des décisions telles que la mise sur pied d'un secrétariat à la Direction consultative médicale et l'emploi de secrétaires médicales destinées à aider aux médecins, et autres décisions de ce genre. La recommendation est acceptée telle quelle.

Recommandation 95. Le Comité Woods préconise que le rôle du conseiller médical se borne à donner une opinion médicale à la Commission en ce qui concerne les demandes de pensions. Cette recommandation est acceptée en principe, mais avec de légères modifications. Nous pensons que les mots «en ce qui concerne les demandes de pension» sont trop restrictifs et doivent être omis. La raison en est évidemment que les conseillers travaillent et se prononcent sur des domaines autres que celui des demandes de pension, comme par exemple dans le domaine de l'évaluation, et nous estimons souhaitable de ne pas les restreindre aux tâches citées par le comité Woods.

Dans sa recommandation 96, le comité Woods recommande que le régime actuel du feuillet blanc rédigé par un conseiller médical soit remplacé par un «précis médical». Encore une fois cette recommandation est acceptée en principe, avec quelques légères modifications. Le paragraphe (b) de la recommandation est modifié afin que le «précis» du conseiller médical fournisse une opinion lorsque celle-ci est nécessaire. La raison de cette modification est qu'il est insensé de demander à un conseiller médical de fournir une opinion médicale dans un cas où une telle opinion n'est pas requise, lorsqu'il s'agit par exemple d'un cas où les dossiers suffisent.

Recommandation 97. Le comité Woods recommande qu'une étude soit entreprise afin de déterminer si une section doit être établie au sein de la Commission pour signaler les cas qui doivent être soumis à l'examen de la Direction consultative médicale.

Recommandation 98: Le comité Woods recommande que l'on n'apporte aucune modification à l'article 1 de la Loi sur les pensions. L'article 1, comme vous le savez, ne fait que citer le nom sous lequel l'on désigne la Loi. Cette recommandation est acceptée telle quelle.

Recommandation 99: Le comité Woods recommande que l'article 8 de la Loi sur les

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Act be retained. Section 8 provides the Commission with power to make regulations and this recommendation has been accepted unchanged.

Recommendation 100: The Woods Committee recommended publication of Medical Advisory Branch directives. Under the current system there is publication of Medical Advisory Branch directives, but not to the extent envisaged by the Woods Committee and the recommendation has been accepted unchanged.

Recommendation 101: The Woods Committee recommended publication of pension law directives and this recommendation has been accepted unchanged.

Recommendation 102: The Woods Committee recommended publication of supplementary benefits directives. This recommendation also has been accepted unchanged.

Recommendation 103: The Woods Committees recommended administrative instructions be prepared and this recommendation has been accepted unchanged.

Recommendation 104: The Woods Committee recommended clothing allowance for bilateral amputees—the maximum rate for one amputation plus one-half of the maximum rate for the second amputation. Under the current provisions of Section 30 of the Pension Act clothing allowance is limited to a single amputation. This recommendation has been accepted in principle with the very slight modification that it be made quite clear that the additional clothing allowance relates only to a pensioned bilateral amputation.

Recommendation 105: The Woods Committee recommended clothing allowance when specially-tailored garments are required, such as severe arthritic cases where there is doubling up of the body or thoracoplasty where it has resulted in some chest deformity and specially-tailored clothing is required. This recommendation has been accepted unchanged.

• 1125

Recommendation 106: The Woods Committee recommended proportionate pension for a widow if a deceased pensioner was in receipt of less than 48 per cent and death was not attributable to service so that if a pensioner had a 40 per cent pension and his widow was unable to establish that death was attributable to service, she would then receive 40 per cent of the full widow's pension. Of course,

[*Interpretation*]

pensions soit conservé tel quel. L'article 8 pouvoit la Commission de l'autorité nécessaire à la promulgation de règlements. Cette recommandation est acceptée telle quelle.

Recommandation 100: Le comité Woods recommande que la Commission publie des directives exposant sa ligne de conduite en ce qui a trait au fonctionnement de la Direction consultative médicale. En vertu du système actuel il existe des directives mais elle n'ont pas la portée de celles envisagées par le comité Woods. La recommandation a été acceptée telle quelle.

Dans sa recommandation 101, le comité Woods préconise la publication des directives concernant la Loi sur les pensions et cette recommandation est acceptée sans modification.

Recommandation 102: Le comité Woods recommande la publication des directives au sujet des avantages supplémentaires, et cette recommandation est acceptée telle quelle.

Recommandation 103: Le comité Woods recommande que soient publiées des instructions régissant l'administration générale de la Commission. Cette recommandation est acceptée sans modification.

Recommandation 104: Le comité Woods recommande qu'un amputé bilatéral pensionné reçoive une allocation vestimentaire au taux maximum pour une amputation, plus la moitié du montant maximal pour sa seconde amputation. En vertu des dispositions actuelles de l'article 30 de la Loi sur les pensions, l'allocation vestimentaire est limitée à une amputation simple. Cette recommandation a été acceptée en principe, avec de légères modifications pour faire ressortir clairement que l'allocation supplémentaire n'est attribuable qu'à un pensionné qui à subi une amputation bilatérale.

Recommandation 105: Le comité Woods recommande qu'une allocation vestimentaire soit versée lorsque des vêtements sur mesure sont requis, soit dans des cas d'arthrite avancée, ou dans des cas où certaines opérations ont eu pour effet des déformations du thorax. Cette recommandation est acceptée sans modification.

Recommandation 106: Le comité Woods a recommandé que l'on verse une pension proportionnelle à la veuve d'un pensionné décédé qui touchait une pension de moins de 48 p. 100, et dont le décès n'est pas attribuable au service. Autrement dit, si un pensionné touchait une pension de 40 p. 100, et que sa veuve n'a pu faire établir que le décès était attribuable au service, elle toucherait 40 p.

[*Texte*]

she would receive full widow's pension if she could establish that death was attributable to service. Under the current system, of course, widows of pensioners who were in receipt of a pension 48 per cent or higher, virtually automatically receive full widow's pension and widows who are able to establish that their husbands' deaths were attributable to service will receive full widow's pension. Those widows whose husbands died from a pension condition, even if it were a 10 per cent pension, receive full pension. The recommendation of the Woods Committee in this area has not been accepted.

Recommendation 107: The Woods Committee recommended that pension continue for dependent parents, brothers and sisters on death of pensioned member of the forces. This recommendation has not been accepted.

Mr. Knowles (Winnipeg North Centre): What is the present situation in that respect?

Mr. Ward: The present situation is rather complex, sir. I will put it as simply as I can. In order for dependent parents to receive a pension award the death of the pensioner must have been attributable to service, the parent must be in a dependent condition and wholly or to a substantial extent maintained by the pensioner at the time of death. Virtually the same provision applies for the brothers and sisters of the deceased pensioner.

Of course, if the pensioner left a widow or a divorced wife these provisions do not apply in the case of dependent parents.

Mr. Weatherhead: Mr. Chairman, what is the reason for the White Paper's decision in this regard? I would not think there would be too many people involved or too much money involved in this particular dependency of parents—aged parents—or completely dependent brothers and sisters.

The Chairman: I wonder, Mr. Ward, if you have no comment if this question might be deferred by Mr. Weatherhead and put to other witnesses?

Mr. Knowles (Winnipeg North Centre): Is there not some other section in the Pension Act under which grants or allowances are made in these cases?

Mr. Ward: Compassionate pension awards under Section 25 is a catch-all section.

[*Interprétation*]

100 de la pension complète de veuve. Bien entendu, si elle pouvait faire établir que le décès était attribuable au service, elle toucherait la pension complète de veuve. Selon le régime actuel, bien sûr, les veuves de pensionnés qui touchaient une pension de 48 p. 100 ou plus reçoivent presque automatiquement la pension complète de veuve, et les veuves qui parviendront à faire établir que le décès de leur mari était attribuable au service toucheront la pension complète de veuve. Les veuves dont le mari est mort d'une affection donnant droit à pension, même si ce n'était qu'une pension de 10 p. 100, touchent la pension complète. La recommandation du Comité Woods à cet égard n'a pas été acceptée.

Recommandation 107: Le comité Woods a recommandé que l'on maintienne la pension versée au père, à la mère, aux frères ou aux soeurs à charge d'un membre pensionné des forces armées après le décès de ce dernier. Cette recommandation n'a pas été acceptée.

M. Knowles (Winnipeg-Nord-Centre): Quelle est actuellement la situation à cet égard?

M. Ward: La situation actuelle est assez complexe, monsieur. Je vais vous l'exposer en termes aussi simples que possible. Pour qu'un père ou une mère à charge aient droit à une pension, il faut que le décès du pensionné soit attribuable au service, et qu'au moment du décès, le père ou la mère soient à charge du pensionné et entretenus complètement, ou dans une large mesure, par ce dernier. Une disposition quasiment semblable s'applique aux frères et aux sœurs du pensionné décédé.

Bien entendu, si le pensionné a laissé une veuve ou une épouse divorcée, ces dispositions ne s'appliquent pas dans le cas des parents à charge.

M. Weatherhead: Monsieur le président, j'aimerais savoir ce qui a motivé la décision prise à cet égard lors de la préparation du Livre blanc. Je doute fort qu'il y ait trop de gens ou trop d'argent en cause dans ce cas bien particulier des parents âgés à charge ou des frères et sœurs entièrement à charge.

Le président: Si vous n'avez pas d'observations à faire à cet égard, monsieur Ward, peut-être M. Weatherhead pourrait-il garder sa question pour plus tard et la poser à d'autres témoins?

M. Knowles (Winnipeg-Nord-Centre): N'y a-t-il pas dans la Loi sur les pensions quelque autre article qui prévoie le versement d'allocations ou d'indemnités dans ces cas-là?

M. Ward: L'article 25, qui prévoit l'octroi d'allocations de compassion, englobe tous les cas.

[*Text*]

Mr. Knowles (Winnipeg North Centre): And dependent parents of deceased veterans do get awards under that?

Mr. Ward: They may very well.

Mr. Weatherhead: Mr. Chairman, does Mr. Ward have any information on the amount of money involved in these annual dependents' awards to parents and brothers and sisters at this time?

The Chairman: Go ahead, Mr. Ward.

Mr. Ward: The amount of the award for a dependent parent when the pensioner was of the rank of colonel or below is $1,632 per

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year. If the pensioner held the rank of brigadier-general or higher the dependent parent receives $2,160 per year. These are maximum amounts, they could be lesser.

The Chairman: But, I believe, Mr. Weatherhead is looking at the potential burden on the Treasury for the modification of this Section as the Woods Committee recommended. May I suggest, Mr. Weatherhead, you make a note of this and possibly, if the Committee wished, we could get some research assistance in preparing the estimates at a later point.

Mr. Ward: Recommendation 108: The Woods Committee recommended that pension on behalf of children be continued to the age of 25 when undergoing a course of instruction. Under the current system, as you know, the normal cut-off date for additional pension on behalf of children is at the age of 16 for a boy and at the age of 17 for a girl, but may be continued to the age of 21 if the child is attending an approved course of instruction. This recommendation was not accepted.

The Chairman: It was not accepted?

Mr. Ward: It was not accepted.

Mr. Weatherhead: Mr. Chairman, is that, again, a matter of government policy? Can we discuss that at all at this stage? Can Mr. Ward discuss why we should not be continuing to support these children in higher education?

Mr. Bigg: We do up to age 21.

[*Interpretation*]

M. Knowles (Winnipeg-Nord-Centre): Et les parents à charge des anciens combattants décédés reçoivent une allocation en vertu de cet article?

M. Ward: C'est fort possible.

M. Weatherhead: Monsieur le président, M. Ward pourrait-il nous dire quel montant on verse chaque année sous forme d'allocations, à l'heure actuelle, aux parents, aux frères et aux soeurs?

Le président: Monsieur Ward, vous avez la parole.

M. Ward: Le montant de l'allocation versée à un père ou une mère à charge est, dans le cas d'un pensionné qui avait le rang de colonel ou un grade inférieur, de $1,632 par an. Si le pensionné avait le rang de brigadier-général ou un grade supérieur, le père ou la mère à charge reçoivent $2,160 par an. Ce sont là les montants maximum, mais ils peuvent être inférieurs.

Le président: Mais je crois que M. Weatherhead cherche à savoir ce que cela coûterait au Trésor si l'on modifiait cet article conformément aux recommandations du Comité Woods. Je vous propose, monsieur Weatherhead, d'en prendre note, et nous pourrions peut-être, si le Comité le désire, obtenir que l'on fasse pour nous les recherches qui nous permettront, par la suite, de faire une évaluation des coûts.

M. Ward: Recommandation 108: le Comité Woods a recommandé que l'on prolonge la pension versée à l'égard d'un enfant qui suit un cours d'enseignement jusqu'à ce qu'il ait atteint l'âge de 25 ans. Selon le régime actuel, vous le savez, on cesse normalement de verser la pension supplémentaire accordée à l'égard des enfants lorsqu'un garçon atteint l'âge de 16 ans, et une fille, l'âge de 17 ans, mais la pension peut être prolongée jusqu'à ce que l'enfant atteigne l'âge de 21 ans, s'il suit un cours d'enseignement approuvé. Cette recommandation n'a pas été acceptée.

Le président: Elle n'a pas été acceptée?

M. Ward: Non.

M. Weatherhead: Monsieur le président, est-ce qu'il s'agit, ici encore, de politique gouvernementale? Pouvons-nous en discuter à ce stade? M. Ward pourrait-il nous dire pourquoi nous ne continuerions pas à subvenir aux besoins des enfants qui font des études supérieures?

M. Bigg: Nous subvenons à leurs besoins jusqu'à ce qu'ils atteignent l'âge de 21 ans.

[*Texte*]

Mr. Weatherhead: Yes, but the recommendation, Mr. Bigg, was to age 25, I think, which, Mr. Chairman, would make sense to me so that people half-way through university or post-university professional courses...

Mr. Laniel: Mr. Chairman, on a point of order. I do not think at this time we should go into the question of opinions or have a discussion on the basis of a decision. Actually, Mr. Ward is in front of us to present us with the comparisons between the recommendations of the Woods Committee and the decisions of the Department and not necessarily to defend the decisions of the Department.

The Chairman: If Mr. Ward has any comment he wants to make, certainly he is welcome to do so, but he is not under any obligation to comment because there may be good reasons why other people in the Department should offer testimony on this kind of thing.

Mr. Ward: I could sort of go it alone, if you wish, but I will have to take the consequences if I go too far. Certainly there are several factors, but I can say while not being the sole factor, it is generally considered that additional pension on behalf of children to the disabled pensioner, is paid to assist him in carrying out his responsibilities to those to whom he owes a duty of maintenance and because he has a disability which lessens his ability to carry out that duty, additional pension on behalf of children is paid. However, I think many people agree that a parent's responsibility, hopefully my responsibility, ceases when a child reaches the age of 21.

Mr. Weatherhead: It ceases at 16, legally.

Mr. Bigg: Our budget is limited, but I would rather see a larger amount for the children in high school who need it to prevent them from being dropouts than for post-graduate training for people who already have a B.A.

An hon. Member: That is right.

Mr. Weatherhead: Mr. Chairman, perhaps Mr. Reynolds could make a note of these two Recommendations, 107 and 108, and we might discuss them later on sometime.

The Chairman: I am sure he already has made a note of those.

[*Interprétation*]

M. Weatherhead: Oui, mais la recommandation, monsieur Bigg, mentionnait l'âge de 25 ans, je crois, ce qui semble raisonnable, monsieur le président, car cela permettrait à ceux qui sont à mi-chemin de leurs études supérieures ou qui suivent des cours d'enseignement professionnel post-universitaire...

M. Laniel: Monsieur le président, une question de Règlement. Il ne me semble pas que nous devions, à ce stade, exprimer un avis ou discuter une décision. En fait, M. Ward est ici pour nous présenter une comparaison entre les recommandations du Comité Woods et les décisions du Ministère, et pas forcément pour prendre la défense des décisions du Ministère.

Le président: Si M. Ward a des observations à faire, nous les entendrons avec plaisir, mais qu'il ne s'y croie surtout pas obligé, car il y a peut-être de bonnes raisons pour que d'autres représentants du Ministère répondent à ce genre de question.

M. Ward: Je peux en prendre la responsabilité, si vous voulez, mais, si je vais trop loin, il faudra que j'en subisse les conséquences. Assurément, plusieurs facteurs entrent en jeu; mais, si ce n'est pas le seul facteur, on considère généralement que l'on verse au pensionné invalide une pension supplémentaire à l'égard de ses enfants pour l'aider à s'acquitter de ses responsabilités envers ceux qu'il a le devoir d'entretenir; étant donné que son invalidité l'empêche dans une certaine mesure de s'acquitter de ce devoir, on lui verse une pension supplémentaire à l'égard de ses enfants. Toutefois, bien des gens conviennent que la responsabilité des parents—et j'espère que c'est mon cas—prend fin quand l'enfant atteint l'âge de 21 ans.

M. Weatherhead: Légalement, elle prend fin quand l'enfant atteint l'âge de 16 ans.

M. Bigg: Notre budget est limité, et je préférerais voir l'argent aller aux élèves du secondaire qui en ont besoin, sous peine de devoir abandonner leurs études, qu'à des étudiants qui ont déjà un baccalauréat et qui veulent simplement suivre des cours d'enseignement supérieur.

Une voix: Exactement.

M. Weatherhead: Monsieur le président, peut-être M. Reynolds pourrait-il prendre note de ces deux recommandations—107 et 108—pour que nous y revenions plus tard.

Le président: Je suis certain qu'il l'a déjà fait.

[*Text*]

• 1135

Mr. Guay (St. Boniface): He probably could make a note of what Mr. Bigg said, too, which was important.

The Chairman: I think when we come to making our own recommendations we will discuss these at some length.

Mr. Ward, I know we have pressed you, but are you prepared to go very much further in terms of these recommendations today? How far do you feel you can go?

Mr. Ward: I will deal with two more, Mr. Chairman.

The Chairman: All right.

Mr. Ward: Recommendation 109: The Woods Committee recommended that pension continue for 12 months following a pensioner's death if additional pension was in payment on behalf of a wife, child or parent. Under the current system pension ceases upon the death of a pensioner, but if additional pension was in payment on behalf of a wife, child or parent his pension ceases then on the first day of the month following his death. Then, too, the present provisions of the Act provide for a lump sum payment of additional pension equivalent to one year to the children of the deceased pensioner when additional pension was in payment on behalf of the child. This recommendation has not been accepted.

Recommendation 110: The Woods Committee recommended attendance allowance continue for two months after pensioner's death and be paid to the widow. Under the current system the allowance ceases on the death of the pensioner, but if there was additional pension payment on behalf of the wife, on the first day of the next month. The recommendation has been modified. It has been accepted that in many cases an attendance allowance during the pensioner's lifetime was an integral part of the family income and that the widow may require some time to adjust to her changed economic circumstances brought about by this sudden and drastic event. The recommendation has been modified to the extent that it will be continued for one month. It has been modified further to include children because it would appear from the Woods recommendation that the benefits of this proposal, whether it be two months, one month or any other amount, would be limited to the widow and it has

[*Interpretation*]

M. Guay (Saint-Boniface): Peut-être pourrait-il aussi prendre note des observations de M. Bigg, qui sont importantes.

Le président: Je pense qu'au moment où nous préparons nos propres recommandations, nous discuterons assez longuement de tout cela.

Monsieur Ward, je sais que nous vous avons un peu bousculé, mais êtes-vous prêt à aller beaucoup plus loin, aujourd'hui, dans l'exposé de ces recommandations? Jusqu'où pensez-vous pouvoir aller?

M. Ward: Je vais vous exposer deux autres recommandations, monsieur le président.

Le président: D'accord.

M. Ward: Recommandation 109: Le Comité Woods a recommandé que la pension continue à être versée pendant une période de douze mois après le décès d'un pensionné qui recevait une pension supplémentaire à l'égard de son épouse, de ses enfants, de son père ou de sa mère. Selon le régime actuel, le versement de la pension cesse au décès du pensionné, mais si ce dernier recevait une pension supplémentaire à l'égard de son épouse, de ses enfants, de son père ou de sa mère, le versement de la pension cesse le premier jour du mois qui suit son décès. D'autre part, la Loi actuelle prévoit un versement global de la pension supplémentaire, d'un montant équivalent à la pension d'une année, aux enfants du pensionné décédé lorsque la pension supplémentaire était versée à l'égard des enfants. Cette recommandation n'a pas été acceptée.

Recommandation 110: Le Comité Woods a recommandé que l'allocation de soins continue à être versée à la veuve pendant une période de deux mois après le décès du pensionné. Selon le régime actuel, le versement de l'allocation cesse au décès du pensionné, mais si ce dernier recevait une pension supplémentaire à l'égard de son épouse, le versement cesse le premier jour du mois qui suit le décès. La recommandation a été modifiée. Il a été reconnu que, dans de nombreux cas, une allocation de soins durant la vie du pensionné fait partie intégrale du revenu de la famille et que la veuve a besoin d'un certain délai pour s'adapter à sa nouvelle situation économique du fait de la mort de son mari. La recommandation a été modifiée de façon à prolonger la période d'un mois. Elle a été de plus modifiée afin d'inclure les enfants car d'après la recommandation les avantages de cette proposition, soit l'obtention d'un mois ou deux mois de prolongation seraient restreints à la veuve, c'est pourquoi il a été proposé de

[*Texte*]

been proposed to modify the Woods recommendation to include children.

The Chairman: Are there any questions? As Mr. Ward has indicated, he has covered 110 recommendations out of a total of 148 and, I think, we owe him a vote of thanks. We should complete the rest of them when it is convenient, possibly next week. We have some witnesses lined up, but it is just possible that they will no take all the time that has been allocated to them. Possibly we could complete the rest of the discussion and the review after one of the organizations appearing before us next week has terminated its presentation.

Mr. Laniel: Mr. Chairman, I would not want to impose—110 is a nice round figure—but 115 would finish this section.

• 1140

The Chairman: I think there are some problems that Mr. Ward would like to review before he goes any further.

Mr. Laniel: Oh, I thought it was just a question of...

The Chairman: No, I think there is a technical problem or something like that.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, perhaps my question should be directed to Mr. Reynolds. The other day, I think, when the Minister was before us, Mr. Saltsman asked some questions about Hong Kong veterans, the number who are drawing pensions of 50 per cent—48 per cent or 50 per cent—or over—and then a breakdown of those that are below that. In other words, we would like to know how many are affected by the proposal, what the cost would be and also how many potential widows are brought into the picture. All I am asking now is whether a note was taken of that, and these figures will be given to us later on.

Mr. Reynolds: I understand that Mr. Anderson, Chairman of the Canadian Pension Commission, has some figures along these lines for you now. Is that right, Mr. Anderson?

Mr. T. D. Anderson (Chairman, Canadian Pension Commission): Yes, that is right.

Mr. Reynolds: Would you like him to give them to you now?

Mr. Knowles (Winnipeg North Centre): Yes, if that suits the Chairman and the Committee.

[*Interprétation*]

modifier la recommandation afin d'en faire bénéficier les enfants.

Le président: Y a-t-il d'autres questions? M. Ward vous a parlé de 110 recommandations sur un total de 148, je crois que nous devons l'en remercier. Nous terminerons l'étude des autres recommandations dès que possible, la semaine prochaine peut-être. Nous avons plusieurs témoins à entendre et il se peut qu'ils ne prennent pas tout le temps qui leur a été alloué. Nous pourrons peut-être conclure et faire la récapitulation lorsque l'un des organismes qui doit se présenter devant nous la semaine prochaine aura terminé son exposé.

M. Laniel: Monsieur le président, je ne voudrais pas abuser et 110 recommandations ce n'est déjà pas si mal, mais si nous nous rendions à 115 cette partie serait terminée.

Le président: Je crois qu'il existe quelques problèmes que M. Ward voudrait revoir avant de poursuivre.

M. Laniel: Je pensais qu'il ne s'agissait que d'une question de..

Le président: Je crois qu'il s'agit d'un problème technique ou quelque chose du genre.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je devrais peut-être poser ma question à M. Reynolds. L'autre jour, quand le Ministre nous a parlé, M. Saltsman a posé plusieurs questions au sujet des anciens combattants de Hong-Kong, sur le nombre de ceux qui retiraient des pensions de 50 p. 100, 48 p. 100 et plus, ainsi que le détail de ceux qui reçoivent moins. En d'autres termes, combien d'entre eux seront touchés par la proposition, quel en sera le coût et le nombre de veuves éventuelles qui seront affectées. Tout ce que je demande pour l'instant c'est de savoir s'il en a été tenu compte et si ces chiffres nous seront communiqués.

M. Reynolds: Je crois que le président de la Commission canadienne des pensions, M. Anderson, dispose de quelques chiffres à ce sujet. N'est-ce pas Monsieur Anderson?

M. T. D. Anderson (président de la Commission canadienne des pensions): Oui, c'est exact.

M. Reynolds: Voulez-vous qu'il vous les présente maintenant?

M. Knowles (Winnipeg-Nord-Centre): Oui, si cela convient au président et au comité.

[*Text*]

The Chairman: Fine. Mr. Anderson, would you like to come forward? I suggest that you go to one of the corner microphones, if that is convenient. There is one right by Mr. Bigg, if that suits you.

Mr. Anderson: Mr. Chairman, two questions were asked. The first one was the number of Hong Kong veterans who are pensioners and who at present are in receipt of pensions below 48 per cent and a breakdown as to categories, such as 10 per cent, and so on. Here are the figures on that as of November 26, 1968, a year ago.

Those receiving 45 per cent, just two; those receiving 40 per cent, 97; those receiving 35 per cent, 77; those receiving 30 per cent, 87; those receiving 25 per cent, 41; those receiving 20 per cent, 49; those receiving 15 per cent, 18; those receiving 10 per cent, 15; those receiving 5 per cent, 9.

The Chairman: How many in total, Mr. Anderson?

Mr. Anderson: Three hundred and ninety-five.

Mr. Knowles (Winnipeg North Centre): Those receiving nothing, eight; those who are not receiving a pension at all.

Mr. Anderson: Yes. I think it should be pointed out at this stage, though, Mr. Chairman, that some of these people have never come near us or even applied for a pension, we do not even know where they are, so it would be difficult under those circumstances to pay them a pension.

The other question had to do with the cost of this proposal with regard to the Hong Kong veterans. This is a very difficult question to answer because one does not know when the Hong Kong veteran who is now married is going to die and when the matter of a pension for the widow is going to occur. You do not know how many of these widows are going to stay on pension and for how long because when they remarry, of course, they no longer receive a widow's pension. There are so many ifs, ands and buts in connection with this that it is almost impossible to give a figure. However, the only figure we arrived at...

Mr. Bigg: A maximum figure.

Mr. Anderson: Yes, this is what I was going to say. The only figure we could arrive at was the maximum and the estimate of the total cost of the entire program, in terms of an annual liability if everybody went on pension at the same time, would be $1,712,400. I

[*Interpretation*]

Le président: Très bien. Monsieur Anderson voulez-vous poursuivre? Je vous suggère de vous placer près du microphone du coin si cela vous convient. Il y en a un à la droite de M. Bigg.

M. Anderson: Monsieur le président, deux questions ont été posées, la première se rapportait au nombre d'anciens combattants de Hong-Kong qui sont pensionnés et dont les pensions sont inférieures à 48 p. 100 et la deuxième portait sur le détail des catégories comme celle de 10 p. 100 et ainsi de suite. Voici les données en cours à la date du 26 novembre 1968, il y a un an.

Il n'y a que deux anciens combattants de Hong-Kong qui reçoivent 45 p. 100, 97 reçoivent 40 p. 100, 77 reçoivent 35 p. 100, 87 reçoivent 30 p. 100, 41 reçoivent 25 p. 100, 49 reçoivent 20 p. 100, 15 reçoivent 10 p. 100, et 9 reçoivent 5 p. 100.

Le président: Combien au total, M. Anderson?

M. Anderson: Trois cents quatre-vingt-quinze.

M. Knowles (Winnipeg-Nord-Centre): Il y en a huit qui ne reçoivent rien. Ils ne reçoivent aucune pension.

M. Anderson: Oui. Cependant, on doit faire remarquer sur ce point que certains d'entre eux ne nous ont jamais abordés et n'ont jamais demandé de pensions. Nous ne savons même pas où elles sont; dans ces circonstances il serait assez difficile de leur verser une pension.

L'autre question se rapporte au coût de cette proposition qui a trait aux anciens combattants de Hong-Kong. Il est difficile de répondre à cette question parce que personne ne sait quand l'ancien combattant de Hong-Kong maintenant marié doit mourir et quand le versement de la pension accordée à sa veuve entrera en jeu. Il n'est pas possible de préciser combien de ces veuves vont continuer de toucher la pension et pendant combien de temps, car, si elles se remarient, le versement de la pension est arrêté. Il y a tant de «si» et de «mais» à ce sujet qu'il est presque impossible d'établir des chiffres. Le seul chiffre que nous pouvons donner c'est...

M. Bigg: Le chiffre maximum.

M. Anderson: Oui, c'est ce que j'allais dire. Le chiffre que nous pouvons établir, c'est le chiffre maximum et le coût total approximatif de l'ensemble du programme, en termes de dépenses annuelles, si chacun prenait sa pension en même temps, atteindrait $1,712,400. Je

[*Texte*]

would think that if half of that were the actual liability, that would probably be a fairly reasonable estimate.

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Mr. Knowles (Winnipeg North Centre): You are giving us the cost per year?

Mr. Anderson: Yes, that is an annual liability.

The Chairman: Is that a liability for widows only, Mr. Anderson?

Mr. Bigg: Including the increase in pension?

Mr. Anderson: Yes, that is covering 51 widows.

The Chairman: What about the additional pension benefits bringing everyone up to 50 per cent? Do you have a figure for that?

Mr. Anderson: No, unfortunately we have not. At least, I do not have it here. I think there is one in the estimates that were prepared. Mr. McCallum may have that figure.

The Chairman: I think I saw Mr. Laniel with his hand up a minute ago.

Mr. Laniel: Mr. Chairman, I have a question...

Mr. Knowles (Winnipeg North Centre): Would Mr. Anderson make this just a little clearer. He shows it as 51 widows, and it would cost this much?

Mr. Anderson: No, the 51 widows are the number of widows who at the moment are not in receipt of pension because the pensioners at the time of their death were not receiving a pension at the rate of 48 per cent or higher or did not die from their pensionable disabilities.

Mr. Knowles (Winnipeg North Centre): They are included in this figure?

Mr. Anderson: Yes, that is right. That group of 51 would become entitled to pension immediately this goes into effect, you see.

The Chairman: In other words, it would include these widows who are not eligible at present, plus an estimate of potential liability under the clause for those who are not yet widows or survivors.

Mr. Anderson: That is right.

[*Interprétation*]

pense que la moitié de cette somme représenterait la dépense réelle; il me semble que ce serait à peu près cela.

M. Knowles (Winnipeg-Nord-Centre): Nous donnez-vous le coût annuel?

M. Anderson: Oui, c'est le coût annuel.

Le président: Est-ce le coût relatif aux veuves seulement, Monsieur Anderson?

M. Bigg: Y compris l'augmentation de la pension?

M. Anderson: Oui, ce chiffre est relatif à 51 veuves.

Le président: Qu'en est-il des bénéfices de pension supplémentaires du fait que chacun aura droit à 50 p. 100? Avez-vous quelques chiffres là-dessus?

M. Anderson: Non, malheureusement nous n'en avons pas. Du moins nous n'en avons pas ici. Je pense que la réponse se trouve dans les calculs approximatifs que nous avons préparés. Peut-être que Monsieur McCallum possède ce renseignement.

Le président: Je crois que M. Laniel a levé la main ..

M. Laniel: Monsieur le président, j'ai une question...

M. Knowles (Winnipeg-Nord-Centre): Monsieur Anderson pourrait-il nous expliquer cela davantage. Le nombre de veuves est seulement de 51 et cela coûterait aussi cher?

M. Anderson: Non, les 51 veuves représentent le nombre de veuves qui pour le moment ne reçoivent aucune pension du fait que les pensionnés, au moment de leur mort, ne recevaient pas de pension au taux de 48 p. 100 ou plus, ou ceux dont la mort n'a pas été causée par une affection ouvrant droit à pension.

M. Knowles (Winnipeg-Nord-Centre): Elles sont comprises dans ce chiffre?

M. Anderson: Oui, c'est juste. Les 51 veuves auraient droit à la pension dès que cette recommandation entrerait en vigueur.

Le président: C'est à dire qu'il comprendrait les veuves qui ne sont pas admissibles pour le moment, plus une évaluation des dépenses éventuelles en vertu de l'article à l'égard de celles ou ceux qui ne sont pas encore veuves ou survivants.

M. Anderson: Oui, c'est bien cela.

[*Text*]

The Chairman: Does that answer your question, Mr. Knowles?

Mr. Knowles (Winnipeg North Centre): In other words, this is a potential liability for widows per year for the length of time these widows live?

Mr. Anderson: That is right. It is the maximum potential.

The Chairman: It is not an estimate of the cost of increasing the basic pension. That is a separate figure?

Mr. Anderson: That is correct.

The Chairman: Mr. Laniel.

Mr. Laniel: My question to Mr. Anderson is not related to these figures. It is on a point of clarification. From what I read in the White Paper concerning the 50 per cent that will be given to the Hong Kong veterans, and it is set as a basic minimum pension, does that mean for any other entitlement the Canadian Pension Commission will start at that 50 per cent basic and any additional entitlement would bring the pension over and above that or will this 50 per cent minimum still authorize the Canadian Pension Commission to establish some kind of a separate file that would give you a chance to keep track of the medical condition of a veteran and the rating or the category of pension would still follow that secondary file until, on medical examination, a pensioner has finally reached the 50 per cent?

Mr. Anderson: Perhaps the best way to explain this, Mr. Chairman, is in this manner. First of all, immediately this legislation goes into effect every Hong Kong veteran who has an assessable degree of disability will immediately go to a maximum of 50 per cent. That is step number one. As the Minister pointed out, this will be done under separate legislation. It will not be done under the Pension Act. There will be separate legislation to provide that the Hong Kong veteran will automatically, if he has an assessable degree of disability, receive 50 per cent pension.

The next step. Supposing six months, a year or two years after he feels that his disability has increased to something which might well be beyond 50 per cent, he would ask for a medical examination, he would be called in for a medical examination and if he were

[*Interpretation*]

Le président: Est-ce que cela répond à votre question, Monsieur Knowles?

M. Knowles (Winnipeg-Nord-Centre): En d'autres termes, c'est une dépense annuelle qu'on verserait eventuellement aux veuves pour le reste de leur vie?

M. Anderson: Oui, c'est la dépense éventuelle maximale.

Le président: Ce n'est pas le chiffre approximatif de ce qu'il en coûtera d'accroître la pension de base. Cest un chiffre distinct?

M. Anderson: Oui.

Le président: Monsieur Laniel.

M. Laniel: La question que je veux poser à M. Anderson ne se rapporte pas à ces données. Je voudrais éclaircir un certain point. D'après ce que j'ai lu dans le Livre blanc, au sujet des 50 p. 100 qui seront accordés aux anciens combattants de Hong-Kong, pourcentage qui constitue le minimum pour la pension, cela signifie-t-il que, pour toute autre admissibilité, la Commission canadienne des pensions partira de ce pourcentage de base de 50 p. 100 et que toute admissibilité supplémentaire pourra porter la pension au-dessus de ce niveau? Ou est-ce que ce minimum de 50 p. 100 permettra encore à la la Commission canadienne des pensions d'établir une sorte de dossier distinct qui permettrait de suivre l'état de santé d'un ancien combattant de sorte que le taux et la catégorie de la pension dépendrait de ce dossier secondaire jusqu'à ce que, après un examen médical, le pensionné ait finalement atteint ce taux de 50 p. 100?

M. Anderson: Voici peut-être la meilleure manière d'expliquer ce point, monsieur le président. Tout d'abord, et immédiatement à la suite de l'entrée en vigueur de la loi, tout ancien combattant de Hong-Kong qui souffre d'un taux d'invalidité pouvant être déterminé pourra prétendre immédiatement à un taux maximum de 50 p. 100. C'est la première étape. Comme le Ministre a indiqué, cela se fera en vertu d'une mesure législative distincte et non pas en vertu de la Loi sur les pensions. Il faudra promulguer une mesure législative distincte aux termes de laquelle tout ancien combattant de Hong-Kong dont le degré d'invalidité est appréciable recevra automatiquement une pension à 50 p. 100.

L'étape suivante est celle-ci: supposons que six mois, un ou deux ans après, il estime que son invalidité s'est aggravée bien au delà de 50 p. 100, il demandera un nouvel examen médical. Et s'il peut, lors de cet examen, faire état de cette aggravation, son degré d'invali-

[*Texte*]

able to establish this on the basis of the medical evidence which was found at that time, his assessment would go up to 60 per cent, 70 or whatever the assessable degree of disability amounted to in accordance with the medical evidence.

Mr. Laniel: May I give you an example of what I mean. Take the case of a Hong Kong veteran who was in receipt of a 20 per cent disability pension which was only partly based on the condition of avitaminosis, but his condition changes in such a way that he

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could be awarded another 10 per cent on the basis of a medical examination, would that additional 10 per cent increase his pension to 60 per cent? Or, if he was receiving a 25 per cent pension, do you keep a medical file that will bring his 25 per cent to 35 per cent? By your separate legislation he would still receive 50 per cent as the minimum basis. This is what I am trying to establish.

Mr. Anderson: Yes, I understand what you are getting at. Unless there is some further amendment to the legislation I presume that the individual, in order to get more than 50 per cent, would have to establish that his disability was more than 50 per cent. You see, he is given a 50 per cent pension regardless of whether his pension is only 10 per cent. Once he gets that, then unless there is a change in the existing legislation and the proposed legislation, he would have to establish a disability of more than 50 per cent before we could pay him more than 50 per cent.

Mr. Laniel: On medical examination?

Mr. Anderson: That is right, sir.

The Chairman: Are there any other questions anyone wants to ask Mr. Anderson in this regard? If not, thank you, Mr. Anderson.

Mr. Laniel: Which actually corresponds to the recommendations of the Committee two years ago.

The Chairman: No. Is there any other matter anyone wants to raise at this point? If not, I believe, Mr. Reynolds, we hear the first of the veterans' organizations with Mr. Kohaly, this afternoon.

Mr. Reynolds: That is right.

The Chairman: At 2 o'clock.

Mr. Laniel: Mr. Chairman, before we start hearing the representative of the veterans'

[*Interprétation*]

dité pourrait être établi à 60 ou 70 p. 100, ou plus selon l'avis du médecin.

M. Laniel: Pourrais-je expliquer, par un exemple, ce que je veux dire. Prenons l'exemple d'un ancien combattant de Hong-Kong qui reçoit une pension d'invalidité à 20 p. 100 accordée en partie seulement à la suite d'une avitaminose, mais dont l'état de santé s'altère de telle façon qu'il pourrait, à la suite d'un examen médical, bénéficier d'une autre augmentation de 10 p. 100. Est-ce que sa pension sera alors portée à 60 p. 100? S'il bénéficie d'une pension à 25 p. 100, établit-on un dossier médical où les 25 p. 100 seraient portés à 35 p. 100? En promulguant une mesure législative distincte, sa pension de base minimale serait quand même établie à 50 p. 100. Voilà ce que j'essaie de faire comprendre.

M. Anderson: Oui, je comprends ce que vous voulez dire. A moins que la mesure législative ne soit modifiée de nouveau, je suppose que pour qu'une personne soit pensionnée à plus de 50 p. 100, il faudrait qu'elle établisse que son degré d'invalidité dépasse 50 p. 100. Voyez-vous, elle bénéficie d'une pension à 50 p. 100, même si sa pension n'est que de 10 p. 100 à l'heure actuelle. Une fois qu'il touchera cette pension, à moins de modifications à la présente loi et à la loi qu'on se propose d'adopter, il devra faire état d'une invalidité à plus de 50 p. 100 avant de toucher une pension de plus de 50 p. 100.

M. Laniel: Après examen médical?

M. Anderson: C'est exact.

Le président: Avez-vous d'autres questions à poser à M. Anderson à cet égard? Sinon, il me reste à remercier M. Anderson

M. Laniel: Cela correspond en fait aux recommandations qu'a faites le Comité il y a deux ans.

Le président: Non. Y a-t-il d'autres questions que vous désireriez soulever maintenant? Sinon, je crois, monsieur Reynolds, que nous pourrions donner la parole au représentant de l'Association des anciens combattants, M. Kohaly, cet après-midi.

M. Reynolds: Oui.

Le président: A deux heures.

M. Laniel: Monsieur le président, avant d'entendre le représentant de l'Association des

[*Text*]

association, I have a question which I do not know whether Mr. Ward can answer. Sir, could you tell us if the veterans' associations have been informed of the decisions of the Department or of the Pension Commission towards all these recommendations, acceptance or refusal and so on? I ask because we will be receiving this afternoon a presentation and brief that will more or less cover areas that have been decided upon. I think time would be lost and it is regrettable if the associations did not get that information in due time.

Mr. Ward: As I understand it the information available to all the veterans' associations, is the information contained in the White Paper and since elaborated upon by the Minister and the Deputy Minister and officials.

The Chairman: Mr. Laniel, this has been one of our problems: how to get basic information out. The White Paper was the announcement of the government's intention, but we have tried in the course of our hearings to give a fairly good record at the earliest date that we could to assist. We were caught two ways. We had the veterans' organizations insisting they wanted to come and get to us. We were subject to very sharp criticism in some quarters because we did not open this up last spring, so we did not want to impede in any way the dates on which they would appear. They had to make the decision themselves in the light of the information available to them. There is no perfectly happy way to resolve the problem. I was just putting this on the record.

Mr. Laniel: I understand the difficulty, but I think it is regrettable that it should be like that. For the benefit of this Committee though, sir, I am wondering if Mr. Ward is in a position to say that whatever comments he has made over the last two days, are committing the Pension Commission, or the Department in such a way. When you come to us, sir, and say that this recommendation is accepted unchanged, this is very important. It will affect our comments and deliberations over the presentation of the veteran's associations. If a veterans' association makes a point on one of the recommendations that you have identified as accepted completely, the discussion can be very short if we say, we have been told that it is accepted unchanged. However if there is a possibility of a minor change that should have been brought up, in

[*Interpretation*]

anciens combattants, j'aimerais poser une question à M. Ward. Monsieur, pourriez-vous nous dire si les associations des anciens combattants ont été informées de la décision du Ministère ou de la Commission des pensions en ce qui concerne l'acceptation ou le rejet de toutes ces recommandations, et ainsi de suite? Si je pose cette question, c'est qu'on nous présentera cet après-midi un mémoire qui traitera plus ou moins de questions au sujet desquelles on a déjà pris une décision. Nous perdrions ainsi du temps et ce serait dommage si les associations n'en étaient pas informées auparavant.

M. Ward: Si je comprends bien, les seuls renseignements qu'on a communiqués aux associations des anciens combattants sont contenues dans le Livre blanc avec les mises au point apportées par le Ministre, le sous-ministre et les hauts fonctionnaires.

Le président: Monsieur Laniel, nous avons déjà été confrontés avec le problème de la diffusion des renseignements de base. Le Livre blanc nous informait de l'intention du gouvernement, mais nous avons essayé, au cours de nos séances, de présenter, le plus rapidement possible, un assez bon exposé de la situation. Nous avons été pris en sandwich. D'un côté, les organisations des anciens combattants insistaient pour s'entretenir avec nous. D'un autre, on nous a critiqué très violemment, dans certains milieux, de ne pas avoir débattu la question le printemps dernier; c'est pourquoi nous n'avons pas voulu les empêcher de comparaître au moment où elles le voulaient. Elles devaient décider elles-mêmes en tenant compte des renseignements qu'elles possédaient. Il est impossible de résoudre ce problème de façon tout à fait satisfaisante. Je voulais simplement consigner cela au dossier.

M. Laniel: Je comprends la difficulté, mais je crois qu'il est regrettable qu'il en soit ainsi. Je voudrais cependant demander à M. Ward, pour la gouverne du Comité, si les commentaires qu'il a faits pendant les deux derniers jours engagent à tel point la Commission des pensions ou le Ministère. Quand vous nous dites, monsieur, qu'une recommandation est adoptée sans modification, c'est très important. Cela influera sur nos commentaires et nos délibérations quand les associations d'anciens combattants nous présenteront leurs mémoires. Si une de ces associations soulève une question concernant une des recommandations qui ont été, comme vous le dites, adoptées sans modification, la discussion pourra être très brève si nous informons l'association que la recommandation a été adoptée telle quelle. Cependant, dans le cas d'une modifica-

[*Texte*]

general are we to assume that your qualification of acceptance of recommendation is pretty close to what will happen?

The Chairman: May I comment here please? We have invited witnesses from the Department to present the Department's point

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of view. The Committee will make a report and there is no question that the views of the Committee are going to have some influence before the legislation is drafted. There will be areas in which the Committee will make recommendations that perhaps have not been covered in such detail by departmental witnesses. I just do not feel that one should regard Mr. Ward's testimony, for example, as a tablet coming from the mountain. This is not the way in which, I think, members of the Committee should approach it. He has given an indication of the attitude of the Department based on their examination of the recommendations and the Committee is free to look at these.

Mr. Laniel: My question is not really to put Mr. Ward on the spot. It is a question of perhaps saving time in our discussions.

Mr. Guay (St. Boniface): There is a point, I think, we are forgetting, Mr. Chairman.

The Chairman: You have a fundamental point, Mr. Laniel; I just do not know how to answer it.

Mr. Guay (St. Boniface): This brings out two points in my estimation, Mr. Chairman. One is that if the recommendation made by the Department as it is at the moment, is the policy that is going to stay exactly the way they say, then I do not see the purpose for which we are sitting here at all.

The Chairman: Mr. Guay, we are not in that position.

Mr. Guay (St. Boniface): The second point I want to bring out is the fact that the Minister in his report said that what he was saying to us was flexible, that even the White Paper was flexible.

The Chairman: Right.

Mr. Guay (St. Boniface): In view of that, I am willing to sit here and consider possible changes if the Committee warrants it necessary to change.

Mr. Knowles (Winnipeg North Centre): It is perfectly clear, is it not, that the veterans'

[*Interprétation*]

tion mineure qu'on aurait dû apporter, devons-nous penser que, d'une façon générale, vous adopterez très probablement la recommandation sans modification?

Le président: J'aimerais dire quelques mots à ce sujet. Nous avons demandé aux témoins du Ministère de nous expliquer le point de vue du Ministère. Le Comité fera rapport, et il n'y a pas de doute que les idées soulevées au Comité seront prises en ligne de compte avant de rédiger le texte de la loi. Le Comité fera sûrement des recommandations concernant des questions que les témoins du Ministère n'ont peut-être pas absorbées en détail. Je ne crois vraiment pas qu'il faille prendre les paroles de M. Ward au pied de la lettre. A mon avis, ce n'est pas comme cela que les membres du Comité doivent envisager les choses. M. Ward nous a communiqué l'attitude du Ministère vis-à-vis des recommandations et le Comité est libre de les étudier.

M. Laniel: Je ne veux vraiment pas mettre M. Ward sur la sellette avec ma question. Il s'agit tout simplement de gagner du temps dans nos discussions.

M. Guay (Saint-Boniface): Je crois que nous oublions quelque chose, monsieur le président.

Le président: Vous soulevez là une question fondamentale, monsieur Laniel; je ne sais vraiment pas quoi vous répondre.

M. Guay (Saint-Boniface): Cela soulève, à mon avis, deux autres questions, monsieur le président, la première est que si la recommandation faite par le Ministère à l'heure actuelle n'est pas du tout modifiée, je ne vois vraiment pas pourquoi nous sommes réunis ici.

Le président: Monsieur Guay, ce n'est pas notre cas.

M. Guay (Saint-Boniface): La deuxième question que je voudrais soulever est la suivante: dans son rapport, le Ministre indiquait que ce qu'il disait n'est pas définitif et que même le Livre blanc est sujet à modification.

Le président: C'est exact.

M. Guay (Saint-Boniface): Dans cette optique, je suis prêt à étudier les modifications qu'on pourrait apporter si le Comité le juge utile.

M. Knowles (Winnipeg-Nord-Centre): Il est tout à fait évident, n'est-ce pas, que les orga-

[*Text*]

organizations are free to comment, not just on the White Paper, but on the Woods Report.

The Chairman: Exactly, the terms of reference that Parliament gave this Committee said the Woods Committee Report and the recommendations included in it.

Mr. Bigg: We also want to know from the veterans' organizations what they think of the departmental attitude to the Woods Report so that it can be changed if it is necessary.

The Chairman: I think the point has been useful, and I thank Mr. Laniel for raising it because it is good to have this in the transcript of the Committee at this stage.

Mr. Legault: Mr. Chairman, I wonder if it would be possible to obtain simply the numbers of those articles that are either modified, rejected or accepted.

The Chairman: We will confer with Mr. Reynolds and others to prepare some sort of a tabula ion which you can use for your own reference purposes. This will take just a little time. We will do the best we can.

Mr. Legault: Thank you.

AFTERNOON SITTING

The Chairman: At the end of our session this morning there was a question raised by Mr. Stanley Knowles concerning the potential liability to the government of the recommendations concerning Hong Kong veterans and the widows. Mr. Reynolds, our research officer, has in his possession a letter which will clarify this. Mr. Reynolds, would you care to read that letter into the record.

Mr. Reynolds: Yes, Mr. Chairman. The letter is dated March 25, 1969, and is addressed to the Honourable J. E. Dubé, M.P., Minister of Veterans Affairs. It reads and I quote:

> As at 31 December, 18, there were 51 widows of Hong Kong veterans, all of whom are potential pensioners in the event of beneficial legislation on their behalf.
>
> There are 395 Hong Kong veterans presently in receipt of pension at less than 48%.
>
> Assuming all of the above noted veterans are married or may marry, and should beneficial legislation become

[*Interpretation*]

nisations des anciens combattants peuvent faire des commentaires sur le Livre blanc de même que sur le Rapport Woods.

Le président: C'est exact. Le Parlement nous a mandaté pour étudier le Rapport du Comité Woods et ses recommandations.

M. Bigg: Nous voulons également que les organisations des anciens combattants nous disent ce qu'elles pensent de l'attitude du gouvernement vis-à-vis du Rapport Woods afin que nous puissions, au besoin, y apporter des modifications.

Le président: Je crois qu'il a été bon de soulever la question et je remercie M. Laniel de l'avoir fait, car je crois que cela devrait figurer au compte-rendu du Comité à ce stade.

M. Legault: Monsieur le président, je me demande s'il ne serait pas possible tout bonnement d'obtenir le numéro des recommandations qui sont modifiées, rejetées ou adoptées.

Le président: Nous en parlerons à M. Reynolds et à d'autres afin d'avoir une liste à laquelle on puisse se reporter. Cela prendra peu de temps. Nous ferons notre possible.

M. Legault: Merci.

SÉANCE DE L'APRÈS-MIDI

Le président: A la fin de la séance de ce matin, Monsieur Stanley Knowles a demandé quelles dépenses les recommandations relatives aux anciens combattants de Hong-Kong et à leurs veuves entraîneront pour le gouvernement. Monseur Reynolds, notre agent de recherches, a une lettre qui permet de jeter la lumière sur ce sujet. Voudriez-vous, monsieur Reynolds, donner lecture de cette lettre afin que le compte rendu en fasse mention?

M. Reynolds: Oui, monsieur le président. Cette lettre, qui est datée du 25 mars 1969, est adressée à l'honorable J.-É. Dubé, député, ministre des Affaires des anciens combattants. En voici le texte:

> Le 31 décembre 1968, on comptait 51 veuves d'anciens combattants de Hong-Kong, qui pouvaient toutes recevoir une pension au cas où elles pourraient bénéficier d'une loi adoptée en leur faveur.
>
> En ce moment, 395 anciens combattants de Hong-Kong reçoivent une pension inférieure à 48 p. 100.
>
> A supposer que tous ces ex-militaires soient mariés ou puissent se marier et qu'ils puissent bénéficier d'une mesure

[*Texte*]

retroactive so far as the criterion for eligibility is concerned, the potential annual liability would be approximately $1,070,000.00, but only 51 widows would be eligible forthwith.

Should the average family consist of two children, it is assumed they would be pensioned at orphan rates in a like manner as children under Section 26(12). The potential annual liability would be $642,240.00 at the present rate

The total potential annual liability is $1,712,400.00.

J. M. Forman,
Deputy Chairman.

[*Interprétation*]

législative rétroactive, compte tenu du critère d'admissibilité, il pourrait en coûter environ 1,070,000 dollars par année; mais seulement 51 veuves seraient admissibles immédiatement.

Mettons que la famille moyenne compte deux enfants; il est à supposer que, aux termes du paragraphe (12) de l'article 26, la pension s'appliquerait à eux selon le taux des orphelins. Au taux actuel, cela représenterait une dépense annuelle de 642,240 dollars.

La dépense annuelle prévisible serait donc de 1,712,400 dolars.

Le vice-président,
J. M. Forman.

The Chairman: Thank you, Mr. Reynolds. I thought the Committee would like to have this inserted into the record.

This afternoon we have with us Mr. Kohaly, who is representing a group of veterans' organizations in Canada and I believe is known to most members of this Committee. I think we have all had occasion to meet him more than once. Mr. Kohaly has a number of other people associated with him in the presentation this afternoon, and I would like to turn over the microphone to him and ask him to introduce the various groups and their spokesmen with him today. Mr. Kohaly.

Le président: Merci, monsieur Reynolds. J'ai pensé que le Comité aimerait que ces détails soient insérés dans le compte rendu.

Cet après-midi, nous avons parmi nous Monsieur Kohaly, qui représente un groupe d'organismes d'anciens combattants du Canada. Je crois que la plupart des membres du Comité le connaissent, car nous avons tous eu l'occasion de le rencontrer maintes fois. Un certain nombre de personnes associées à Monsieur Kohaly l'accompagnent ici cet après-midi. Je lui cède la parole en le priant de nous présenter les divers groupes et leurs porte-parole qui l'accompagnent. Monsieur Kohaly.

Mr. R. Kohaly (Dominion President, The Royal Canadian Legion): Thank you, Mr. Chairman. Gentlemen, the group known as the Joint Veterans Group is composed of

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various veterans' organizations which are chartered in Canada. We have most of the heads of these organizations with us today, Mr. Chairman.

M. R. Kohaly (président national de la Légion royale canadienne): Merci, monsieur le président. Messieurs, le groupe qu'on appelle le groupe conjoint des anciens combattants comprend diverses organisations d'anciens combattants qui ont une charte canadienne. La plupart des chefs de ces organisations sont présents dans cette enceinte, monsieur le président.

First of all, The Army, Navy and Air Force Veterans of Canada are represented by their Dominion President from Belleville, Ontario, Mr. Jack Lundberg. Jack Lundberg is here, Mr. Chairman. The Canadian Corps Association, Inc. is represented by its Dominion President, Eugene Heesaker from Toronto who is here.

The Canadian Paraplegic Association is represented by its Assistant General Manager, Andy Clarke, who is at the end of the table. The Hong Kong Veterans Association is represented by its Dominion President, Charlie Brady, from near Montreal. The National Council of Veterans Associations of Canada is on this occasion represented by its Deputy

Il y a tout d'abord les anciens combattants canadiens de la marine, de l'aviation et de l'armée, dont le président national, monsieur Jack Lundberg, de Belleville (Ont.), est ici présent, monsieur le président. Monsieur Eugene Heesaker, de Toronto, président national du *Canadian Corps Association,* représente cet organisme.

L'Association canadienne des paraplégiques est représentée par son directeur général adjoint, Monsieur Andy Clarke, qui se trouve à l'extrémité de la table. Monsieur Charlie Brady, qui demeure près de Montréal, représente l'Association canadienne des anciens combattants de Hong-Kong, à titre de président général. Monsieur Jack Lundberg, que

[*Text*]

Chairman, Jack Lundberg, whom I mentioned a few moments ago. The Royal Canadian Air Force Association is represented by its General Manager, Jack Gray, of Ottawa. The Royal Canadian Legion, sir, I represent as its Dominion President and I have with me Mr. Don Thompson, whom you recognize as our Dominion Secretary. The Sir Arthur Pearson Association of War Blinded is represented by its Secretary, Fred Woodcock. The War Amputations of Canada today is represented by its Executive Secretary, Cliff Chadderton, whom you know, sir. The War Pensioners of Canada, Inc. is represented by Mike Campbell, the Dominion President of the association. We have one other association but its representative is not here yet. I will introduce him when he arrives. May I proceed with the brief, sir?

The Chairman: Please do. We are delighted that you are able to be here this afternoon and we are anxious to hear what you have to say.

Mr. Kohaly: Mr. Chairman, gentlemen. The National Veterans Organizations of Canada, first of all, welcome this initial opportunity to appear before the Veterans Affairs Committee to give you a brief resume of the results of our deliberations on the reports of the Committee to Survey the Work and Organization of the Canadian Pension Commission, which we refer to as the Report of Woods Committee and the Government White Paper on veterans' pensions.

It is, we believe, the first time in some 35 years that our veterans' organizations have appeared together to express unanimous views on proposed improvements to the Pension Act and its administration. Our organizations believe it particularly significant that we have deemed it necessary to devote our united resources and knowledge in an endeavour to ensure that maximum consideration is given to the implementation of the recommendations of the Woods Committee which would result in a more effective legislative and administrative program to provide adequate indemnity for death and disability arising from military service.

Representatives of our organizations met on several occasions to discuss the 148 recommendations of the Woods Committee.

[*Interpretation*]

j'ai déjà mentionné, représente aussi le Conseil national des associations d'anciens combattants du Canada à titre de vice-président de ce conseil. Monsieur Jack Gray, d'Ottawa, représente l'Association de l'Aviation royale du Canada, dont il est le directeur général. Je représente la Légion canadienne, à titre de président national; accompagné de monsieur Don Thompson qui, vous le savez, est notre secrétaire national. Monsieur Fred Woodcock, secrétaire de la *Sir Arthur Pearson Association of War Blinded* (l'Association Sir Arthur Pearson des aveugles de guerre) représente cet organisme. Monsieur Cliff Chadderton, que vous connaissez, monsieur le président, représente l'Association canadienne des amputés de guerre dont il est le secrétaire administratif. Monsieur Mike Campbell, président national de l'Association des pensionnés de guerre du Canada, représente cet organisme. Il y a une autre association d'anciens combattants, mais elle n'est pas représentée ici aujourd'hui. Puis-je présenter notre mémoire, monsieur le président?

Le président: Je vous en prie. Nous sommes heureux de vous recevoir et nous avons hâte d'entendre votre témoignage.

M. Kohaly: Monsieur le président et messieurs, les organisations nationales d'anciens combattants du Canada sont heureuses de profiter de l'occasion qui leur est offerte pour présenter au Comité des Affaires des anciens combattants un bref résumé de leurs délibérations relatives au rapport du comité chargé d'étudier le travail et l'organisation de la Commission canadienne des pensions (il s'agit du rapport du Comité Woods) et relatives aussi au Livre blanc du gouvernement au sujet des pensions aux anciens combattants.

Sauf erreur, c'est la première fois depuis 35 ans que nos organisations d'anciens combattants ont l'occasion de se réunir pour présenter un avis unanime sur les améliorations proposées à la loi sur les pensions et relativement à l'application de cette loi. Il est tout particulièrement remarquable, de l'avis de nos organismes, que ceux-ci aient jugé nécessaire d'unir leurs ressources et leurs connaissances pour que l'on tienne enfin compte dans toute la mesure possible des vœux du Comité Woods, dont la mise en vigueur assurera l'application d'un programme législatif et administratif plus efficace en vue de prévoir une indemnité satisfaisante dans les cas de décès et d'invalidités par suite du service militaire.

Les représentants de nos organisations se sont réunis à plusieurs reprises pour étudier les 148 vœux du Comité Woods.

[*Texte*]

Since receiving the Government White Paper on September 9, we have held further meetings to study the Government's proposals concerning the implementation of the Woods Committee recommendations.

Our purpose in appearing before you today is to make a general statement. More detailed submissions will be made by our organizations when they appear later during your sessions.

Mr. Chairman, we would like at the outset to express our sincere appreciation to the Minister of Veterans Affairs, the Government and the House of Commons for the study which has already gone into the Woods Report and for the intention to implement many of the recommendations of the Woods Committee.

Incidentally, sir, at this point we would like to digress just for a moment from the written brief. As you know, the White Paper was made available to representatives of our organizations only on September 9. We immediately set about to prepare this brief, which necessarily involved a considerable amount of study of both the White Paper and the Woods Committee recommendations. Our presentation today is therefore, based solely on those matters which were referred to either as having been accepted or rejected by the Government's White Paper. It is my understanding, however, that the Committee has now had an opportunity to hear the Minister, the Deputy Minister and departmental officials who have elaborated on the White Paper and already have indicated that some other matters not referred to in the White Paper have in fact been accepted in whole or with some modification by the Gov-

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ernment. It is anticipated that as you continue to hear departmental officials, it may become evident that additional recommendations of the Woods Committee have, in fact, been accepted by the Government. I did feel that I should clarify our presentation before proceeding further because obviously we had to prepare this some time ago.

We are especially pleased at the proposal to recognize the need for a more adequate provision for our gallant comrades who served in Hong Kong and their dependents.

The plan to reorganize the Veterans' Bureau and redefine its function should bring about a much-to-be desired improved relationship between applicant and advocate. We appreciate the Government's decision to implement recommendations to define more clearly the "benefit of the doubt" clause, to

[*Interprétation*]

Depuis que nous avons reçu le Livre blanc du gouvernement, le 9 septembre, nous avons tenu d'autres séances pour étudier les propositions du gouvernement relatives à l'application des recommandations du Comité Woods.

Nous voulons nous contenter aujourd'hui de faire un exposé d'ordre général. Nos organisations feront des exposés plus détaillés lors de séances ultérieures.

Monsieur le président, nous tenons à remercier sincèrement le ministre des Affaires des anciens combattants, le gouvernement et la Chambre des communes d'avoir étudié le rapport du Comité Woods comme cela a été fait jusqu'ici et d'avoir exprimé l'intention d'appliquer plusieurs des recommandations contenues dans ce rapport.

Permettez-moi, monsieur le président, de m'écarter pendant un instant du texte de notre mémoire. Vous savez que les représentants de nos organismes d'anciens combattants n'ont pu disposer du Livre blanc que le 9 septembre. Nous nous sommes immédiatement attelés à la réaction du présent mémoire, ce qui, il va sans dire, a nécessité une étude approfondie du Livre blanc et des recommandations du Comité Woods. Par conséquent, nous nous en tiendrons aujourd'hui aux questions qui, d'après le Livre blanc du gouvernement, ont été acceptées ou rejetées. Toutefois, si je comprends bien, le Comité aura maintenant l'occasion d'entendre le ministre, le sous-ministre et les hauts fonctionnaires du ministère qui ont travaillé à la préparation du Livre blanc et qui ont déjà dit que le gouvernement a accepté telles quelles ou quelque peu modifiées certaines choses dont il n'est pas question dans le Livre blanc. Au fur et à mesure que vous entendrez les hauts fonctionnaires du ministère, il est bien possible que vous constatiez que le gouvernement a effectivement accepté d'autres propositions du Comité Woods. J'ai pensé qu'il fallait, avant d'aller plus loin, préciser qu'il nous a fallu préparer notre mémoire il y a déjà un certain temps, cela se conçoit.

Nous sommes particulièrement heureux de la proposition faite en vue de reconnaître la nécessité de dispositions plus satisfaisantes pour nos vaillants camarades qui ont servi à Hong-Kong et pour leurs ayants droit.

La réorganisation et la nouvelle définition du rôle du Bureau des vétérans devrait susciter de meilleures relations grandement souhaitables entre ceux qui demandent une pension et les avocats de la Commission. Nous sommes heureux de voir que le gouvernement veut appliquer les recommandations relatives

[*Text*]

make pensions retroactive for up to five years prior to the date of entitlement, to improve the situation for the pensioned widow who remarries, to provide for posthumous assessment of certain pension cases to see if the widow can be eligible for pension and to award pensions for "consequential disabilities" and "loss of paired organs".

We are also appreciative of the more generous attitude planned for those whose pension cases might be affected by "irregular unions" and "improper conduct". We recognize that these proposals reflect a desire by the Government to ensure that Canada's pension legislation is kept in harmony with modern concepts of social justice and society's obligations to those who have in war and peace placed their lives at the service of their country.

However, our analysis of the White Paper as compared to the recommendations of the Woods Committee unfortunately results in a disappointing picture. We believe that you, as members of this Committee and Members of the House of Commons, will share our disappointment at the inadequacies of the sum total of the Government's proposals.

Basic Rate

Our greatest disappointment is caused by the statement in the White Paper that, "the terms of reference of the 'Committee to Survey the Work and Organization of the Canadian Pension Commission'—the Woods Committee—did not include the study of pension rates, . . ."

We find it strange that when the report was tabled in the House of Commons on March 26, 1968, and again when it was referred to this Committee on June 26, 1969, by the House of Commons, no action was taken to delete those portions of the report dealing with the basic rate. In view of this, the veterans' organizations are, we believe, entitled to assume that those portions of the report were properly included. It is also our understanding that since the references to the basic rate in the report formed a part of the document referred to this Committee, the question of basic rate is properly before you.

The need for the establishment of an adequate basic rate of pension has been apparent

[*Interpretation*]

à une définition plus précise de la clause relative au «bénéfice du doute», à la rétroactivité de la pension jusqu'à cinq ans avant la date de l'admissibilité, à l'amélioration de la situation des veuves qui se remarient, à l'évaluation posthume de certains cas relatifs aux pensions, afin de voir si la veuve peut être admissible à la pension, et, enfin, à la possibilité d'accorder la pension pour les «infirmités secondaires» et pour la «perte d'organes pairs».

Nous sommes également heureux de constater qu'on veut adopter une attitude plus généreuse à l'égard de deux dont la pension peut être atteinte par ce qu'on appelle les «unions irrégulières» et la «mauvaise conduite». Nous convenons que ces propositions indiquent de la part du gouvernement le désir de faire en sorte que la législation canadienne relative aux pensions soit en harmonie avec les concepts actuels à la base de la justice sociale et avec les obligations que la société a contractées envers ceux qui, en temps de guerre comme en temps de paix, ont consacré leur vie au service de leur pays.

Cependant, notre analyse du Livre blanc, au regard des vœux du Comité Woods, conduit malheureusement à établir un tableau désappointant. Nous pensons que vous, qui êtes membres du Comité et de la Chambre des communes, vous partagerez notre désappointment en face de la somme d'argent insuffisante offerte par les propositions du gouvernement.

Le taux de base

Notre plus grand désappointement découle des mots que nous relevons du Livre blanc: «Le mandat du «Comité d'enquête sur l'organisation et le travail de la Commission canadienne des pensions» ne comprenait pas l'étude du taux de la pension, . . .». Nous trouvons étrange que, lorsque le rapport a été déposé à la Chambre des communes, le 26 mars 1968, et aussi quand la Chambre des communes l'a renvoyé à votre Comité, le 26 juin 1969, rien n'a été fait pour supprimer les parties du rapport ayant trait au taux de base de la pension. C'est à cause de cela que les organisations d'anciens combattants, croyons-nous, se sont crues autorisées à penser que ces parties du rapport se trouvaient bien à leur place. Nous sommes également d'avis qu'étant donné que les textes relatifs au taux de base forment une partie intégrante du document que la Chambre a confié à l'attention du Comité en lui renvoyant le rapport en question, vous êtes bel et bien saisis de la question du taux de base.

Il y a bien des années que se fait sentir la nécessité d'établir un taux satisfaisant des

[*Texte*]

for many years. We have individually and collectively urged the Government to take action to increase the basic rate to the same level of Public Service income as existed immediately following World War I. In this regard we refer you to the following excerpts from the comments of the Woods Committee (V. II, p. 495) which it is stated is based on information given the 1919 Parliamentary Committee.

> "The earning power of the man in the class of the untrained labourer will be sufficient to provide decent comfort for himself and his family, that is to say, the standard of living which the average unskilled man can command for himself and his family."

The veterans' organizations of Canada are convinced that the unskilled labour market is the only practical formula on which pensions can be based. The unskilled labour market is the basis for the age-old concept of "pension as of right". This formula provides that pensions will be paid on the basis of the amount of disqualification in the unskilled labour market.

The formula is important, also, for what it does not say, in that it does not bar the pensioner from earning wages with those capabilities which he may have remaining. It is thus an incentive for the pensioner to rehabilitate himself, on the understanding that any income which he may earn will not affect his right to pension because of his disqualification in the unskilled labour market.

We can see no need for a new basis for calculation of war disability pension. It is admitted that unskilled labour is not as common in Canada today as it was in 1918 when this formula was devised. It should be borne in mind, however, that the original intention was not to choose a category of labour as an economic base, but simply to describe the basis of pension, i.e., that the Government desired to indemnify a pensioner for that part of him which was incapable of performing unskilled labour. In essence, the principle was that he came into the Armed Forces with the sound mind and body of a man capable of performing unskilled labour. If through disability his service left him disqualified to perform certain of these labours, he was entitled to pension to the extent of his disqualification. It is believed that when the Government came to place a dollar value on one hundred per cent pension the wages for unskilled labour (as determined by a cleaner and helper in the Public Service) was chosen as

[*Interprétation*]

pensions. Nos organisations prises individuellement et collectivement insistent auprès du gouvernement pour qu'il relève le taux de base au même niveau que le revenu dans la Fonction publique, après la Première Guerre mondiale. A ce propos, nous vous renvoyons à l'extrait suivant tiré du commentaire du rapport Woods (volume II, p. 573) qui, est-il dit, s'appuie sur des données fournies au comité parlementaire de 1919.

> La valeur ouvrière d'un homme appartenant à la catégorie de l'ouvrier non spécialisé sera suffisante pour lui assurer un confort raisonnable, de même qu'à sa famille, c'est-à-dire le niveau de vie que peut obtenir l'ouvrier moyen non spécialisé pour lui-même et sa famille.

Les organismes d'anciens combattants du Canada sont convaincus que le marché du travail non spécialisé est la seule formule utile sur laquelle on doive fonder les pensions. Le marché du travail non spécialisé est la base reconnue de tout temps pour concevoir la «pension de droit». Cette formule prévoit que les pensions seront versées en fonction du manque de spécialisation sur le marché du travail non spécialisé.

Il faut dire également que cette formule est importante par ce qu'elle omet, en ce sens qu'elle n'empêche pas le pensionné de gagner ce qu'il peut grâce à la capacité qui lui reste encore. On a donc là un stimulant qui incite le pensionné à améliorer son sort, car il est entendu que le revenu qu'il peut obtenir de son travail n'influera en rien sur sa pension parce qu'il manque de spécialisation sur le marché du travail non spécialisé.

Nous ne pouvons concevoir qu'il faille recourir à une nouvelle base de calcul de la pension pour une invalidité à la suite du service militaire. Il est entendu que les travailleurs non spécialisés soint moins communs au Canada qu'ils ne l'étaient en 1918, lorsque cette formule a été adoptée. Toutefois, il ne faut pas oublier que l'intention originale n'était pas de choisir une catégorie de travailleurs pour base économique, mais simplement d'établir la base de la pension, c'est-à-dire que le gouvernement voulait indemniser le pensionné pour la partie de sa personne qui était incapable d'accomplir un travail non spécialisé. Au fond, le principe était le suivant: quand l'ex-militaire s'était enrôlé, il jouissait de l'esprit sain et du corps solide de celui qui est capable d'accomplir un travail non spécialisé. Si, à cause de son service militaire, il se trouve incapable d'accomplir certains de ces travaux, il a droit à une pension équivalant à la mesure de son incapacité. On est d'avit que, lorsque le gouvernement a établi la valeur monétaire du pensionné à cent

[*Text*]

the yardstick. The Woods Committee recommends that the unskilled labour market formula be retained—and that the dollar value for one hundred per cent pension be determined by the average wage for the classified unskilled labourer in the Government of Canada.

We find it difficult to accept the statement that, "the rates now in effect, and their relationship to the Canadian standard of living, are being studied separately."

For many years we have been told that the Government was looking for a new "yardstick" to apply to pension rates. The Woods Committee recommendation makes it, we believe, very clear that the old "yardstick" is still sound and the only fair basis for relating disabilities to dollars. The "yardstick" was defined by the Woods Committee in the following words:

> "the amount for 100 per cent pension should continue to be the earning power of a man in the class of the untrained labourer; as determined by the average wage for this type of employment in the Public Service of Canada."

All that is needed is for the Government of Canada to restore the "yardstick" to its relative length of 1920.

Multiple disabilities

A number of Canada's war casualties suffer from more than one disabling condition. The Pension Act, however, fails to compensate the multiple disability casualty for the true extent of his disability. This is particularly evident in the case of the multiple amputee, the paraplegic and the totally blinded.

The Report of the Woods Committee has pointed out that "the absence of adequate provision in this regard appears as a major flaw in the existing pension system for war disabilities."

This very small minority of pensioners belonging in the multiple disabilities class is made up of those who are not only totally unable to compete in the common labour market but whose disability is of such magnitude that it carries with it a number of other assessable conditions. These additional conditions, that may in some cases involve total assessments exceeding 350 per cent, should be compensable in the form of supplementary pension.

The report cites, in general terms, the methods of pension assessment used in a

[*Interpretation*]

pour cent, le salaire du travailleur non spécialisé, qui est déterminé par ce que reçoivent les nettoyeurs et les aides dans la fonction publique, devenait la norme à suivre. Le Comité Woods a proposé que la formule du marché du travail non spécialisé soit conservée et que la valeur en argent de la pension à cent pour cent soit établie en vertu du salaire moyen accordé au travailleur non spécialisé qui est classifié au service de l'État canadien.

Nous acceptons difficilement que «les taux présentement en vigueur et leur rapport avec le niveau de vie des Canadiens soient étudiés séparément».

Depuis des nombreuses années, on nous dit que le gouvernement songe à une nouvelle «norme» applicable au taux des pensions. A notre avis, la recommandation du Comité Woods précise bien que l'ancienne «norme» est encore la bonne et qu'elle est la seule base équitable pour comparer les invalidités et le montant des pensions. Voici comment le Comité Woods définit cette «norme»:

> Le montant de la pension à 100 p. 100 devrait demeurer la valeur ouvrière d'un homme de la catégorie de la main-d'œuvre non spécialisée, montant déterminé par le salaire moyen pour ce genre d'emploi dans la Fonction publique du Canada.

Tout ce qu'il faut c'est que le gouvernement du Canada rétablisse la «norme» relative de 1920.

Infirmités multiples

Beaucoup de grands blessés de guerre canadiens et surtout les amputés de plus d'un membre, les paraplégiques et les aveugles, ne peuvent obtenir, en vertu de la Loi sur les pensions, une indemnité qui tienne vraiment compte de la gravité de leur état.

Le rapport du Comité Woods signalait que l'absence de dispositions adéquates à cet égard semble être une lacune importante du régime actuel des pensions pour les invalides de guerre.

Cette très faible minorité de pensionnés qui tombent dans la catégorie des blessés atteints d'infirmités multiples comprend ceux qui non seulement sont incapables de soutenir la concurrence sur le marché ordinaire du travail, mais dont les infirmités sont d'une gravité telle qu'une indemnité spéciale devrait leur être accordée. Dans certains cas, toutes ces infirmités dont l'évaluation dépasse 350 p. 100 devraient être indemnisées au moyen d'un supplément de pension.

Le rapport expose en termes généraux les méthodes d'évaluation des pensions utilisées

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number of other countries to provide additional pension for multiple disabilities and makes specific recommendations for a supplementary pension in the Canadian system to meet this need.

In this way the multiple disability casualty could properly be compensated for anatomical loss, scarring and disfigurement, loss of enjoyment of life, pain and discomfort and shortening of the life span—all of which represent very real problems—but for which no direct payment is made under the existing pension legislation. The veterans' organizations have studied the Committee's recommendations on multiple disabilities and have concluded that they are both reasonable and workable. They are based upon the present unskilled labour market formula and can be accomplished without disturbing the existing basis of pension.

In the White Paper the Government recognizes the present unjust and inadequate provision for those suffering pensionable disabilities, the assessed total of which would exceed 100 per cent.

"To recognize this exceptional burden of disablement", the Government says that, "provision will be made for an annual allowance or lump-sum grants, of not less than $400 and not more than $1,200 per annum, for specified amenities to relieve pain and discomfort, and to increase as far as possible the enjoyment of life for the pensioner and to provide for him the essential will to live."

The problems of the multiple disability pensioner are most severe, particularly in respect of matters such as loss of expectation of life, scarring and disfigurement, and loss of enjoyment of life. It is not practical to expand upon this in the submission being made today. We do, however, refer you to Chapter 14 (VII, pp. 541-578) of the Woods Report, which deals at length with this subject and in particular we desire to emphasize the comments made by Mr. Justice Woods and his colleagues regarding the necessity to make *substantial* increases in the provisions for the multiple disability casualty.

Gentlemen, the Government's proposal falls far short of meeting the need outlined in the Woods Report!

The proposal is a totally unsatisfactory remedy and some of the organizations represented here today will go into this matter in greater detail in subsequent representations

[*Interprétation*]

dans nombre d'autres pays afin de fournir un supplément de pension aux grands blessés et une formule des recommandations précises concernant un tel supplément au régime canadien afin de répondre à ce besoin.

De cette façon, l'ancien combattant atteint d'infirmités multiples recevrait une indemnité raisonnable s'il a perdu un ou plusieurs membres ou la vue, ou bien s'il est balafré ou défiguré ou encore s'il ne peut jouir de la vie, ou bien s'il doit endurer constamment des douleurs et des malaises ou si sa vie est écourtée—tout cela présente de véritables problèmes—mais la loi actuelle ne prévoit aucun paiement direct à cet égard.

Les organisations d'anciens combattants ont étudié les recommandations du Comité au sujet des anciens combattants atteints d'infirmités multiples et en ont conclu qu'elles sont raisonnables et pratiques. Elles se fondent sur la formule actuelle du marché du travail pour les ouvriers non spécialisés et peuvent être mises en œuvre sans perturber la base actuelle de la pension.

Dans le Livre blanc, le gouvernement reconnaît que les dispositions actuelles sont injustes et insuffisantes pour ceux qui sont atteints d'infirmités ouvrant droit à pension et dont le total est évalué à plus de 100 p. 100.

Afin de compenser ces infirmités exceptionnelles, le gouvernement déclare que des dispositions seront prises pour verser une allocation annuelle ou un paiement global qui ne soit pas inférieur à $400, ni supérieur à $1,200 par année, afin d'acquitter le coût de services ou de commodités prescrits pour soulager la douleur et les malaises et pour permettre autant que possible au pensionné de jouir un peu de la vie ou de lui redonner le goût de vivre.

Les problèmes auxquels doit faire face un grand blessé sont très graves; sa vie en est écourtée, il peut être balafré ou défiguré et ne peut jouir de la vie. Il n'est pas pratique de s'étendre sur le sujet dans le mémoire que nous présentons aujourd'hui. Nous vous renvoyons, cependant, au chapitre 14 (Vol. II, p. 541-578) du rapport Woods, qui traite par le détail de cette question; nous voulons surtout souligner les commentaires de monsieur le juge Woods et de ses collègues sur la nécessité de relever sensiblement le montant des pensions versées aux grands blessés.

Messieurs, la proposition du gouvernement est loin de répondre aux besoins exposés dans le rapport Woods.

La proposition est un palliatif peut satisfaisant et certaines des organisations représentées ici aujourd'hui examineront la question par le menu dans des revendications ultérieu-

[*Text*]

on behalf of the small group of pensioners affected by the recommendations concerning multiple disabilities.

Adjudication and Appeals

The Government proposes in the White Paper to establish an Appeal Division of the new Pension Commission to function as a final Court of Appeal for pension claims and to be the final authority on the interpretation of the pension legislation. The White Paper states that in considering the recommendations of the Woods Committee and the problems they were designed to solve, the main objective is to divest the Canadian Pension Commission of some of its responsibility.

We feel that this statement is not supported by either the wording or the intent of the Woods Report. In fact, merely to divest the Canadian Pension Commission of some of its responsibilities would be to miss the main point being made by the Woods Committee in respect of appeals. The Report states that the existing system does not represent a "true form of appeal", and that in order to remedy the present situation, it would be necessary to "repose the ultimate authority in a body outside the Pension Commission".

The White Paper makes a reference to the fact that the Woods Committee could not reach unanimous agreement on its recommendations in regard to appeals, pointing out that two members of the Committee proposed the establishment of a separate Pension Appeal Board, whereas another member proposed the appointment of an "ombudsman". The White Paper appears to have ignored the fact that while the minority report proposed a different solution to the problem of appeals, it did, in fact, emphasize the finding of the Committee that it was neither sound in principle, nor conducive to the most effective implementation of the Act, that appeals should be handled by Appeal Boards composed of members of the Commission.

The establishment of an Appeal Division within the Pension Commission would perpetuate the situation where the final powers of decision and of interpretation of the Act remained as the function of the body which has responsibility for administration of the Act, and for adjudication at the level immediately below that of the Appeal Division.

It is true that the establishment of a Directorate of Pensions within the Department of Veterans Affairs would remove from the Pension Commission the responsibility for initial decisions. It must be taken into consideration,

[*Interpretation*]

res au nom du petit groupe de pensionnés que touchent les recommandations relatives aux grands blessés.

Décisions et appels

Le gouvernement propose dans le Livre blanc d'instituer une Division des appels de la nouvelle Commission canadienne des pensions qui agira en qualité de tribunal de dernière instance pour statuer sur les demandes de pensions et qui constituera l'autorité ultime en ce qui concerne l'interprétation de la Loi sur les pensions. Le Livre blanc déclare qu'en étudiant les recommandations du Comité Woods et les problèmes qu'il tentait de résoudre, on vise surtout à enlever à la Commission canadienne des pensions certaines de ses responsabilités.

Nous estimons que ni le texte ni l'intention du rapport Woods ne viennent appuyer une telle déclaration. En fait, si l'on se borne à enlever à la Commission canadienne des pensions une partie de ses responsabilités, on ne tiendra aucun compte de la thèse principale formulée par le Comité Woods au sujet des appels. Le rapport déclare que le système existant ne représente pas une véritable forme d'appel et que, afin de rectifier la situation actuelle, il faudrait confier l'autorité ultime à un organisme indépendant de la Commission des pensions.

Le Livre blanc mentionne le fait que le Comité Woods n'a pu s'entendre à l'unanimité sur ses recommandations au sujet des appels; il signale que deux des membres du Comité ont proposé la création d'un bureau d'appel distinct en matière de pension, tandis qu'un autre membre a proposé la nomination d'un *ombudsman*. Le Livre blanc ne semble avoir tenu aucun compte du fait que tout en proposant une solution différente au problème que posent les appels, le rapport minoritaire a en fait appuyé les conclusions du Comité d'après lesquelles il serait mauvais de charger un bureau d'appel, composé des membres de la Commission, de statuer sur les appels, méthode qui serait loin d'assurer l'application la plus efficace de la loi.

L'institution d'une Division des appels au sein de la Commission des pensions tendrait à perpétuer une situation où la décision ultime et l'interprétation de la loi resteraient l'apanage d'un organisme chargé d'appliquer la loi et de prendre les décisions au niveau immédiatement inférieur à celui de la Division des appels.

Il est vrai que la création d'une Direction générale des pensions au sein du ministère des Affaires des anciens combattants enlèverait à la Commission des pensions la responsabilité de rendre la première décision. N'ou-

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however, that neither the Woods Committee, nor any of the groups which made representations to that Committee, suggested the need for adjudication at the initial level to be independent from the Commission. The question of independence arose only at the final level of appeal, for the obvious reason that it was at this stage that the applicant would exhaust his procedural rights in a pension claim—and it was also at this stage that the Woods Committee, and those appearing before it, saw the requirement for an independent review of pension applications. It can, of course, be stated that the proposed Appeal Division of the new Pension Commission would consist of up to five Commissioners who would operate separately from those Commissioners at the lower level of appeal, i.e., the Entitlement Hearing Division. This would circumvent the existing situation where, in some cases, the same Commissioners who may have adjudicated on claims previously are permitted to again adjudicate at appeal. It is noteworthy, however, that the Woods Committee did not view this as a particularly objectionable feature and, in fact, in Recommendation No. 17, it recommended that Sections 60(5) and 62(5), which provide that no member of an Appeal Board shall adjudicate upon a case if he has previously sat as a member of the Commission and any adjudication of that case be repealed. In supporting this recommendation the Woods Committee stated:

> "If the number of Pension Commissioners is to remain at a reasonable figure, and if service is to be given in the various parts of Canada, and if applicants are to have the benefit of several forms of review, some duplication of Commissioners rendering more than one decision on the same case must be accepted".

We call attention to this recommendation merely to emphasize that although the proposal in the White Paper would ensure that the members of the proposed Appeal Division would not have been involved in previous adjudications on pension claims, this in itself would not alleviate the major criticism.

The Woods Committee saw the only remedy as being some *independent* form of appeal. The proposal in the White Paper does not provide for true independence; thus it would do little or nothing to remedy one of the major flaws in the pension system.

[*Interprétation*]

blions pas toutefois, que ni le Comité Woods ni aucun des groupements qui ont formulé des observations au Comité n'a préconisé qu'on enlève à la Commission la responsabilité de se prononcer en première instance. La question a été soulevée au sujet du niveau final d'appel seulement, parce que c'est à ce palier que le requérant aurait épuisé tous ses recours à la procédure en présentant une demande de pension—et c'est aussi à ce palier que le Comité Woods et ceux qui ont comparu devant lui ont jugé qu'il serait opportun d'avoir une revue indépendante des demandes de pensions. Ajoutons, bien entendu, que la Division des appels projetée de la nouvelle Commission de pensions se composerait au maximum de cinq membres qui seraient indépendants des commissaires au niveau inférieur des appels, c'est-à-dire la Division de l'admissibilité. Cela pourrait obvier à l'inconvénient selon lequel on permet, dans certains cas, aux mêmes commissaires qui se sont déjà prononcés sur des réclamations de statuer encore une fois en appel. Il y a lieu de noter, cependant, que de l'avis du Comité Woods, cela ne constituait pas une grave lacune et, en fait, dans la recommandation nº 17, il a proposé que soient abrogés les articles 60 (5) et 62 (5) qui stipulent qu'aucun membre d'un Bureau d'appel ne doit se prononcer sur un cas si ce membre a antérieurement siégé comme membre de la Commission. En appuyant cette recommandation, le Comité Woods a déclaré:

> Si l'on veut maintenir à un chiffre raisonnable le nombre des commissaires s'occupant des pensions, s'il faut desservir les différentes régions du Canada et si l'on veut que les requérants bénéficient de plusieurs formules de révision, il faut accepter un double emploi quelconque de certains commissaires, et leur permettre de statuer plus d'une fois sur le même cas.

Si nous appelons l'attention sur cette recommandation, c'est pour signaler que bien que la proposition que renferme le Livre blanc garantirait que les membres de la Division des appels proposée n'auraient pas participé aux décisions relatives aux demandes de pensions, cela, en lui-même, ne mettrait pas fin aux critiques principales.

De l'avis du Comité Woods, le seul remède efficace serait l'établissement d'un organisme *indépendant* qui serait chargé d'entendre les appels. La proposition que renferme le Livre blanc ne prévoit pas l'établissement d'un tribunal réellement indépendant; par conséquent, cela ne contribuerait guère à rectifier l'une des principales lacunes du système de pensions.

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The White Paper acknowledges that there are other flaws respecting adjudication and appeals. It says:

> "By and large the system has worked reasonably well, but it has within it certain flaws. For example, the Commission, as well as administering the pension legislation, also has the sole right to interpret it. In addition, Commissioners sit in judgment (with the applicant's permission) at the Appeal Board stage, on claims on which they have already rendered adverse decisions. Furthermore, however fair and impartial the Commissioners may be, they are vulnerable to the criticism that they tend to stick together and confirm each other's decisions as a claim progresses."

This statement cites three flaws in the existing appeal system. However, the proposed remedy would correct only one of these flaws; that of commissioners adjudicating more than once on the same case at different levels of adjudication. It still leaves the responsibility for interpretation with "the Commission". Also the proposed appeal system would still leave the commissioners vulnerable to the criticism that they are all part of the same Commission.

It appears to us that in seeking a solution, the Government has attempted to reconstruct the Commission without disturbing the existing complement of commissioners. It may be more than coincidence that the present number of 15 commissioners is divided, in the White Paper proposal, into an Entitlement Hearing Division of 10 commissioners and an Appeal Division of up to five commissioners. Furthermore, the White Paper appears to propose one chairman and one deputy chairman to supervise both of these Divisions. This would further destroy the real independence of the Appeal Division.

We are convinced that the ends of justice in this matter can only be served if the government were to recognize the requirement to establish an independent Appeal Board, instead of a reorganization of the existing facilities.

We again emphasize, therefore, our support of the recommendation endorsed by all three members of the Woods Committee, to the effect that an independent authority for appeals be established. Further, it is our opinion that the only manner in which this can be satisfactorily accomplished, having regard for the flaws which the government itself has recognized in the existing system, is to imple-

[*Interpretation*]

Le Livre blanc reconnaît l'existence d'autres lacunes concernant les décisions relatives aux pensions et les appels lorsqu'il ajoute:

> Dans l'ensemble, le système a fonctionné de façon assez satisfaisante, bien qu'il présente certaines imperfections. Ainsi tout en étant chargée d'appliquer la Loi sur les pensions, la Commission a le droit exclusif de l'interpréter; les commissaires siègent (avec l'autorisation des demandeurs), au sein des bureaux d'appel, pour se prononcer sur des demandes de pensions à l'égard desquelles ils ont déjà rendu des arrêts défavorables. D'autre part, quelles que soient l'honnêteté et l'impartialité des commissaires, ils s'exposent à des critiques suivant lesquelles ils seraient enclins à se solidariser et à confirmer leurs décisions respectives à mesure qu'avance l'examen d'une demande.

Cette déclaration fait état de trois lacunes que présente le système actuel d'appel. Quoi qu'il en soit, le remède proposé ne comblerait que l'une de ces lacunes, celle qui a trait aux commissaires qui se prononcent plus d'une fois à l'égard du même cas mais à des niveaux différents. C'est toujours la Commission qui est chargée d'interpréter la Loi. En outre, le système projeté d'appel exposerait encore les commissaires à la critique puisqu'ils feraient tous partie de la même Commission.

Il nous semble qu'en recherchant une solution le gouvernement a tenté de reconstituer la Commission sans toucher à l'effectif des commissaires. Est-ce une simple coïncidence que le nombre actuel de 15 commissaires soit réparti, dans la proposition que renferme le Livre blanc entre une Division de l'admissibilité de 10 commissaires, et une Division des appels qui comprendra au maximum 5 membres. En outre, selon le Livre blanc, le président et le vice-président seraient chargés de la surveillance des deux divisions. Cela contribuerait encore davantage à détruire la véritable indépendance de la Division des appels.

Nous avons la conviction que justice ne peut être rendue dans ce cas que si le gouvernement reconnaît le besoin d'établir un Bureau d'appel indépendant au lieu de remanier les organismes existants.

Par conséquent, nous réitérons notre appui de la recommandation approuvée par les trois membres du Comité Woods d'après laquelle une autorité indépendante devrait être chargée d'entendre les appels. En outre, nous sommes d'avis que la seule façon satisfaisante d'y arriver, compte tenu des lacunes dont le gouvernement lui-même a reconnu l'existence dans le système actuel, c'est de donner suite à

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ment the proposal in the main report of the Woods Committee to the effect that an independent appeal authority outside of the Pension Commission be established.

For further details we respectfully refer to Recommendation 14 (V.I, pp. 77-83) of the Report of the Committee to Survey the Work and Organization of the Canadian Pension Commission.

Mr. Chairman, Paul Clavel, who is the President of the Association of the 22nd is here. May I introduce Mr. Paul Clavel.

Stabilization

The government proposes to give statutory authority to the policy of stabilization, which has been in effect since 1936. This prevents reduction in assessments of World War I pensions that have been in payment for three years or more.

It is also proposed to stabilize pensions arising out of service subsequent to World War I after the pensioner reaches age 60, if and when such pensions have been in effect for ten years or more. This proposal for those who served subsequent to World War I, although representing some benefit, is considerably less in extent than the Recommenda-

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tions (123 and 124) of the Woods Committee, which are:

> That in respect of pensions paid for disabilities attributable to, incurred during, or aggravated by service in World War II, no reduction in the assessment of a disability shall be made, provided such assessment has been in effect for three years or more.
>
> That, in respect of disabilities which have arisen out of, or were directly connected with or related to service in peacetime in the Regular Forces, no reduction in the assessment of a disability shall be made, provided such assessment has been in effect for three years or more, and provided that the pension may not be stabilized within ten years of the pensioner's release from the period of service during which the disability or aggravation thereof had its origin.

Mr. Justice Woods and his colleagues concluded that stabilization was an essential principle of pension administration, noting that this principle had been in vogue for

[*Interprétation*]

la proposition que renferme le rapport principal du Comité Woods, d'après laquelle un organisme d'appel indépendant, étranger à la Commission des pensions, devrait être institué.

Pour de plus amples détails, nous engageons le lecteur à consulter la Recommandation 14 (V.I, pp. 77-83) du rapport du Comité chargé d'enquêter sur le travail et l'organisation de la Commission canadienne des pensions.

Monsieur le président, Monsieur Paul Clavel, le président de l'Association du 22e, est des nôtres. Puis-je vous le présenter?

Stabilisation

Le gouvernement se propose de conférer une autorité statutaire à la politique de stabilisation qui est en vigueur depuis 1936 et qui interdit de réduire l'évaluation de l'invalidité ouvrant droit à pension de la Première Guerre mondiale, lorsque la pension est versée depuis trois ans ou plus.

On se propose également de stabiliser les pensions qui découlent du service postérieur à la Première Grande guerre après que le pensionné aura atteint 60 ans, pourvu que ces pensions aient été en vigueur pendant dix ans ou plus. Cette proposition concernant ceux qui ont servi après la Première Guerre mondiale, bien qu'elle comporte un certain avantage, est loin d'être aussi utile que les recommandations 123 et 124 du Comité Woods qui sont ainsi conçues:

> Que dans les cas d'une pension versée en raison d'une invalidité survenue au cours du service militaire pendant la seconde guerre mondiale ou aggravée par ce service, nulle réduction ne soit faite de l'évaluation du degré d'invalidité, pourvu que cette évaluation soit demeurée en vigueur durant trois ans ou plus.
>
> Que, dans le cas d'une invalidité qui est consécutive au service en temps de paix dans les forces régulières ou s'y rattache directement, nulle réduction ne soit faite de l'évaluation du degré d'invalidité, pourvu que cette évaluation soit demeurée en vigueur durant trois ans ou plus, sous réserve que la pension ne puisse être stabilisée dans les dix ans qui suivent la retraite prise au terme de la période de service au cours de laquelle l'invalidité s'est produite ou s'est aggravée.

Monsieur le juge Woods et ses collègues en ont conclu que la stabilisation constituait un principe essentiel de l'administration des pensions; ils ont signalé que ce principe était en

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World War I veterans approximately eighteen years after World War I; hence stabilization for World War II veterans was justifiable at the date the Woods Report was written (1967), being some twenty-two years after the end of Wold War II.

We fail to understand the justice in the Government's proposal which would establish two sets of rules; one for World War I and the other for all other disability pensioners.

Attendance Allowance

The national veterans' organizations of Canada welcome the proposal that the Pension Act be amended to state unequivocally that Attendance Allowance is not considered part of any pension paid for disability; we are also pleased that the government rejected the recommendation that would have restricted the payment of Attendance Allowance to those whose need is conditional, to some degree at least, on their pensioned disabilities.

We question, however, the government's proposal concerning the payment of this allowance for only one month, except in cases of hardship, when a pensioner is in hospital. Section 33(3) of the Pension Act provides that Attendance Allowance in payment to a pensioner who is blind shall continue in payment during the time that he is an in-patient under treatment or care from the Department of Veterans Affairs. It seems reasonable to assume that this principle is sound in that it has been in force since 1954. The Woods Committee felt that this provision could be extended to all other pensioners in receipt of Attendance Allowance at the maximum rate. To do any less would not only seem an injustice, but would also represent a negation of a principle which had received legislative sanction some fifteen years ago.

Legal Damages

The government White Paper falls far short of meeting the recommendation of the Woods Report with respect to the recovery of legal damages. The Woods Committee recommended (V.II, p. 738):

> That the Act be amended to replace the existing Sections 20, 21 and 22 with a new section which would provide that the Act contain only a provision to prohibit a person from receiving both an award of

[*Interpretation*]

vigueur pour les anciens combattants de la Première Guerre mondiale environ 18 ans après cette guerre; par conséquent, la stabilisation pour les anciens combattants de la Seconde Guerre mondiale était justifiée au moment où le rapoort Woods a été écrit, en 1967, soit environ 22 ans après la fin de la Seconde Guerre mondiale. Nous ne voyons aucune justice dans la proposition du gouvernement qui cherche à établir deux procédures distinctes: l'une pour les pensionnés de la Première Guerre mondiale, l'autre pour tous les autres pensionnés.

Allocation de soins

Les associations nationales des anciens combattants du Canada accueillent avec joie la proposition visant à modifier la Loi sur les pensions, afin qu'elle énonce sans équivoque que l'allocation de soins n'est pas considérée comme faisant partie d'une pension versée en raison d'une invalidité quelconque; nous sommes heureux également que le gouvernement ait rejeté la recommandation suivant laquelle l'allocation de soins aurait été versée uniquement à ceux dont le besoin était dicté, du moins en partie, par une invalidité ouvrant droit à pension.

Nous mettons en doute, cependant, l'à-propos de la proposition du gouvernement selon laquelle cette allocation ne serait versée que durant un mois, sauf dans le cas de difficultés financières, lorsque le pensionné est hospitalisé. L'article 33(3) de la Loi sur les pensions prescrit que l'allocation de soins versée à un pensionné aveugle sera maintenue en vigueur pendant qu'il est hospitalisé pour recevoir un traitement ou des soins sous les auspices du ministère des Affaires des anciens combattants. Il semble raisonnable de tenir comme acquis que ce principe est sain, vu qu'il est en vigueur depuis 1954. Le Comité Woods était d'avis que cette disposition pouvait être appliquée à tous les autres pensionnés touchant l'allocation de soins au taux maximum. Non seulement une mesure moins généreuse semblerait-elle une injustice, mais elle irait également à l'encontre d'un principe qui a reçu la sanction législative il y a quelque quinze ans.

Dommages-intérêts

Le Livre blanc du gouvernement est très loin de donner suite à la recommandation du Rapport Woods concernant le recouvrement des dommages-intérêts en effet, le Comité Woods a fait la recommandation suivante (v. II, p. 840 de l'édition française):

> Que la Loi soit modifiée afin de remplacer les articles 20, 21 et 22 existants par un nouvel article stipulant une seule interdiction, celle de toucher la pension prévue par la Loi sur les pensions en même temps que

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pension under the Pension Act and an award under the Government Employees Compensation Act or similar legislation of the Federal Government designed to compensate for death or disability where such is attributable to employment in the Government service or has been caused under circumstances which in some manner indicate liability upon the Crown.

The White Paper does not suggest adoption of this recommendation but, as a concession, proposes that in capitalizing the amount of damages recovered, the portion for special damages, pain and suffering and loss of "consortium" would not affect the pension in payment.

It would appear that the Government is prepared to accept part of the Woods recommendation in principle. The extent of that acceptance is another matter, when measured in dollars and cents. We understand that in normal settlements for damages, the portion for special and other damages which would be ignored under the government's proposal is very small compared with the amount of damages awarded for loss of earnings, all of which the government proposes to recover.

Provisions for Regular Force

It would appear that no recommendations are contained in the White Paper in respect of pension coverage for personnel of the Regular Force. The Woods Committee proposed a new section of the Act covering disability or death related to service in the Forces, detailing coverage for a number of specific service activities.

We feel that the failure to clarify the situation in regard to Regular Force personnel will perpetuate the unfortunate and unjust situation that has existed since the end of World

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Ward II. Surely now that the Pension Act is to be open for amendment, it is appropriate that action should be taken to improve the legislation which provides disability pensions on behalf of serving personnel.

Automatic Age Increase

The Woods Committee concluded that the automatic increasing of pensions for fixed disabilities, with increasing age, was a sound principle of pension administration. The

[*Interprétation*]

l'indemnité prévue par la Loi sur l'indemnisation des employés de l'État ou toute autre législation fédérale semblable visant à indemniser la victime ou ses ayants droit pour le décès ou l'invalidité, lorsque ce décès ou cette invalidité peuvent être reliés au service du gouvernement fédéral ou sont survenus dans des circonstances telles que la Couronne est en quelque sorte tenue d'un dédommagement.

Le Livre blanc ne propose pas l'adoption de cette recommandation mais, en guise de concession, il propose qu'aux fins de la capitalisation des dommages-intérêts recouvrés, les montants accordés au titre des dommages particuliers, des souffrances physiques et morales et de la perte de cohabitation ne réduisent pas le montant de la pension versée.

Le gouvernement semble disposé à accepter en principe une partie de cette recommandation du Comité Woods. Toutefois, cette concession n'a guère de valeur dans la pratique. En effet, nous croyons savoir que dans la plupart des cas la partie des dommages-intérêts accordés à l'égard des dommages particuliers et au titre des autres dommages dont fait exception la recommandation du gouvernement est très petite en comparaison du montant des dommages-intérêts accordés au titre de la perte de salaire et que le gouvernement se propose de recouvrer intégralement.

Dispositions relatives aux forces régulières

Le Livre blanc ne semble renfermer aucune recommandation concernant les dispositions de la Loi sur les pensions qui s'appliquent aux membres des forces régulières. Le Comité Woods a proposé l'addition à la Loi d'un nouvel article concernant l'invalidité ou le décès lié au service dans les forces régulières, et précisant les conditions d'attribution d'une pension à l'égard d'un certain nombre d'activités militaires.

Nous estimons que le manque de précisions concernant la situation des membres des forces régulières aura pour effet de perpétuer la situation regrettable et injuste qui existe depuis la fin de la Seconde Guerre mondiale.

Assurément, vu que la Loi sur les pensions sera modifiée, il serait approprié de prendre des mesures pour améliorer la loi qui régit l'octroi des pensions aux membres des forces régulières.

Augmentation automatique fondée sur l'âge

Le Comité Woods a conclu que l'augmentation automatique des pensions versées en raison d'invalidités stables, selon l'âge du pensionné, découlait d'un principe bien fondé. La

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Table of Disabilities of the Commission now provides for automatic increases for amputation and gunshot wounds for disability pensioners in receipt of pension at 50 per cent, 60 per cent and 70 per cent, provided the wounds were received in direct action with the enemy. The Woods Committee considered that these provisions should apply to pensioners in receipt of pension at 80 per cent and 90 per cent and for all amputations arising from wounds or physical injury. (Amputation due to disease was excluded from the Woods Committee recommendations, in that such would be subjected to periodic medical reviews in order to examine the possible progression of the disease.)

Presumably it has been clearly established that automatic age increase is an acceptable principle where amputation arises from causes other than disease or for gunshot wounds. The existing provisions which exclude application of this principle for pensioners in the 80 per cent and 90 per cent classifications, or for those whose amputation or gunshot wound was not incurred in direct action with the enemy seems unjustifiable.

Continuation of Pension for Children to age 25 when undergoing Course of Instruction

The Woods Committee noted that the age limit of 21, at which payment of pension to a child undergoing a course of instruction now terminates, was established many years ago at a time when students beyond the secondary school level were able to complete their professional training at a much earlier age than now occurs.

The Woods Committee noted, also, that the Education Assistance Act, under which educational assistance is extended to the children of the war dead and deceased pensioners, provides for pension payments up to age 25, and in some cases, age 30.

Assuming that it is correct to state that most children of pensioners undergoing professional training beyond the secondary school level will require financial assistance from the pensioner beyond age 21, the recommendation of the Woods Committee to extend such assistance to age 25 appears most reasonable.

Mr. Chairman and gentlemen, we appreciate the opportunity to appear before you today as you commence your deliberations on the Report of the Woods Committee. While we have completed our formal presentation, we are prepared, with the assistance of Mr. D. M. Thompson and Mr. C. Chadderton, to discuss with you those matters brought to your attention in these presentations. We also

[*Interpretation*]

Table des invalidités de la Commission canadienne des pensions prévoit actuellement des augmentations automatiques, dans le cas des amputations et des blessures par arme à feu, en faveur des pensionnés à 50, 60 ou 70 p. 100, à la condition que la blessure soit survenue au cours d'un engagement direct avec l'ennemi. Le Comité Woods était d'avis que ces dispositions devraient s'appliquer également aux pensionnés à 80 et à 90 p. 100, et à l'égard de toutes les amputations résultant de blessures ou d'autres traumatismes. (L'amputation résultant d'une maladie fut exclue des recommandations du Comité Woods, vu qu'elle ferait l'objet d'examens médicaux périodiques visant à dépister toute progression de la maladie.) Il semble avoir été clairement établi que l'augmentation automatique selon l'âge est acceptable en principe dans les cas où l'amputation résulte de causes autres que la maladie ou d'une blessure par arme à feu. Les dispositions actuelles, qui empêchent l'application de ce principe aux pensionnés à 80 ou 90 p. 100 et à ceux dont l'amputation ou la blessure par arme à feu ne résulte pas d'un engagement direct avec l'ennemi, semblent injustifiables.

Prolongation de la pension jusqu'à l'âge de 25 ans dans le cas des enfants qui poursuivent leurs études

Le Comité Woods a souligné que la limite d'âge de 21 ans, à laquelle la pension versée en faveur d'un enfant qui poursuit ses études est discontinuée, a été établie il y a de nombreuses années, à une époque où les étudiants pouvaient terminer leur formation professionnelle au-delà du niveau secondaire à un âge beaucoup moins avancé qu'actuellement. Le Comité Woods a aussi fait remarquer que la Loi sur l'aide aux enfants des morts de la guerre (Éducation), qui prévoit une aide à l'éducation des enfants des morts de la guerre et des pensionnés décédés, autorise le versement de pensions jusqu'à l'âge de 25 ans et, dans certains cas, jusqu'à l'âge de 30 ans. En supposant qu'il soit exact d'affirmer que la plupart des enfants des pensionnés, qui poursuivent une formation professionnelle au-delà du niveau secondaire, devront recevoir une aide financière du pensionné même après avoir dépassé l'âge de 21 ans, la recommandation du Comité Woods visant à prolonger cette aide jusqu'à l'âge de 25 ans semble tout à fait raisonnable. Monsieur le président et messieurs les membres du Comité, nous savons apprécier l'occasion qui nous est fournie de comparaître devant vous aujourd'hui, alors que vous entreprenez votre étude du Rapport du Comité Woods. Bien que nous ayons terminé notre exposé formel, nous sommes disposés, avec l'aide de MM. D. M. Thompson et C. Chadderton, à discuter avec vous les ques-

[*Texte*]

confirm our intention to seek your permission for each organization represented here today to make a more detailed submission to forthcoming sessions of your Committee.

Thank you very much, Mr. Chairman and gentlemen.

The Chairman: Thank you very much Mr. Kohaly.

I have a number of names. Mr. Badanai?

Mr. Badanai: Mr. Chairman, I am very interested in paragraph 2 on page 7 which reads:

> The report cites, in general terms, the methods of pension assessment used in a number of other countries...

Can the witness name the major countries?

Mr. Kohaly: Yes. It includes the United Kingdom, Germany, Austria, New Zealand, France, Yugoslavia, Australia and Belgium, who pay a supplementary right for multiple disability.

Mr. Badanai: It seems to be, Mr. Chairman, that we in Canada could do no less than the countries named.

Mr. Kohaly: We are trying to continue to maintain the principle that we have leading legislation in the field of pensions, yes. If we are going to take another attitude I think we could live with it.

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Mr. Badanai: Thank you.

Mr. Weatherhead: Mr. Chairman, in relation to the proposed appeal procedure there has been some editorial comment in the country to the effect that perhaps the final court of appeal should be the supreme courts of the provinces involved. Has the witness any comments on that suggestion?

Mr. Kohaly: Yes. The veterans' organizations would not look upon that with favor, in competition with the recommendation of the Woods Committee Report. We do not want it to be an adversary system again, and we would be afraid that it would be, because these courts are set up only on the adversary system, and the Commission would then find itself in competition with the applicant—a

[*Interprétation*]

tions dont nous vous avons saisi dans nos exposés. Nous voulons également confirmer notre intention de solliciter votre permission afin que chacune des organisations ici représentées soit autorisée à présenter son propre exposé détaillé, lors des prochaines séances de votre comité.

Merci beaucoup monsieur le président et messieurs les membres du Comité.

Le président: Merci beaucoup monsieur Kohaly. J'ai ici plusieurs noms. Monsieur Badanai?

M. Badanai: Monsieur le président, l'alinéa 2 à la page 7 m'intéresse au plus haut point. Il se lit ainsi:

> Le Rapport cite, sans entrer dans le détail, les méthodes d'évaluation des pensions adoptées dans un certain nombre d'autres pays...

Le témoin peut-il nommer les plus importants de ces pays?

M. Kohaly: Oui, monsieur. Ils comprennent le Royaume-Uni, l'Allemagne, l'Autriche, la Nouvelle-Zélande, la France, la Yougoslavie, l'Australie et la Belgique. Tous ces pays accordent une indemnité additionnelle dans les cas d'infirmités multiples.

M. Badanai: Il me semble, monsieur le président, que le Canada devrait en faire autant.

M. Kohaly: Nous cherchons à maintenir notre propre loi au premier rang dans le domaine des pensions. Toutefois, si nous devons adopter une attitude différente, je crois que nous pourrions nous en accommoder.

M. Badanai: Merci, monsieur.

M. Weatherhead: Monsieur le président, en marge de la proposition relative à une nouvelle procédure d'appel, certains éditorialistes canadiens ont émis l'opinion qu'il y aurait peut-être lieu que le tribunal de dernier recours soit la cour suprême provinciale. Le témoin aurait-il quelques observations à faire au sujet de cette proposition?

M. Kohaly: En effet, les associations d'anciens combattants n'approuveraient pas cette proposition en regard de la recommandation faite dans le Rapport du Comité Woods. Nous ne voulons pas d'un autre régime contradictoire, et nous craignons qu'un tel régime le serait vu que ces tribunaux sont fondés uniquement sur un régime contradictoire, et que la Commission se trouverait opposée au

[*Text*]

situation which did not work out to the benefit of the Commission or the applicant when it was tried in a way before. That is my understanding of it.

Mr. Weatherhead: You would not look upon that with any degree of approval at all?

Mr. Kohaly: If competition was the suggestion made by Woods...

Mr. Weatherhead: The Woods suggestion would envisage a type of appeal board, such as the immigration appeal board. Would that be the type of thing?

Mr. Kohaly: I am afraid I am not knowledgeable about the immigration appeal board. We would look upon it as having the atmosphere of the Canadian Pension Commission throughout which there is a benevolent atmosphere and understanding. A rather special expertise is involved with pensions. I would assume this also with the immigration service—a special thing. That is what we envisage. The mental atmosphere is reasonable. It is attuned to pensions, veterans and widows and their needs and they know, generally speaking, that this prevails. We would like to see it prevail again, but with seeming independence from the Commission. That is my understanding of what the Woods Report Commission means, behind the moral side of what it says.

Mr. Weatherhead: Thank you, Mr. Chairman.

The Chairman: Mr. Stanley Knowles, then Mr. Laniel.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, at the top of page 7 the presentation refers to a very small minority of pensioners belonging in the multiple disabilities class. It is my understanding that that number is very small. When I made reference thereto a day or two ago at one of these meetings I was told that the number of people who are assessed as having multiple disabilities is in the order of 5,000. Obviously that is a global figure, including all kinds of people who have two things wrong with them. Could you give us further detail on the kinds of multiple cases? I know we start with those with double, triple and quadruple amputations, and so on, but could you give us any detail on the number of people and the kinds of cases you have in mind that should receive special consideration under this multiple disabilities section?

[*Interpretation*]

requérant. Un régime analogue a été mis à l'épreuve dans le passé, mais ni la Commission ni les requérants n'en ont bénéficié. Voilà ce que j'en pense.

M. Weatherhead: Vous n'approuvez pas du tout un tel régime?

M. Kohaly: Si l'opposition est la proposition faite par le Comité Woods...

M. Weatherhead: La proposition du Comité Woods envisage un bureau d'appel du genre de celui de l'Immigration. Est-ce le genre que vous souhaitez?

M. Kohaly: Je ne connais guère le bureau d'appel de l'Immigration. Nous voudrions un bureau d'appel ayant la même attitude que la Commission canadienne des pensions où règnent la bienveillance et le discernement. Il existe dans le domaine des pensions une jurisprudence particulière. Je suppose qu'il en est de même à l'Immigration. C'est ce que nous envisageons. Une attitude raisonnable, en somme. L'attitude de la Commission est en harmonie avec les pensions, les anciens combattants, les veuves et leurs besoins, et les anciens combattants, dans l'ensemble, sont bien au courant de cette attitude. Nous aimerions retrouver cette attitude au sein d'un nouvel organisme qui semblerait indépendant de la Commission. Voilà comment j'interprète la pensée du Comité Woods, indépendamment de l'aspect moral de sa recommandation.

M. Weatherhead: Merci, monsieur le président.

Le président: M. Stanley Knowles et, ensuite, M. Laniel.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, au début de la page 7, l'exposé traite d'un très petit nombre de pensionnés atteints d'infirmités multiples. Je crois savoir que ce nombre est très petit. Lorsque j'ai abordé cette question, il y a une couple de jours, à l'une de ces réunions, on m'a dit qu'il y avait environ 5,000 pensionnés souffrant d'infirmités multiples. Il s'agit évidemment là d'un chiffre global comprenant toutes sortes de gens souffrant de deux affections distinctes. Pourriez-vous nous fournir d'autres précisions concernant les différents types de cas? Je sais qu'il y a, en premier lieu, ceux qui sont amputés de deux, trois ou quatre membres, et ainsi de suite, mais pourriez-vous nous apporter plus de précisions concernant le nombre de personnes et le genre de cas qui, à votre avis, devraient recevoir une attention spéciale en vertu de cet article portant sur les infirmités multiples?

[*Texte*]

Mr. Bigg: Do you mean over 100 per cent—restricted to over 100 per cent?

Mr. Knowles (Winnipeg North Centre): Yes. It seems to me that the veterans' organizations have in mind a number fewer than the 5,000 they gave me the other day. Could we have more detail on that?

Mr. Kohaly: Yes. Something in the order of 300 plus is involved.

Mr. Bigg: I think the number we are looking for, sir, is of the ones who might qualify for something more than a 100 per cent if this recommendation of the Woods Committee report goes through.

Mr. Kohaly: The brief of those who are most knowledgeable, which is the disability group of the National Council of Veterans Associations, stated at page 511 that the total number of seriously disabled in Canada who, through disability, required an assessment in excess of 100 per cent was not large. The following figures were given: Multiple amputations, double leg, 130; double arm, 13; one leg, one arm, 26; triple amputation, 4; quadruple, 1; total 174.

War blinded: Total blindness, 42; light perception but no useful vision, 21; total 63.

Paraplegia: Paraplegics, 170; quadraplegics, 13; total 183. The three figures to add togeth-

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er are 174, 63 and 183. The principle involved an assessment in excess of 100 per cent. It is really not large, and we say so.

Mr. Knowles (Winnipeg North Centre): Am I correct that these are the groups—these are the veterans—that you are concerned about when you talk in your brief about multiple disabilities.

Mr. Kohaly: That is right. That is why we say it is a very small minority of pensioners, and we fail to see that the people of Canada would not want to look after that kind of people.

Mr. Knowles (Winnipeg North Centre): Hear, hear!

[*Interprétation*]

M. Bigg: Voulez-vous parler seulement de ceux dont l'invalidité dépasse les 100 p. 100?

M. Knowles (Winnipeg-Nord-Centre): En effet, il me semble que les associations d'anciens combattants ont à l'esprit un nombre beaucoup plus restreint que les 5,000 dont on m'a parlé l'autre jour. Pourrions-nous avoir plus de détails à ce sujet?

M. Kohaly: Oui, monsieur. Il y en a peut-être un peu plus de 300.

M. Bigg: Je crois, monsieur, que nous cherchons à établir le nombre de ceux qui pourraient peut-être devenir admissibles à une pension de plus de 100 p. 100 si cette recommandation du Comité Woods était adoptée.

M. Kohaly: Le mémoire de ceux qui en connaissent le plus sur ce sujet, c'est-à-dire le Groupe des invalides pour causes multiples faisant partie du Conseil national des associations d'anciens combattants du Canada, mentionne, ainsi qu'il est rapporté à la page 591 (édition française) du Rapport Woods, que le nombre de ceux qui sont atteints d'une invalidité grave, nécessitant une évaluation de plus de 100 p. 100, n'est pas élevé au Canada. Le mémoire cite les chiffres suivants relativement aux amputations multiples: deux jambes, 130; deux bras, 13; une jambe et un bras, 26; triple amputation, 4; et quadruple amputation, 1; soit 174 au total.

Il y a aussi les aveugles de guerre, dont 42 sont frappés de cécité absolue, tandis que 21 autres ont conservé une certaine perception de la lumière mais sans vision utile; on en compte 63 en tout.

Il y a en outre 183 cas de paraplégie, dont 170 cas de paraplégie proprement dite et 13 cas de quadraplégie. Les trois chiffres à additionner sont donc 174, 63 et 183. Le principe comporte une évaluation dépassant les 100 p. 100. Je le répète ces cas sont peu nombreux.

M. Knowles (Winnipeg-Nord-Centre): Est-ce que ce sont bien là les groupes ou les anciens combattants auxquels vous vous intéressez dans votre mémoire lorsque vous parlez des infirmités multiples?

M. Kohaly: C'est exact. C'est pour cette raison que nous disons qu'il s'agit d'une très faible minorité de pensionnés, et nous ne croyons pas que les Canadiens refuseraient de s'occuper de ce genre de personnes.

M. Knowles (Winnipeg-Nord-Centre): Bien dit! Bien dit!

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Mr. Bigg: And would it be true, too, that in some cases this number would be reduced somewhat by those overlapping; that in some cases they are not only blind but parapelegic and multiple amputation, as well, so that the number of the total individuals would be somewhat less than that total figure.

Mr. Kohaly: It is not likely.

Mr. Knowles (Winnipeg North Centre): But no larger than that figure?

Mr. Bigg: It must be less if some of these people are...

Mr. Kohaly: I really question whether it is. We would doubt it, sir.

Mr. Guay (St. Boniface): I have a supplementary to that, Mr. Chairman. Is there any possibility that any other veterans in time will qualify within that category? I guess there is always a possibility that others will.

Mr. Kohaly: It is a possibility that you will get total blindness if you follow up consequential disability along the lines of the Woods Report that was not presently so but then would become so; also if he happened to be a double amputee. But, sir, if that were the case and a few were involved, ought they not to be looked after too?

Mr. Guay (St. Boniface): I agree. I am not questioning for that reason. On the contrary, I am rather concerned with some who, other than the total number that you have mentioned, may qualify later on. I think that they should be given the same consideration if you are going to consider these at all.

Mr. Kohaly: It is hard to visualize except in consequential disability in paired organs. It is hard to visualize but it is possible. Is that not right? Mr. Chadderton is very knowledgeable in this field, Mr. Guay.

The Chairman: Mr. Chadderton, do you wish to comment?

Mr. C. Chadderton (Executive Secretary, The War Amputations of Canada): Mr. Chairman and gentlemen, I think the interpretation of The War Amputations of Canada in regard to the recommendations which deal with multiple disabilities is that the committee was intending to attempt to do something, as the

[*Interpretation*]

M. Bigg: N'est-il pas vrai également que ce nombre serait quelque peu réduit du fait que certains invalides appartiennent à plus d'un groupe, c'est-à-dire qu'en certains cas ils sont non seulement aveugles mais aussi paraplégiques et amputés de plusieurs membres, de sorte que le nombre total d'individus serait quelque peu inférieur au chiffre mentionné en premier lieu.

M. Kohaly: C'est peu probable.

M. Knowles (Winnipeg-Nord-Centre): Il ne serait certainement pas plus élevé.

M. Bigg: Il doit être moins élevé si certaines de ces personnes sont...

M. Kohaly: Je doute fort qu'il le soit.

M. Guay (Saint-Boniface): Je voudrais poser une question supplémentaire, monsieur le président. Est-il possible que d'autres anciens combattants puissent accéder à cette catégorie avec le temps? Je suppose que cette possibilité est réelle.

M. Kohaly: Oui, dans les cas de cécité absolue, par exemple, si l'on adopte la recommandation du Comité Woods au sujet des affections secondaires; ce n'est pas le cas actuellement, mais ce pourrait le devenir; il en serait de même s'il était amputé de deux membres. Toutefois, si c'était le cas et s'il y en avait quelques uns, est-ce que nous ne devrions pas nous en occuper?

M. Guay (Saint-Boniface): Je suis d'accord avec vous et ce n'est pas pour cette raison que je vous pose la question. Bien au contraire, je m'inquiète de ceux qui, bien que n'étant pas du nombre que vous avez mentionné, pourraient en faire partie plus tard. Je crois qu'il y aurait lieu de leur accorder les mêmes avantages que nous envisageons pour l'autre groupe.

M. Kohaly: C'est difficile à imaginer, sauf dans le cas d'une invalidité secondaire, au niveau d'un organe pair. C'est difficile à imaginer mais c'est possible n'est-ce pas? Monsieur Chadderton est très renseigné sur ce sujet, monsieur Guay.

Le président: Voulez-vous la parole, monsieur Chadderton?

M. C. Chadderton (Secrétaire exécutif des Amputés de guerre du Canada): Monsieur le président, messieurs, les Amputés de guerre du Canada, en lisant les recommandations qui portent sur des invalidités multiples, en conclurent que le Comité a voulu faire quelque chose, comme le mémoire que vous avez entre

[*Texte*]

brief in front of you says, for a very small group of people. And it was for that reason that the Committee emphasized the words "additional disability in a substantial extent". And the Committee visualized that the first 100 per cent of pension could be paid for loss of earning capacity, but where the multiple disability casualty had a number of other things such as scarring and disfigurement, loss of expectancy of life, anatomical loss, loss of enjoyment of life—and I quote here: "in a substantial extent"—they felt that some means should be found to attempt to indemnify the pensioner for this. And again, if I recall correctly the comment of Mr. Justice Woods and his colleagues, they did feel that there might be other multiple disability cases. This was a term that was meant to describe the man with maybe just one disability such as paraplegia but with multiple effects. The easier one to understand is the multiple amputee.

The Woods Committee did recognize, I am sure, that there were other people with a systemic disease or heart condition who might be assessed or could be assessed at more than 100 per cent, but in order to qualify under the recommendation there would have to be all or part of these four factors—this loss of enjoyment of life, shortening of life span, anatomical loss or scarring and disfigurement. These things would have to be there. Certainly some of them would have to be there in a substantial extent. I think the interpretation of The War Amputations of Canada is that there are some 4,000 or 5,000 pensioners also who are at the 100 per cent level and that Mr. Justice Woods and his people meant that for many of them 100 per cent was an adequate assessment. But where you looked at some of these other cases which were obviously so very, very far more heavily disabled than the normal 100 per cent fellow, you had to find some way to take them quite a bit above 100

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per cent. I think the figures of the Woods Report speak for themselves because they suggested a maximum, I believe, of something like 350 per cent. But certainly, to come back to the question, they were attempting to recognize a very small group of people.

Mr. Bigg: Mr. Chairman this might be a good place to ask a supplementary question on this very point. Could you tell us what other countries pay? Is there an average or a maximum that other countries pay?

Mr. Chadderton: I do not know that there are any actual figures readily available, and I

[*Interprétation*]

les mains le mentionne, pour un très petit groupe de gens. C'est pour cette raison que le Comité insiste sur les mots «invalidité additionnelle dans une large mesure». Il prévoit que le premier cent pour cent de la pension pourrait compenser la perte de la capacité de travailler, mais dans les cas d'invalidités multiples, accompagnées de cicatrices et de défigurement, d'une réduction de la durée de la vie, de la perte d'un membre, de l'impossibilité de jouir de la vie, et je cite: «dans une large mesure», il a cru bon de chercher des moyens de compenser le pensionné à cet égard. Encore une fois, si je me souviens bien de la remarque du juge Woods et de ses collègues, on a pensé qu'il pouvait exister d'autres cas d'invalidités multiples. L'expression est censée englober l'homme qui ne souffre que d'une seule incapacité, de paraplégie, par exemple, laquelle incapacité s'accompagne de multiples effets. Le cas le plus facile à comprendre est celui de l'amputé de plus d'un membre.

Le Comité Woods a reconnu, j'en suis sûr, que d'autres personnes peuvent souffrir de maladie du système ou de troubles cardiaques et recevoir une pension de plus de 100 p. 100, mais pour être admissibles en vertu de la recommandation, ces personnes doivent présenter la totalité ou une partie de ces quatre facteurs, soit la perte de jouissance de la vie, la réduction de la durée de la vie, la perte d'un membre, des marques de cicatrices ou de défigurement. Il faut que ces facteurs soient présents, et certains, dans une large mesure. Les Amputés de guerre du Canada en conclurent que quelque 4,000 ou 5,000 pensionnés touchent la totalité de la pension et que le juge Woods et ses collègues ont jugé que ce niveau était une évaluation convenable. Mais quand on considère les autres cas où l'invalidité est de loin plus grave que celle du pensionné qui retire 100 p. 100, il faut trouver le moyen de porter la pension de ces gens bien au-dessus de ce 100 p. 100. Les chiffres cités dans le rapport Woods sont éloquents, en ce sens qu'ils supposent un maximum, sauf erreur, de l'ordre de 350 p. 100. Pour revenir à la question qui nous intéresse, on a cherché à tenir compte d'un très petit groupe de personnes.

M. Bigg: Monsieur le président, le moment et l'endroit sont indiqués pour poser une question subsidiaire sur ce point. Pourriez-vous nous dire ce que paient les autres pays? S'agit-il d'une moyenne ou d'un maximum?

M. Chadderton: Je ne sais si l'on peut se procurer des chiffres exacts; j'ajoute que selon

[*Text*]

would say also that in my interpretation of the information in the Woods Committee to which reference is made today in our brief, we are referring to the principle of paying additional pension to a multiply disabled man.

Mr. Bigg: To your knowledge, Mr. Chadderton, is the payment substantial?

Mr. Chadderton: It certainly is in the United States. Of course, purchasing power, Mr. Bigg, has to come into this. We could work out the same pension using United States dollars for Belgium but it would not mean anything unless you related it to the purchasing power in that country. That is why we certainly feel that we are talking in principles and that is all.

The Chairman: Mr. Laniel.

Mr. Laniel: Mr. Chairman, I do regret that I came in late. I had told Mr. Thompson that I had a luncheon. I would like to have heard the complete presentation but I will read it tonight.

Mr. Bigg just touched on a point that I was going to raise concerning what is being done in other countries and I was wondering if it would not be possible to supply the Committee with a document, perhaps not now but within a few weeks, if we are to make recommendations. The Minister said the other day that the mere fact that the Department was presenting a White Paper made the policy of the government flexible. And if we want to make specific recommendations, I do not know if I am ready to go as far as 300 per cent or 350 per cent. Also, when I look at the White Paper, I ask myself what $400 and $1,200 in Canadian dollars represent in terms of the cost of living. I want to be practical. I think that this Committee was practical in the case of the Hong Kong veterans because our recommendation of two years ago was accepted. And if we could find perhaps not complete satisfaction with our recommendation with regard to the veterans' associations, but at least a reasonable approach to the problem, I think that I would be the first one to make a recommendation. I would appreciate very much if that kind of documentation could be made available to us. I have been with the Committee to England. I have an idea of their set-up. We have been to Paris and we also have an idea of what the set-up is over there. But we have never gone to Washington as we had planned and we never compared the figures. We could use the experts at the disposal of the Committee

[*Interpretation*]

le rapport Woods, auquel il est fait allusion dans notre mémoire d'aujourd'hui, il est question de payer une pension supplémentaire à un homme souffrant d'incapacités multiples.

M. Bigg: A votre connaissance, monsieur Chadderton, ce paiement est-il important?

M. Chadderton: Il l'est certainement aux États-Unis. Bien entendu, le pouvoir d'achat, monsieur Bigg, entre en ligne de compte ici.

Nous pourrions en arriver à la même pension en nous servant des dollars américains pour la Belgique, mais cela n'aurait aucun sens à moins que ce faisant, nous tenions compte du pouvoir d'achat dans ce pays. Voilà pourquoi nous estimons qu'il s'agit uniquement de principes.

Le président: Monsieur Laniel.

M. Laniel: Monsieur le président, je m'excuse d'arriver en retard. J'ai averti M. Thompson que j'avais rendez-vous pour le déjeuner. J'aurais aimé entendre tout l'exposé au complet, mais je le lirai ce soir.

M. Bigg vient de mentionner un point que je voulais justement soulever au sujet de ce qui se fait dans les autres pays et je me demande s'il ne serait pas possible de founir au Comité un document, non pas tout de suite, mais d'ici quelques semaines, dont nous pourrions nous inspirer dans nos recommandations. Le Ministre a déclaré l'autre jour que le simple fait que le Ministère présentait un Livre blanc faisait entrer un élément de souplesse dans la politique du gouvernement à cet égard. Et si nous voulons apporter des recommandations précises, je ne sais si je suis prêt à aller jusqu'à 300 ou 350 p. 100. A la lecture du Livre blanc, je me demande ce que $400 et $1,200 en dollars canadiens représentent par rapport au coût de la vie. Je veux être pratique. Le Comité s'est montré pratique, à mon avis, dans le cas des anciens combattants de Hong-Kong parce que notre recommandation, formulée il y a deux ans, a été acceptée. Si nous pouvions trouver satisfaction pour notre recommandation concernant les associations d'anciens combattants, pas nécessairement satisfaction totale mais du moins une attitude sensée vis-à-vis du problème, je serais le premier à formuler une recommandation. J'aimerais beaucoup que ce genre de documentation nous soit donnée. J'ai été avec le Comité en Angleterre. J'ai une certaine idée de leur façon de procéder. Nous sommes allés à Paris et nous sommes plus ou moins au courant de ce qui s'y fait dans ce domaine. Mais je ne suis jamais allé à Was-

[*Texte*]

whom we never had before to supply us with an analysis of these documents.

Mr. Kohaly: We will certainly see that that is made available. We should have had it done before. We just do not have it here.

Mr. Laniel: We are not blaming you in any way.

Mr. Kohaly: The Canadian legislation certainly is a leader in many areas—this is just one of them—and we would certainly like to be up there for the limited group of people who are so important to us and I am sure to you, sir, and to all Members of Parliament.

Mr. Laniel: Yes. Actually it is not a question of dollars. There is a figure in the White Paper but that does not mean anything to me unless is related to the cost of living. When you speak of percentages you can make comparison more easily than if you speak of dollars.

The other point that I wanted to make was touched on, I think, by Mr. Guay. It is about the independent authority for the Appeal Board. I am wondering if you are not defeating your purpose. It is my understanding from conversations that I have had with veterans' associations over the past few years that you feared that final decisions could devolve on people who would not meet your requirements; on people who would still have the same philosophy towards veterans.

Mr. Kohaly: Yes.

Mr. Laniel: And what worries me when I speak of the evolution in our social security system is that at some time, some day, some people might consider making the veterans' status the same as that of any other citizens. I think this would be a shame as a general principle.

I am afraid, unless you guarantee otherwise, that although answering to Parliament through the Minister, a separate pension appeal board does not at this time afford the protection that I am looking for as I still believe that the Pension Commission does possess the powers with regard to veterans that you have just mentioned.

Mr. Kohaly: Mr. Laniel, the veterans groups have the same clouded concern that

[*Interprétation*]

hington, comme c'était prévu, et nous n'avons jamais pu en comparer les chiffres. Nous pourrions faire appel aux experts qui sont à la disposition du Comité, ce qui est une innovation et nous pouvons leur demander de nous fournir une analyse de ces documents.

M. Kohaly: Nous y verrons sûrement. Nous aurions dû y voir plus tôt. Nous n'avons pas ces documents.

M. Laniel: Nous ne vous blâmons pas.

M. Kohaly: Les lois canadiennes sont certainement à l'avant-garde dans bien des domaines, et il s'agit d'une de ces lois. Nous aimerions certainement aider le groupe restreint de gens auquel nous attachons tant d'importance, tout comme vous, monsieur, et comme tous les députés.

M. Laniel: Oui. En réalité, il ne s'agit pas uniquement de dollars. Le Livre blanc donne un chiffre qui ne signifie rien pour moi si je ne peux le comparer au coût de la vie. Il est plus facile d'établir des comparaisons avec des pourcentages qu'avec des dollars.

L'autre point que je voulais soulever a été effleuré par M. Guay, je crois. Il s'agit de l'autorité indépendante du bureau des appels. Je me demande si vous ne contrecarrez pas par là vos objectifs. D'après les conservations que j'ai eues avec les associations d'anciens combattants, au cours des dernières années, vous craigniez que les décisions finales ne relèvent de personnes qui seraient loin de répondre à vos exigences, de personnes dont l'attitude au sujet des anciens combattants n'aurait pas changé.

M. Kohaly: Oui.

M. Laniel: Ce qui m'inquiète dans l'évolution de notre régime de sécurité sociale, c'est qu'à un moment donné, certaines personnes voudront peut-être placer les anciens combattants sur un pied d'égalité avec les autres citoyens. Ce serait honteux.

Je crains, à moins que vous ne m'offriez la garantie du contraire, que même s'il rend compte au Parlement par l'intermédiaire du Ministre, un bureau distinct des appels relatifs aux pensions n'assure pas en ce moment la protection que je voudrais, car je crois encore que la Commission des pensions est l'organisme compétent en ce qui concerne les anciens combattants que vous venez de mentionner.

M. Kohaly: Monsieur Laniel, les groupes d'anciens combattants sont tout aussi préoccu-

[*Text*]

you speak of about this subject, and historically there has been some cloud over this subject. What is the right kind of appeal, and can we be guaranteed? I doubt if we could be guaranteed, but we consider that in this day and age in this development of the pension situation this would be the best way to go. I doubt if it could be guaranteed that in no case would there be an injustice that would be conceivable, but as long as you can bring up new evidence and go to the bottom of the line again and come back up through, it would be minimized this way.

It certainly would not be minimized in the mind of an unsuccessful pensioner—a pension applicant—if he sees the two groups together and his adjudication in this final form is by one who he thinks is not entirely fair-minded about this, that he is with the rest of the Commission who were adverse to him and therefore wrong.

It has to appear to be independent, and this is not the appearance that you get now. I hope I am not, by that, saying that we have any lack of faith in any commissioner. It is not that. It is that it must appear to the uninitiated pension applicant who comes out of even western Canada where they are very enlightened that he had a full chance and a good shot at it. Only by an independent board could you possibly get that.

Mr. Laniel: Yes, but that board might become too independent.

Mr. Kohaly: Conceivably.

Mr. Laniel: Actually what scares me in all this study is that even in the report or in the things that I would wish myself, there is a danger that we might, without realizing it, come to the conclusion that since we are about to change the Pension Act, let us change it as much as possible and get as much as possible. We must also know where we are going. The fact that we are getting some kind of guarantee on other points where the right to appeal without having to ask for permission has been recognized satisfies me partly.

I am ready to go along with you as long as you give me an idea of how these people would be selected. If they are selected by the Minister and if they are selected by the Pension Commission, you might be in the same circle, so why complicate things that much. Anyway, I do not want to pursue this point. I will stop questioning now, because I want to read this more thoroughly. There are other points to which I might come back later.

[*Interpretation*]

pés que vous à ce sujet, cette question a toujours été passablement confuse. Quelle est la forme appropriée d'appel et comment pouvons-nous garantir celle-ci? Je doute que nous puissions garantir quoi que ce soit, mais de nos jours, étant donné la conjoncture relative aux pensions, ce serait la meilleure façon de procéder. Je doute que nous puissions garantir qu'il n'y aura jamais d'injustices, mais étant donné que vous pouvez présenter de nouvelles preuves et aller au fond des choses une autre fois, ce risque se trouve minimisé.

Il ne serait certainement pas minimisé dans l'esprit d'un pensionné débouté, d'un requérant qui voit les deux groupes travailler de pair, le jugement final est rendu par une personne qui, à son avis, n'est pas tout à fait impartiale qui se tient avec le reste des membres de la Commission, lesquels se sont déjà déclarés contre lui et, par conséquent, étaient dans l'erreur.

Cet organisme doit sembler indépendant, et ce n'est pas l'impression qu'il donne actuellement. Je ne veux pas dire que nous avons perdu confiance dans les commissaires. Pas du tout. Le Bureau doit sembler libre de toute influence au requérant qui arrive de l'Ouest, où on l'a assuré qu'il avait de bonnes chances. Seul un Bureau indépendant pourrait donner cette impression.

M. Laniel: Oui, mais il pourrait devenir trop indépendant.

M. Kohaly: C'est fort possible.

M. Laniel: En réalité, ce qui m'inquiète dans tout cela, c'est que le rapport, de même que les choses que je désire moi-même voir instaurées, comporte le danger que nous pourrions, sans nous en rendre compte, conclure que, sur le point de modifier la Loi sur les pensions, pourquoi ne pas la changer autant que possible et l'améliorer le plus possible? Nous devons aussi savoir où nous allons. Le fait qu'une certaine mesure de garantie existe pour les autres points au sujet desquels le droit d'appel sans autorisation préalable a été reconnu, me satisfait à moitié.

Je suis d'accord avec vous, si vous me donnez une idée de la façon dont ces gens seront choisis. Si le Ministre ou la Commission des pensions les choisit, vous évoluez dans le même cercle. Pourquoi tant de complications? Je ne poserai plus de questions pour le moment parce que je veux lire ce document à fond. Je reviendrai sur d'autres points plus tard.

[*Texte*]

The Chairman: I think Mr. Marshall would like to ask some questions.

Mr. Marshall: This is supplementary, Mr. Chairman. Are not the entitlement hearing division and the appeal division, consisting in the first instance of 10 commissioners and in the second instance of five commissioners, separate bodies with separate chairmen and deputy chairmen?

• 1505

Mr. Kohaly: No, not by our reading of the White Paper. There is only one chairman and one deputy chairman.

Mr. Marshall: I think we were given a different impression.

Mr. Laniel: That is not my impression.

Mr. Kohaly: The White Paper seems to indicate a chairman and a deputy chairman, yet two bodies can advise a person in an appeal. We would be very happy to see this step forward if there is more than one chairman. That is one feature that would be helpful.

Mr. Marshall: Mr. Chairman, I think we can be assured of that, because this is the way we got it.

The Chairman: Let us make a note here and we can ask further questions later to clarify this. We can make a note at this point in the record.

Mr. Marshall: I think it would change a lot of the thinking of the brief.

Mr. Kohaly: The White Paper clearly says —and only one sentence in each case—

> New Pension Commission
> The new Commission would then be organized into three divisions—the Administrative Division, the Entitlement Hearing Division and the Appeal Division.

And right after that it goes on to say:

> Administration Division
> The Administration Division which would consist of the Chairman, the Secretary and the Appeal...

and so on. That is all it says.

Mr. Marshall: We thought it was a bit ambiguous too.

[*Interprétation*]

Le président: M. Marshall aimerait poser des questions.

M. Marshall: Il s'agit d'une question subsidiaire, monsieur le président. La Division de l'admissibilité et la Division des appels, la première composée de 10 commissaires, et la deuxième de cinq, ne sont-elles pas des organismes distincts, ayant respectivement à leur tête des présidents et des présidents adjoints distincts?

M. Kohaly: Non, pas d'après le Livre blanc. Il n'y a qu'un seul président et qu'un seul président adjoint.

M. Marshall: On nous a laissé entendre le contraire.

M. Laniel: Telle n'est pas mon impression.

M. Kohaly: Le Livre blanc semble parler d'un président et d'un président adjoint, et pourtant deux organismes peuvent conseiller une personne au sujet d'un appel. Cette mesure nous sied parfaitement, dans la mesure où l'on désigne plus d'un président. Ce serait une bonne chose.

M. Marshall: Monsieur le président, je pense que nous pouvons en être convaincus, car c'est bien ainsi que nous l'entendons.

Le président: Prenons-en note et nous pourrons poser des questions plus tard pour clarifier ce point. Contentons-nous de le consigner au compte-rendu pour l'instant.

M. Marshall: Je pense que cela changerait pas mal l'optique du mémoire.

M. Kohaly: Le Livre blanc stipule clairement—et une seule phrase dans chaque cas—

> Nouvelle Commission des pensions
> La nouvelle commission comprendrait trois divisions: la Division de l'administration, la Division de l'admissibilité et la Division des appels.

Et immédiatement après, il est dit:

> Division de l'administration
> la Division de l'administration, qui se composerait d'un président, d'un secrétaire et des services administratifs d'appel ....

et ainsi de suite. C'est tout ce qui y est dit.

M. Marshall: Nous pensions bien que c'était quelque peu ambigu.

[*Text*]

Mr. Kohaly: We hoped that the ambiguity would be resolved in the manner you suggest.

Mr. Knowles (Winnipeg North Centre): Is it not true, Mr. Chairman, that we were assured that these 10 and 5 would be different individuals, but they would not be interchangeable? I wonder if the witness is not correct in drawing our attention to the fact that they are still one breed. There may be 15 different people, but they are one breed.

Mr. Kohaly: That is right.

The Chairman: Let us say that we will make a note and clarify this point. We have observed what you had to say on the point, Mr. Kohaly. Mr. Marshall.

Mr. Marshall: Mr. Kohaly, on page 9 you state:

> ...the main objective is to divest the Canadian Pension Commission of some of its responsibility.

Could you enlarge on that a bit? Are you concerned that the present Pension Commission is not carrying out its responsibilities properly?

Mr. Kohaly: That is a difficult question to answer. You asked it straightforward, and I suppose you should have a straightforward answer. We have had many, many objections to the way the Pension Commission seemingly carried out its duties. I am not suggesting anything wrong by anyone. I am sure they are all honest. The definition which they gave to Section 70 has brought almost universal objection from Members of Parliament on down. To that extent, yes, a direct answer to a direct question.

Generally speaking, we know very well that they are one of the bodies in Canada most interested in the veterans, but they did not always carry out their duties the way we thought they should, nor the way veterans who were in front of them felt they should. Not all of those veterans were right, Mr. Marshall, but some seemed to us to be right, and seemed to the Woods Committee to be right, and they so stated. Mind you, they said all the nice things that should be said about the Commission. They are dedicated and conscientious people and I do not want to belabour that. But let us be fair, the Woods Report was critical in places too.

[*Interpretation*]

M. Kohaly: Nous espérions que l'ambiguité serait dissipée de la façon que vous avez suggérée.

M. Knowles (Winnipeg-Nord-Centre): N'est-il pas exact, monsieur le président, que nous étions assurés que ces dix personnes d'une part, et ces cinq autres d'autre part, ne seraient pas les mêmes et ne seraient pas pour autant appelées à se remplacer. Je me demande si le témoin n'a pas raison de nous signaler le fait qu'elles constituent un groupe homogène. Se sont peut-être des personnes différentes, mais elles partagent le même sort.

M. Kohaly: C'est juste.

Le président: Dans ce cas, prenons-en note et clarifions la question. Nous avons tenu compte de ce que vous aviez à dire, M. Kohaly. Vous avez la parole, monsieur Marshall.

M. Marshall: Monsieur Kohaly, à la page 9 vous déclarez:

> ...le principal objectif est de décharger la Commission canadienne des pensions de certaines de ses responsabilités.

Pourriez-vous élaborer quelque peu? Estimez-vous que la Commission n'assume pas très bien ses responsabilités?

M. Kohaly: Il m'est difficile de répondre à cette question. Vous la posez de bonne foi et je suppose que vous attendez une réponse honnête. Nous avons bien des objections quant à la façon dont la Commission des pensions semble s'être acquittée de ses fonctions. Je ne mets personne en cause. Je suis sûr que tout le personnel est honnête. La définition que la Commission a donnée de l'article 70 a soulevé l'objection presque unanime des députés. Dans cette optique, oui, je suis prêt à répondre sans détours.

Règle générale, nous savons très bien que la Commission est l'un des organismes canadiens qui s'intéresse le plus aux anciens combattants, mais elle ne s'est pas toujours acquittée de ses fonctions comme nous l'entendions et comme les anciens combattants qui s'adressaient à elle s'y attendaient. Cela ne veut pas dire que tous ces gens avaient lieu de se plaindre, monsieur Marshall, mais il nous semble que dans certains cas, c'était fondé; le comité Woods a partagé cet avis et l'a stipulé dans le rapport. Notez bien qu'on a tenu, à l'égard de la Commission, des propos élogieux qu'il convenait de faire. Le personnel de la Commission est dévoué et consciencieux et je ne le contesterai pas; mais soyons justes, le rapport Woods n'a pas manqué de faire quelques critiques ici et là.

[*Texte*]

Mr. Marshall: Would it not have been rather the way the legislation was set up and the way the Pension Commission had to interpret it?

Mr. Kohaly: Yes, sir, I think that over the years this has happened. This is part of the same story. But our only point here is that if this is what is happening in the White Paper, divesting the Commission of these things, it is at the wrong end. There is no problem at the bottom. We have never said so. I do not think there is any brief by any veterans' organization saying anything at the bottom should be divested. It is at the top, the final appearance of justice to the applicant.

Mr. Marshall: Thank you.

The Chairman: Mr. Guay has some questions, but first Mr. MacRae.

Mr. MacRae: I would like to ask Mr. Kohaly if he would care to comment just a little more fully on how the Legion and the other veterans organizations feel about having the initial adjudication made in the Department of Veterans Affairs rather than in the Commission. I know it is covered here on page 10 of the brief, but I would like a bit more explanation if you would care to go into that.

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Mr. Kohaly: Well, I do not think this was part of our point of view initially. We have no objections to it so long as the other two steps remain. If the other two steps were somehow or other short circuited or the appeal end of it, were not truly independent, Mr. MacRae, we would be concerned about that end, but not otherwise. I think this is an adjunct that we never thought was necessary but there is no great problem. Is that not pretty well the position on it?

Mr. Thompson is much more knowledgeable on these details and I apologize to the Committee that I am not knowledgeable on details of the Pension Act, only in general principle.

Mr. D. M. Thompson (The Royal Canadian Legion): Referring to the point that Mr. Laniel raised earlier about the Appeal Board, I think the Woods Report from page 84 to page 100 and something goes into quite a bit of detail about the philosophy of this appeal and the need for the appeal being independ-

[*Interprétation*]

M. Marshall: Cet état de choses ne serait-il pas plutôt attribuable à la forme de la loi et à l'interprétation que devait en faire la Commission?

M. Kohaly: Parfaitement, monsieur, je pense que c'est ce qui s'est produit, en partie. Mais ce qui nous concerne, c'est ce que décrète le Livre blanc: ce n'est rien résoudre que de décharger la Commission de certaines de ces choses. Ce n'est pas à la base que réside le problème: nous n'avons jamais rien dit de tel. Aucune organisation d'anciens combattants n'a, à ce que je sache, présenté un mémoire préconisant qu'il faille démanteler la base de la pyramide. C'est au sommet que se trouve un semblant de justice pour le requérant.

M. Marshall: Je vous remercie.

Le président: M. Guay a des questions à poser, mais je donne tout d'abord la parole à M. MacRae.

M. MacRae: Monsieur Kohaly voudrait-il commenter davantage sur ce que pensent la Légion et les autres organisations des anciens combattants de voir leur demande initiale examinée en premier lieu par le ministère des Affaires des anciens combattants plutôt que par la Commission. Je sais qu'il en est question à la page 10 du mémoire, mais je voudrais que vous explicitiez si cela vous agrée.

M. Kohaly: Je ne crois pas que cela entrait dans nos considérations au début. Nous n'y voyons pas d'objection, pourvu que les deux autres mesures soient maintenues. Ce n'est que si ces deux mesures étaient amputées d'une façon ou d'une autre ou si il n'y avait pas vraiment de recours en appel autonome, monsieur MacRae, que nous verrions à rétablir les choses en ce qui concerne le recours en appel, sinon nous n'avons pas à intervenir. Je pense que nous n'avons pas jugé utile de faire état de cette disposition accessoire, mais ce n'est pas un problème sérieux. Cela ne résume-t-il pas la situation?

M. Thompson connaît davantage les détails et je m'excuse auprès du Comité de ne pas connaître davantage la Loi sur les pensions que je connais uniquement dans les grandes lignes.

M. D. M. Thompson (Légion canadienne): A ce propos, et pour en revenir à ce qu'a dit M. Laniel tantôt au sujet du Bureau des appels, je crois que de la page 84 à la page 100 environ, le rapport Woods entre dans le détail de la structure de cet appel et insiste sur le fait que l'appel soit autonome. Nous n'avons

[*Text*]

ent. It had never occurred to us to divest the Commission of some powers at the lower end, but it would seem to us that if you accept the Woods recommendation for an independent Appeal Board, Mr. Chairman, it would be kind of pointless to chop a piece off the bottom too. It would seem that the thing to do would be to have the Appeal Board at the top, and to have the other duties in the Commission as recommended in the Woods Report.

Mr. MacRae: Thank you.

The Chairman: Are there questions by other members of the Committee? Mr. Legault.

Mr. Legault: Mr. Chairman, dealing with page 9 the second last paragraph, I have a question just for clarification. Perhaps, in the wording itself there is a suggestion that it does not approve of the way the new Appeal Board would be formed. In the wording "composed of members of the Commission", the last line, the sentence leads to the fact that it would not seem appropriate that this be so, and that they be composed of members. Should it not be such that it be composed "from members" of the Commission rather than "of members", which would indicate that these Commissioners would still remain on the Canadian Pension Commission.

Mr. Kohaly: My apologies to you, sir, I am not sufficiently knowledgeable to answer a detailed question. I wonder if Mr. Thompson could answer.

Mr. Thompson: I think, Mr. Chairman, you have to go back further than just that sentence to get the intent. Go back to just after "ombudsman" where it reads:

> The White Paper appears to have ignored the fact that, while the minority report proposed a different solution to the problem of appeals, it did, in fact, emphasize the finding of the Committee that it was neither sound in principle, nor conducive to the most effective implementation of the Act, that appeals should be handled by Appeal Boards composed of members of the Commission.

Mr. Legault: Yes, but it would indicate that these members would still remain members of the Canadian Pension Commission.

Mr. Thompson: Mr. Chairman, the point we tried to make here is that whilst it was pointed out in the White Paper that there was, in fact, disagreement on how to solve the prob-

[*Interpretation*]

jamais envisagé de supprimer certains pouvoirs fondamentaux à la Commission, mais il nous semble que si vous acceptez la recommandation du comité Woods visant à l'établissement d'un Bureau des appels, monsieur le président, ce serait en quelque sorte inutile d'étronquer la base de la pyramide. Il nous paraît plus approprié d'avoir le Bureau des appels au sommet et de confier les autres responsabilités à la Commission comme le recommande le rapport Woods.

M. MacRae: Je vous remercie.

Le président: Avez-vous des questions? Monsieur Legault.

M. Legault: Monsieur le président, à propos de la page 9, à l'avant-dernier paragraphe, je voudrais poser une question pour clarifier les choses. Il est possible que le libellé porte à croire qu'on n'approuve pas le mode de constitution du Bureau des appels. L'expression «composé de membres de la Commission» à la dernière ligne, donne à penser que ce ne serait pas approprié et qu'il devrait être composé de membres. Ne devrait-on pas dire qu'il soit composé de «membres» de la Commission au lieu de «membres» tout court, de façon à faire ressortir que ces commissaires feraient toujours partie de la Commission canadienne des pensions.

M. Kohaly: Toutes mes excuses, je vous prie, monsieur, je ne suis pas assez versé en la matière pour me lancer dans les détails. Monsieur Thompson voudrait-il répondre.

M. Thompson: Je crois, monsieur le président, qu'il faut revenir sur ce qui précède cette phrase pour en saisir le sens. Veuillez vous y reporter tout de suite après «ombudsman»:

> Le Livre blanc semble avoir négligé le fait que, bien que le rapport minoritaire propose une solution différente au problème des appels, il corrobore en fait la conclusion du comité selon laquelle il n'était nullement judicieux et n'engendrerait pas une application efficace de la Loi de remettre les appels entre les mains du Bureau des appels composés de membres de la Commission.

M. Legault: Oui, mais cela indiquerait que ses membres demeureraient également membres de la Commission canadienne des pensions.

M. Thompson: Monsieur le président, ce que nous avons voulu dire c'est que, bien qu'il soit spécifié dans le Livre blanc qu'il y avait en fait désaccord sur le mode de règle-

[*Texte*]

lem, both the minority and the majority members of the Woods Committee were in agreement that the final appeals should not be handled by members of the Canadian Pension Commission.

Mr. Legault: This is exactly the point.

Mr. Laniel: I have a supplementary question on this. Mr. Thompson, was not the main complaint based on the fact that in many cases the same person was judging his previous judgment?

Mr. Kohaly: That was true.

Mr. Laniel: Other than the fact that it would be a different level of decision within the same institution?

Mr. Kohaly: That was one of the two things involved.

Mr. Laniel: Which is corrected.

• 1515

Mr. Kohaly: Oh, yes, that one is corrected but the big issue was in the final analysis, would it be the same people, in effect the same mentality, the same group; would the atmosphere be the same or would it be different? To get justice one must appear to have a difference. In the final analysis, that area is the area we feel has to be changed, sir.

Mr. Laniel: I appreciate your remarks, but it would be useful to us to put the question to the people responsible.

The Chairman: Mr. Legault.

Mr. Legault: Yes, Mr. Chairman, I understand your interpretation, but reading it would lead anyone to believe that these members of the Appeal Board would still remain because they would be members of the Canadian Pension Commission. My point would be members chosen from the Commission but declared independent or out of it. The point made by Mr. Laniel a while ago about the philosophy applied, the atmosphere, is very, very important. I think that point was well brought out. I think this should be properly interpreted here.

Mr. Kohaly: Mr. Chairman, there might be some considerable agony in deciding who is going to do this, but historically the Minister has named judges. We are perfectly satisfied with judges and commissioners and appointees. They tend to do their job well. Is there such a driving necessity to take them from this one source? Is there no other source in

[*Interprétation*]

ment du problème, les membres minoritaires et majoritaires du comité Woods ont convenu que les appels en dernier recours ne soient pas étudiés par les membres de la Commission canadienne des pensions.

M. Legault: C'est précisément cela.

M. Laniel: J'aurais une autre question à poser. Monsieur Thompson, la principale doléance ne découle-t-elle pas du fait que, dans nombre de cas, la même personne reprenait la décision qu'elle avait déjà rendue?

M. Kohaly: C'est exact.

M. Laniel: Outre le fait que ce serait une nouvelle décision à un autre échelon au sein de la même institution?

M. Kohaly: C'était l'une des deux questions en cause.

M. Laniel: On y a remédié.

M. Kohaly: Oui, on y a remédié, mais la principale question demeure, en dernière analyse, si on aurait affaire aux mêmes personnes, en fait, à la même mentalité, au même groupe; l'ambiance serait-elle la même ou bien différente? Pour avoir gain de cause, il semble qu'il faille établir une différence. C'est ce à quoi il faudrait remédier, estimons-nous.

M. Laniel: J'apprécie vos commentaires, mais il nous serait utile de poser la question aux personnes compétentes.

Le président: Monsieur Legault.

M. Legault: Oui, monsieur le président. Je comprends votre interprétation, mais n'importe qui pourrait croire à une simple lecture que les membres du Bureau d'appel en question resteraient en place parce qu'ils seraient membres de la Commission canadienne des pensions. Je proposerais plutôt que les membres soient choisis au sein de la Commission, mais qu'ils soient proclamés indépendants ou en dehors de la Commission. La précision qu'a apportée plus tôt M. Laniel au sujet de la philosophie appliquée et de l'atmosphère est très très importante. A mon avis, cela a été fort bien mis en évidence et devrait faire l'objet d'une bonne interprétation.

M. Kohaly: Monsieur le président, il faudra probablement beaucoup de temps pour décider qui occupera ce poste, mais par le passé, le ministre nommait des juges. Nous sommes très satisfaits des juges, des commissaires et des candidats nommés. Ils essaient de bien faire leur travail. Est-il aussi impérieux de les prendre à cette source? N'y a-t-il au Canada

[*Text*]

Canada comparable and equal that could possibly do it, and for once and for all, solve this great question mark and suspicion that has surrounded the Pension Act unnecessaridone. I feel confident there are competent ly? Surely now that it is open it could be men and women in Canada, that the Minister would appoint, who would resolve this problem forever without necessarily delving into the same well. I am not saying they are not competent but is it so necessary to do it that it cannot be done now.

Mr. Bigg: I have been on this Committee on and off for about 10 years and it seems to me that our problem—I stand to be corrected—is that we have been worried that all decisions are going to be made in a step ladder affair, if not by the same people in the same philosophy. We are trying to get around that now. I do not think it is going to help merely by changing the name of what they are, or even going shall we say, to the Department of Justice and saying, "Give us a bunch of personnel from some other department," if in fact they are going to come in with the same philosophy. What we have been trying to do over the years is clarify the terms of reference under which these people are going to work in the first place; that is, clarify the Act; to straighten up the bill of rights of veterans. Personally, if we do that properly, I do not think we have to worry about well-meaning Canadians no matter where they come from as long as they are then independent at the level at which they are working and there is no duplication or conflict of interest. We have been assured, at least I have, over the last few days that they are going to try and compartmentalize these people horizontally, so there is no danger that a man is faced with reversing a decision of his own or you might say people of like mind, but people under the same particular pressure.

I think we have been relieved of that at least by a promise, and I do not think it would help, as I said, merely to change the name from the Canadian Pension Commission or any other type of commission provided their independence is assured and we give them the proper terms of reference with the power to interpret Section 70, Section 13 and Section 25 in favour of the veteran keeping in mind the rights of the taxpayer. I hope I have not made this issue more clouded than it was before, but that is the way I see it. I think we have been given that assurance. As we will have more time to straighten this out in the drawing up of the act and in the details I think I am satisfied at this point.

[*Interpretation*]

aucune autre source comparable qui pourrait remplir cet office, et une fois pour toutes, faire disparaître la méfiance qui a entouré inutilement la Loi sur les pensions? Comme le terrain est maintenant prêt, cela pourrait se faire. Je suis convaincu qu'il y a des hommes et des femmes compétents au Canada, que le ministre pourrait nommer pour résoudre a jamais ce problème sans puiser nécessairement à la même source. Je ne dis pas qu'ils ne sont pas compétents, mais c'est si urgent que cela ne peut se faire en ce moment.

M. Bigg: Je fais parti de ce Comité depuis environ 10 ans et il semble que notre problème, veuillez me corriger si je fais erreur, vient du fait que nous avons eu peur que toutes les décisions soient faites à la façon d'une réaction en chaîne si ce n'est par les mêmes personnes, du moins dans le même esprit. Nous essayons de nous y consacrer en ce moment. Je ne crois pas que l'on facilitera les choses en changeant seulement le nom de leur poste ou même en nous adressant au ministère de la Justice pour demander quelques employés d'autres ministères, si ceux-ci n'ont pas une conception différente. Nous avons essayé, depuis des années, de préciser les attributions de personnes qui vont travailler: c'est-à-dire qu'il faut préciser la Loi, et affirmer les droits des anciens combattants. A mon avis, si nous le faisons bien, je ne crois pas que ces Canadiens bien intentionnés, nous causeront des problèmes, quels que soient leurs antécédents, pourvu qu'ils soient indépendants dans leur travail et qu'il n'y ait pas de chevauchement ou de conflit d'intérêt. On nous a assurés, du moins je l'ai été, au cours des derniers jours qu'on essayera de compartimenter les fonctionnaires du même niveau de sorte qu'il n'y aura pas de danger qu'un homme révoque sa propre décision ou celle de ceux qui pensent comme lui et qui se trouvent dans la même situation tendue.

Je crois qu'on n'a plus de souci à se faire à ce sujet, mais à mon avis, cela ne sert à rien de changer seulement le nom de la Commission canadienne des pensions ou de tout autre genre de commission, pourvu que l'indépendance des membres soit assurée et que nous leur donnions leurs propres attributions avec le pouvoir d'interpréter les articles 70, 13 et 25 en faveur de l'ancien combattant, tout en gardant à l'esprit les droits du contribuable. J'espère que je n'ai pas rendu cette question plus obscure qu'elle ne l'était auparavant, mais c'est ainsi que je la vois. Je crois qu'on nous a donné cette assurance. Comme nous aurons plus de temps pour préciser cette question pendant la rédaction du projet de loi, je crois que'n ce qui concerne les détails, je suis satisfait jusqu'à maintenant.

[*Texte*]

The Chairman: Mr. Weatherhead and Mr. Laniel.

Mr. Weatherhead: Pursuing this a wee bit further, because I think the appeal provisions are one of the most important changes of the amendments, do I gather that the witness would really like to see for one purpose or another, five new people who are not now presently members or Commissioners of the Canadian Pension Commission appointed to a new pension Appeal Board or some other new appeal authority. Do we want five different people who are not there now, because the ones who are there now, even though they are the best intentioned people in the world, might be in some way charged with being too much connected with the old regime, or what have you?

Mr. Kohaly: Mr. Chairman, again a direct question and I am surprised as a citizen that members of Parliament ask such direct questions. When I read the newspapers they do not seem to be all that direct, but they are here today.

Mr. Weatherhead: They do not report that.

Mr. Laniel: You do not come often enough, Mr. Kohaly.

Mr. Kohaly: I am used to asking the questions rather than answering them in my vocation. The answer would be yes, we would be happier with brand new ones but that would not be to exclude the Minister's good judgment in choice of some from the present Commission. I think there would be more happiness in the homes of unsuccessful pension applicants if they were brand new. However, let us be clear. We have no fingers to point at existing Commissioners if appointed to the Appeal Board.

Mr. Weatherhead: You see as Mr. Bigg has suggested we have been assured in recent days by the Minister and the Deputy Minister that there will be completely separate levels now. I would think, going on further with what we were talking about earlier, that the chairman you were talking about will just be the chairman of the Appeal Division and will not have authority over the 10 commissioners on the Entitlement Board side. We may have jumped to conclusions there but I would not think so.

We are more or less assured of three distinct levels now. My reason for asking the question was to ascertain whether the basis of

[*Interprétation*]

Le président: Messieurs Weatherhead et Laniel.

M. Weatherhead: En poursuivant un peu plus l'examen de cette question et comme je crois que les dispositions relatives à l'appel comptent au nombre des changements les plus importants apportés aux modifications, dois-je comprendre que le témoin aimerait vraiment que l'on nomme, pour une raison ou pour une autre, cinq nouvelles personnes qui ne sont pas en ce moment membres ou commissaires de la Commission canadienne des pensions, à une nouveau Bureau d'appel des pensions ou à quelque autre nouveau conseil d'appel? Est-ce que nous voulons cinq personnes différentes qui n'en font pas partie en ce moment parce que celles qui en font partie, même si ce sont les personnes le mieux intentionnées du monde, pourraient être accusées d'être trop liées à l'ancien régime ou quoi d'autre?

M. Kohaly: Monsieur le président, encore une question directe. Je suis surpris en tant que citoyen, que des députés posent des questions aussi directes. Lorsque je lis les journaux, ils ne semblent pas tous aussi directs, qu'ils le sont aujourd'hui.

M. Weatherhead: Ils n'en font pas mention.

M. Laniel: Vous ne venez pas assez souvent, monsieur Kohaly.

M. Kohaly: Mon emploi m'a habitué à poser des questions plutôt qu'à répondre. La réponse serait affirmative. Nous serions plus heureux d'avoir de nouveaux titulaires, mais cela n'exclurait pas le bon jugement du ministre dans le choix de quelques personnes qui font partie de la Commission actuelle. Je pense que si les commissaires n'étaient pas choisis parmi les commissaires actuels, les candidats à la pension qui ont essuyé un refus auraient plus de chance. Toutefois, soyons clairs. Nous n'avons pas à dire lesquels parmi les commissaires existants seraient nommés au Bureau d'appel.

M. Weatherhead: Vous voyez, comme M. Bigg l'a proposé, le ministre et le sous-ministre nous ont assurés, il y a peu de temps qu'il y aura des niveaux tout à fait séparés. En poursuivant le sujet dont nous parlions auparavant, je croirais que le président dont vous parliez serait uniquement président de la Division des appels et n'exercerait aucun pouvoir sur les 10 commissaires du Bureau d'admissibilité. Nous avons peut-être sauté trop vite aux conclusions, mais je ne le croirais pas.

On nous a plus ou moins assurés de trois niveaux distincts. J'ai posé cette question pour voir si en fait votre proposition visait

[*Text*]

your suggestion was really just to change the men, thereby getting new men into the top level.

Mr. Kohaly: Not totally, sir, but we would have no objection to it; we would have enthusiasm for it. The only time we would object is if a majority of the existing commissioners turned up on the new independent appeal board. At that point we would wonder whether we did not really have the same thing we had before.

The Chairman: It is my understanding that Mr. Laniel and Mr. Guay had some questions.

Mr. Laniel: Mr. Chairman reverting to the appeal board, I am sure Mr. Kohaly did not want to impute motives on the part of members of the Appeal Division. I wonder if I really interpreted his words correctly when, to me at least, he seemed to wish so many changes in the representation on the appeal board. Maybe it is similar to the politician's field of action: one might serve at the provincial level, the municipal and federal level and assume the responsibility for each of these levels; there is a law to govern you and you abide by it. That does not worry me that much. The point that I want to make though and that has not been touched upon is that you seem to fear that the Appeal Division and the Entitlement Hearing Division would be headed by the same people and the same rules, more or less, would be used. However, do you not agree that at least we are making some progress. First, the Entitlement Hearing Division is becoming now, which it was not

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before, a kind of an appeal board, which is completely different because the initial adjudication is made at the directorate or departmental level.

So there is that change. As far as I am concerned, after I get certain answers from the people concerned, perhaps I will go along with your idea if you can continue to convince me that it is necessary—because that kind of recommendation is very easy for a member of the government to include in a report because to my mind it is not costly at all. So, I am ready to follow you in our discussions of the next few days or few weeks, and we can really seek out the need for it.

The other point I wanted to make was about the attendance allowance. In your brief you refer to one month. Actually, it is more than one month, if I heard correctly this morning. It is the end of the month in course

[*Interpretation*]

uniquement le changement des hommes en vue de nommer d'autres personnes au niveau le plus élevé.

M. Kohaly: Pas tout à fait, monsieur, mais nous n'y verrions aucun inconvénient, nous serions même en faveur de cela. Nous nous y opposerions si la majorité des commissaires actuels était nommée au nouveau bureau d'appel indépendant. A ce moment-là, nous pourrions nous demander si nous ne retournons pas à la situation antérieure.

Le président: Je crois comprendre que MM. Laniel et Guay ont quelques questions à poser.

M. Laniel: Monsieur le président, pour revenir à la question du Bureau d'appel, je suis certain, que monsieur Kohaly n'a pas voulu attribuer des intentions aux membres de la Division des appels. Je me demande si j'ai bien compris ses paroles car, à mon avis tout au moins, il a semblé souhaiter beaucoup de changements au sein du Bureau d'appel. Cela ressemble peut-être au champ d'action en politique; une personne peut servir aux niveaux provincial, fédéral et municipal, remplir une fonction à chaque niveau et être soumise à une loi. Cela ne m'inquiète pas beaucoup. J'aimerais préciser une question qui n'a pas été traitée, à savoir que vous semblez craindre que la Division des appels et la Division de l'admissibilité soient dirigées par les mêmes personnes et que les mêmes règles soient plus ou moins suivies. Toutefois ne croyez-vous pas que nous faisons du moins quelque progrès? En premier lieu, la Division de l'admissibilité en ce moment devient, ce qu'elle n'était pas aupravant, une sorte de bureau d'appel tout à fait différent parce que le jugement initial est porté au niveau de la Direction générale ou du ministère.

Il y a donc ce changement. Pour ma part, lorsque j'aurai reçu certaines réponses des personnes intéressées, je partagerai peut-être alors votre opinion si vous pouvez continuer à me convaincre que c'est nécessaire car il est facile pour un membre du gouvernment, d'inclure ce genre de recommandation dans un rapport; selon moi, ce n'est pas une recommandation coûteuse. Ainsi, je suis prêt à vous écouter dans nos délibérations des prochains jours ou des prochaines semaines et voir si nous pouvons répondre à ce besoin.

L'autre précision que je voulais apporter touche l'allocation de soins. Dans votre mémoire, vous parlez d'une période d'un mois. En réalité, la période est de plus d'un mois si j'ai bien entendu ce matin. On compte le mois

[*Texte*]

plus an extra month after that, is it not, for the attendance allowance? I just wanted to clarify that.

Mr. Kohaly: The White Paper could bear that interpretation, based on past experience. I think we hoped that would be the interpretation. We hoped it would be a little more generous than that, sir, because there is more need. We would hope that we would not be dealing with the question of, say, the 29th of the month as against the 30th of the month. That is really getting down pretty tight, Mr. Laniel, when you remember that the attendance allowance has to be paid to somebody to come in on more than a two-day basis, or a month plus two days does not make it much better. In this country of ours you cannot acquire people that easily to look after those who need attendance, and to just fire them and hire them, that does not work. It needs a much longer period than that. A month might certainly be helpful, if that is where we are to be limited.

Mr. Laniel: Actually, what is the main reason for this? I do not know. I never had cases like this directed to me and I am wondering about it. When that question was raised this morning I wondered if it was merely on the basis that for somebody that is in real need it does take away an income or an entry of money that will not be there for a period of time, which might disorganize his life when he goes back. Is that the main principle?

Mr. Kohaly: Yes, sir. Continuity, the requirement to have people over a period of time and not confined necessarily to an unknown period of time such as a month, but he may be discharged right away. We would hope that he would be improved satisfactorily and would be out the middle of the month. When he comes in does he know he has to discharge his attendance? He has no way of knowing this.

Mr. Laniel: Yes, but did I not read somewhere that in cases where the hospitalization would be prolonged that this should be paid to the wife directly? I do not know. In any event, I will not pursue that particular point.

One last question—and there is no mention of this in your brief and probably you did not see any reason for it—about the Bureau of Pensions Advocates. Are you satisfied with the changes that have been put forward in the White Paper?

Mr. Kohaly: That is the easiest direct question to produce the easiest direct answer. Yes, yes, yes.

[*Interprétation*]

en cours plus le mois suivant pour établir l'allocation de soins, si je ne me trompe pas. J'aimerais simplement éclaircir ce point.

M. Kohaly: Le Livre blanc porte peut-être à cette interprétation, d'après l'expérience du passé. Je pense que nous avons souhaité qu'on l'interpréterait ainsi. Nous avons espéré que le traitement serait même un peu plus généreux que cela, car le besoin existe vraiment. Nous espérons que nous n'aurons pas à régler ces questions en termes de jours; ce serait vraiment trop demander. Monsieur Laniel, lorsque vous pensez que cette allocation doit être payée à une personne qui vient prodiguer ses soins sur une base de plus de deux jours, ou d'un mois plus deux jours, cela ne fait pas une grande différence. Dans notre pays, où nous ne pouvons pas facilement trouver des personnes capables de soigner les malades, il ne serait pas sage de les engager et de les renvoyer à tout venant. Il faut une période beaucoup plus longue. Un mois serait acceptable, si on vous restreint à cette période.

M. Laniel: Quelle en est la véritable raison? Je n'en sais rien. Je n'ai jamais eu à m'occuper d'un tel cas et je me pose des questions. Ce matin quand la question a été soulevée, je pensais qu'il s'agissait plutôt du cas où une personne dont les besoins étaient réels et que cela réduisait son revenu ou ses sources d'argent pendant une certaine période de temps, ce qui pourrait avoir pour conséquences de désorganiser sa vie lorsqu'il rentre chez lui. Est-ce là la principale raison?

M. Kohaly: C'est cela, d'assurer une certaine continuité, la nécessité d'employer une personne pendant un certain temps, non pas nécessairement pour un temps non déterminé, comme un mois, mais elle peut recevoir son congé immédiatement. Nous espérons que l'état du malade s'améliore d'une façon satisfaisante et qu'il sera renvoyé chez lui vers le milieu du mois. Lorsque le malade rentre à l'hôpital, sait-il s'il peut renvoyer son aide? Il ne peut pas le savoir.

M. Laniel: D'accord, mais n'ai-je pas lu quelque part que lorsque, dans certains cas, l'hospitalisation se prolonge, cette allocation est versée directement à la femme de l'ancien combattant? Je n'en sais rien. De toutes façons, je ne poursuivrai pas plus longtemps. Une dernière question. On ne mentionne pas dans votre mémoire, et vous n'avez probablement pas eu de raison de parler du Bureau des avocats des pensions. Êtes-vous satisfaits des changements apportés par le Livre blanc?

M. Kohaly: C'est la question directe la plus facile qui entraîne la réponse directe la plus courte: oui, oui, oui.

[*Text*]

Mr. Laniel: Thank you.

The Chairman: Mr. Guay followed by Mr. Knowles.

Mr. Guay (St. Boniface): Mr. Chairman, my questions will be directed to any of the members of the organization that presented the brief to us today. First of all I would like to say to them that their brief is certainly clear-cut and to the point, and to that end I think they should be complimented. This also applies to the people who presented the brief on their behalf.

On page 3, paragraph 3, you say, "...results in a disappointing picture". My

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question in this regard is were you aware—and this in my understanding—that the Minister said that while this White Paper is presented to us, that both he and the White Paper are flexible. Were you aware of that?

Mr. Kohaly: Yes, we were. I was especially made aware of it last night when I was given a copy of the Minister's statement at the laying of the cornerstone at Ste. Anne de Bellevue at the 32nd Dominion Convention of the War Amputations of Canada on September 15, 1969. I will quote from page 4 of the release:

> On the other hand, the White Paper indicates, in general rather than specific terms, the views of the government on those recommendations. The Standing Committee is thus free to hear representations by veterans associations on these proposals, to consider them carefully, and to make recommendations concerning them to the government.
>
> The government is very anxious to have the views of the veterans associations, and the recommendations of the Standing Committee, available to those who have the responsibility for drafting the necessary legislation.

We regret, understandably, that we did not have this at the time we prepared our brief.

Mr. Guay (St. Boniface): I guess we can take it, Mr. Chairman, that this is the second time the Minister has mentioned it and it is flexible.

Mr. Kohaly: Yes.

[*Interpretation*]

M. Laniel: Merci.

Le président: Monsieur Guay, puis monsieur Knowles.

M. Guay (St-Boniface): Monsieur le président, ma question s'adresse à l'un des membres de l'organisation qui nous a remis son mémoire aujourd'hui. Tout d'abord, j'aimerais dire que ce mémoire est clair et précis, et je crois qu'on devrait en féliciter ces messieurs. Cela s'applique aussi aux personnes qui ont présenté le mémoire au nom de l'organisation.

A la page 3, au 3e paragraphe, vous dites: «ont eu pour résultat des chiffres décourageants».

Ma question à ce sujet est de savoir si vous étiez au courant de la déclaration du ministre, pendant la présentation du Livre blanc, selon même que le Livre blanc. C'est ce que j'ai cru laquelle il ferait preuve de souplesse, de comprendre. Étiez-vous au courant de cette déclaration?

M. Kohaly: Certainement. J'ai été mis au courant hier soir lorsque l'on m'a donné un exemplaire du discours que le ministre a prononcée lors de la pose de la première pierre, à Saint-Anne-de-Bellevue, le 15 septembre 1969, au cours de la 32e convention nationale des Amputés de guerre du Canada. Je citerai la page 4 du communiqué de presse:

> «D'autre part, le Livre blanc indique, en termes généraux, le point de vue du gouvernement au sujet de ces recommandations. Le Comité permanent est ainsi libre d'entendre les témoignages des associations d'anciens combattants sur ces recommandations, d'étudier attentivement les recommandations qui leur seront faites, et de présenter au gouvernement un rapport à ce sujet.
>
> Le gouvernement est très intéressé de connaître le point de vue des associations d'anciens combattants et les recommandations du Comité permanent, afin de les transmettre aux fonctionnaires chargés de la rédaction du projet de loi qui s'impose.»

Nous regrettons de ne pas avoir eu cette déclaration en main lorsque nous avons préparé notre mémoire.

M. Guay (St-Boniface): Je pense que nous pouvons prendre cela pour acquis, monsieur le président, car c'est la deuxième fois que le ministre mentionne cette souplesse.

M. Kohaly: Oui.

[*Texte*]

Mr. Guay (St. Boniface): My next question in relation to your brief, and I do not know if they are in the order in which you brought them out, but if you were asked by the members of the Committee today for a priority choice in regard to some of the recommendations which have not been included in the White Paper at the moment, and if we were to ask you for your choice, in which order would you spell them out to us? In other words, I presume the most important would be your number one, and then your second choice of the most important would be number two. Could you briefly put them in that order for us at the moment. Would you put the multiple group as your number one or would it be the blind, or are they included in that multiple group, or which one would you put as number one?

Mr. Kohaly: This is very difficult. I wish I could speak in three languages all at once and in one language for each one of the three. If I had to answer that and if I had to put a priority on it, having prefaced my comments, I would say that we think they are all equally important for different reasons. Number one, basic rates; number two, multiple disability; number three, appeal board. I am sorry I have to answer that way, but I could immediately qualify number three. Number one and number two are useless unless you have number three in there to do it.

Mr. Guay (St. Boniface): Mr. Chairman, I am trying to be brief because I know there are many others who would like to ask questions, but possibly I might hit one and some of the other members will mention the others. While we have received an explanation pertaining to the recommendations in the Woods Report from the Department in the last two-days session and we have received their point of view, I think it might be equally wise if the Committee were to question you in regard to your point of view, although it might deal with the same item on which we questioned them. I am now referring to page 15, Sections 20, 21 and 22, which I am not clear on. Could you possibly give us an example of the sort of case you are referring to. I am speaking with respect to someone who gets an award in a court case, and then I presume it is turned back to the Department. Possibly you might give us a short explanation or an example of what you are speaking about.

Mr. Kohaly: Somewhere in the dim background I recall that someone asked such a question in this Committee about a case that had occurred in the past and some member of

[*Interprétation*]

M. Guay (St-Boniface): Ma question suivante se rapporte à votre mémoire, et je ne sais pas si ces recommandations sont dans le bon ordre, mais si l'on vous demandait aujourd'hui de faire un choix des priorités en ce qui concerne certaines des recommandations qui n'ont pas été incluses dans le Livre blanc pour le moment, quel ordre choisiriez-vous? En d'autres mots, votre premier choix, le plus important, porterait le numéro un et votre second choix le numéro deux. Pourriez-vous rapidement nous mettre vos recommandations dans cet ordre? Accorderiez-vous la première priorité au groupe souffrant d'infirmités multiples, ou mettriez-vous les aveugles en premier, ou alors est-ce que les aveugles sont compris dans le groupe de gens souffrant d'infirmités multiples? Lequel mettriez-vous en premier?

M. Kohaly: Cest très difficile. J'aimerais pouvoir mettre ces trois recommandations sur le même pied. Mais si je dois répondre et choisir une priorité, ayant fait mes commentaires au préalable, je dirais que ces trois recommandations sont également importantes pour des raisons différentes. En premier: les taux de base; en deuxième: les invalidités multiples; en troisième lieu: le Bureau des appels. Je suis désolé d'avoir à répondre ainsi, mais je pourrais quand même préciser que sans le numéro trois, le numéro un et le numéro deux sont inutiles.

M. Guay (St-Boniface): Monsieur le président, j'essaie d'être bref car je sais que bon nombre de mes collègues désirent poser des questions; je n'éclaicirai peut-être qu'un point, mais mes collègues mentionneront peut-être les autres. Puisque nous avons reçu, au cours des deux derniers jours d'audience, une explication du Ministère au sujet des recommandations contenues dans le rapport Woods et que nous avons pris connaissance de leurs points de vue, je pense qu'il serait sage que le Comité vous questionne et de la même manière qu'il l'a fait pour le Ministère, bien qu'il est possible qu'il aborbe la même question que nous avons aborbée. Je me réfère maintenant à la page 15 du mémoire, aux articles 20, 21 et 22, qui ne sont pas très clairs pour moi. Pouvez-vous nous donner un exemple d'un cas qui s'y rapporte. Je parle d'une personne qui obtiendrait un jugement du tribunal et qui, je pense, est renvoyée au ministère. Vous pouvez peut-être nous donner un petit exemple ou une explication.

M. Kohaly: Je me souviens vaguement que, par le passé, quelqu'un avait posé cette question au Comité au sujet d'un cas qui s'était présenté, et un des membres du Comité avait

[*Text*]

the Committee asked the Minister if it would be retroactive. There was a case of that description raised at that time, where they were recovering a portion of the award from the widow. One member of the Committee asked that. That would be an example right there.

Mr. F. J. L. Woodcock (The Sir Arthur Pearson Association of War Blinded): Mr. Chairman, may I quote an example that is pending at the moment.

We have a Hong Kong prisoner of war who is 100 per cent pensionable for multiple disabilities received while a passenger in a truck which was involved in a motor accident. As a result of that accident he is totally blind. He has received a notice from the Canadian Pension Commission to the effect that it depends on the court's decision whether or not they will have to invoke Sections 20, 21 and 22. We also had case of a widow whose husband—and this was in the "Amps"—was killed at the side of the road, and in this particular case there was a court action. She had to return the moneys received to the Receiver General without even being able to deduct the price of the ambulance or the cost of the lawyer fighting the case, or have her widow's pension amortized over her life expectancy. Those are two cases that I know of, Mr. Chairman, and we can produce the actual regimental numbers and names, if the Committee wishes.

Mr. Guay (St. Boniface): It is not a matter of getting the exact case but, rather, providing an explanation, Mr. Chairman, to the members of the Committee. A case was put forward by one member of our Committee yesterday. It is rather an explanation we wish because I am lost to understand why the money has to be returned, resulting in the veteran getting a lesser amount. If you remember, Mr. Chairman, in a case we were discussing yesterday he had to pay back to the Department an amount greater than the original amount, which is detrimental to the veteran. He is not really receiving what he should. I am not clear on this and possibly you might clarify it. We did receive an explanation from the Department but I want your point of view, if you can give it to me.

Mr. Kohaly: Our point of view is that the veteran recipient, whether it be widow or individual, should be entitled to the portion above and beyond that which the government is paying in the form of pension, and we state that to be the portion for special and other

[*Interpretation*]

demandé au ministre si ce jugement était rétroactif.

Il y avait un cas soulevé à ce moment-là où une veuve avait été sommée par le Ministère de rembourser une partie des dommages-intérêts. Un des membres du Comité avait soulevé cette question et cet exemple serait un très bon.

M. F. J. L. Woodcock (The Sir Arthur Pearson Association of War Blinded): Monsieur le président, puis-je vous citer un cas qui est actuellement encore à l'étude.

Il y a un prisonnier de guerre de Hong-Kong qui a droit à une pension intégrale en raison de multiples infirmités causées par un accident, lorsque le camion dans lequel il prenait place est entré en collision avec un autre véhicule automobile. Il est complètement aveugle. Il a reçu un avis de la Commission canadienne des pensions à l'effet qu'il dépendra de la décision du tribunal s'ils devront invoquer les articles 20, 21 et 22. Nous avons aussi rencontré le cas d'une veuve dont le mari, un amputé de guerre, a été tué sur le bord de la route. Cette affaire a fait l'objet d'une décision judiciaire. La veuve a dû rembourser l'argent reçu au Receveur général sans même pouvoir déduire le coût de l'ambulance ou les honoraires de l'avocat qui a défendu la cause ou avoir sa pension de veuve amortie sur son espérance de vie. Voilà deux cas dont j'ai la connaissance, monsieur le président, et je puis produire les noms et les numéros de régiment, si le Comité le désire.

M. Guay (Saint-Boniface): Il ne s'agit pas d'avoir des cas particuliers, mais plutôt de fournir des explications aux membres du Comité, monsieur le président. Un membre du Comité a cité un cas hier. Nous préférons obtenir une explication parce que je ne peux comprendre pourquoi on doit renvoyer l'argent, ce qui réserve une somme moins importante à l'ancien combattant. Monsieur le président, si vous vous rappelez bien, dans le cas étudié hier, la personne a dû rembourser au Ministère une somme plus importante que la somme d'argent accordée à l'origine, ce qui lui est préjudiciable. En fait, elle ne reçoit pas ce qu'elle devrait recevoir. Je ne conçois pas très bien la chose. Vous pourriez peut-être m'aider. Nous avons reçu une explication du Ministère, mais j'aimerais connaître votre opinion, si c'était possible.

M. Kohaly: A notre avis, l'ancien combattant bénéficiaire, que ce soit la veuve ou l'individu, devrait avoir droit à une somme d'argent supérieure à celle que le gouvernement verse sous forme de pension, soit la portion réservée aux dommages spéciaux et

[*Texte*]

damages which would be ignored under the government's proposal because it is a very small portion and the government keeps that portion of the award which is associated with earnings, which is a very large portion. That, in principle, is what we say now. That is my answer and I am sorry if it is not detailed enough for you.

Mr. Thompson: Possibly, an example, Mr. Chairman, of Mr. Guay's concern is that a man is wounded and pensioned in excess of 50 per cent. Now with the pension in excess of 50 per cent the expectation is that his widow will be pensioned regardless of the cause of his death—she has the potential right to a widow's pension on his death. Now instead of dying from natural causes he is killed by an automobile. It really has nothing to do with his service. He has earned the right for the protection for his widow through the disability he has received in service and carried through his life. As I say, he is killed by an automobile and a claim is paid. Now under the present legislation the state says that because her husband was killed by an automobile it would revoke the protection that it gave previously because of the service and disability, it looks at her differently now, she can have either one or the other. It takes the capitalized value as was explained to you.

Mr. Guay (St. Boniface): What if he was on duty?

Mr. Thompson: If he were on duty, of course, she would be pensioned under the Pension Act. But I think, sir, what causes some confusion is that you do have two situations. Where a man is killed on duty the widow gets a widow's pension; the other is where the man has received his pension and, if you like, potential protection for his widow because of his disability and then another factor enters the case, the man is killed in a way that has nothing to do with his service, and the state says that he now loses that protection that it had previously given him and it takes the capitalized value and the person must decide whether they want the cash settlement or the pension. What really concerns us is that we feel there is no connection between the two. We do not see why the state should say that it revokes what it gave him five or ten years ago because he does not happen to die in his bed but gets hit with an automobile. To us these two things are quite separate and distinct. We do not think there

[*Interprétation*]

autres, et dont on ne tiendrait pas compte d'après la proposition du gouvernement parce que c'est une somme d'argent très minime et que le gouvernement retient cette partie de la pension qui est associée aux dommages-intérêts, qui constitue une très grande portion. C'est en principe ce que nous disons en ce moment. Je suis désolé si ma réponse n'est pas assez précise pour vous.

M. Thompson: Un exemple de l'inquiétude de monsieur Guay, monsieur le président, vient du fait que si un homme est blessé et qu'on lui accorde une pension qui excède 50 p. 100, pour une pension qui excède 50 p. 100, on s'attend à ce que la veuve touche une pension, indépendamment de la cause de la mort de son mari. Elle a éventuellement droit à une pension de veuve, lors du décès de son mari mais au lieu de mourir de mort naturelle, il a été tué dans un accident d'automobile. Cela n'a vraiment rien à voir avec son service. L'infirmité dont il a été victime au cours de son service et dont il a souffert toute sa vie lui donne droit à une protection pour sa femme. Comme je le disais, il a été tué par une automobile et on verse une indemnité. En vertu de la loi actuelle, l'État décide qu'étant donné que son mari a été tué par une automobile, cela lui enlève toute protection accordée auparavant à cause de son service et de son incapacité physique. Le Tableau est différent maintenant: elle peut avoir ou une pension ou des dommage intérêts. L'État s'appuie maintenant sur la valeur capitalisée, comme je vous l'ai expliqué.

M. Guay (Saint-Boniface): Qu'arriverait-il s'il était encore en service?

M. Thompson: S'il était encore en service, elle recevrait naturellement une pension en vertu de la Loi sur les pensions, mais, je crois, monsieur, que la confusion qui existe vient du fait qu'il y a deux situations: d'une part, si un homme est tué alors qu'il est en service, la veuve touche une pension de veuve et d'autre part, si l'homme a reçu une pension et, si vous préférez, une protection éventuelle pour sa veuve, à la suite de son incapacité physique, et là, un autre facteur entre en ligne de compte, car l'homme a été tué d'une manière tout à fait étrangère à son service. Si l'État décide que la veuve perd dorénavant la protection dont son mari jouissait auparavant et qu'il prend la valeur capitalisée, la personne doit donc décider si elle veut le règlement comptant ou la pension. Ce qui nous intéresse, c'est qu'à notre avis, il n'y a aucun lien entre les deux. Nous ne voyons pas pourquoi l'État devrait dire qu'il révoque ce qu'il a accordé il y a cinq ou dix ans parce que, par hasard, le pensionné ne meurt pas dans

[*Text*]

should be any connection, nor any recovery from these damages. Does that make the point clear?

• 1555

Mr. Bigg: I do not see why your organization backed down from that blanket statement. I think you weaken your case when you say you settled for the loss of consortium and so on. If these are distinct, and I agree, it seems to me that you should remain adamant on this point and say that the government has no right at all to escape their responsibility to the veteran or his widow merely because through some misadventure with an automobile or an airplane death occurs. I think that they are morally wrong to step in and say that they are going to take away their relief because, fortunately, somebody else takes over the responsibility. I think it weakens your case to say you will take half. Perhaps I am wrong.

Mr. Kohaly: We did not say that, sir. What we are doing on page 15 is merely comparing what the White Paper and the Woods Committee Report seem to say on the subject and we are just mentioning this is what the two are saying. We still stand behind the Woods Committee Report 100 per cent and their recommendations. I hope we are not saying that we would divide this in any way, shape or form; we are merely saying what is being suggested. Now we are not close-minded on this. We hope that we can resolve for the widow something better than is being set out here, if we cannot have the full principle. We are not close-minded.

Mr. Guay (St. Boniface): Mr. Chairman, I require more clarification. Mr. Whicher yesterday mentioned a case where a soldier was not killed but had to have his leg amputated. Through court he was awarded an amount of some $1,500, had to pay it back, and now he has paid back about $700 more than what the amount was.

The Chairman: Because of interest factors.

Mr. Guay (St. Boniface): Yes. I fail to understand that part of it. The point is this. Why does he have to keep on paying this back when, I imagine, it reduces his pension thereby causing a problem for his family?

[*Interpretation*]

son lit, mais est heurté par une automobile. Pour nous, ces deux choses sont tout à fait distinctes. Nous croyons qu'il n'y a aucun rapport entre les deux faits et qu'il ne devrait pas y avoir de remboursement de ces dommages. Est-ce que cela précise la question?

M. Bigg: Je ne vois pas pourquoi votre organisme n'appuie pas cette attitude générale. Je crois que vous affaiblissez votre cause quand vous dites que vous avez réglé la perte du consortium et ainsi de suite. Si ces deux choses sont distinctes, et je suis d'accord avec vous, il me semble que vous devriez rester intransigeant sur cette question et dire que le gouvernement n'a pas du tout le droit de se soustraire à ses responsabilités envers l'ancien combattant ou sa veuve simplement parce qu'il meurt à la suite d'un accident malheureux dans une automobile ou dans un avion. Je crois que le gouvernement pèche contre l'éthique en avançant et en déclarant qu'il va retirer sa protection, parce que, heureusement, quelqu'un d'autre en prend la charge. Je pense que cela affaiblit votre cas de dire que vous allez prendre la moitié. Je me trompe peut-être remarquez.

M. Kohaly: Ce n'est pas ce que nous avons dit, monsieur. A la page 15, nous comparons en quelque sorte ce que le Livre blanc et le Rapport du Comité Woods semblent dire à ce sujet et nous mentionnons seulement leurs opinions en ce domaine. Nous appuyons toutefois entièrement le Rapport du Comité Woods et les recommandations qu'il renferme. J'espère que nous ne disons pas que nous le diviserions sous une certaine manière et sous une certaine forme. En fait, nous répétons uniquement ce que l'on propose. Nous ne faisons pas preuve d'étroitesse d'esprit dans ce domaine. Nous espérons trouver une meilleure solution au cas de la veuve que celle que l'on a déjà trouvée si nous ne pouvons adopter tout le principe. Nous ne sommes pas étroits d'esprit.

M. Guay (Saint-Boniface): Monsieur le président, j'exige plus de précisions. Hier, monsieur Whicher a parlé du cas d'un soldat qui n'avait pas été tué, mais à qui on avait dû amputer une jambe. Le tribunal lui avait accordé 1,500 dollars. Il a dû rembourser 700 dollars de plus que ce que le tribunal lui avait accordé.

Le président: Pour les intérêts.

M. Guay (Saint-Boniface): Oui, Je ne comprends pas cette question. Voici. Pourquoi doit-il continuer à rembourser cette somme quand, j'imagine, cela réduit le montant de sa pension et entraîne par le fait même un pro-

[*Texte*]

Perhaps I do not understand the whole setup, as explained.

Mr. Kohaly: I think you understand it all right, sir. It has just been the effect of the legislation in the past, which legislation we hope the enlightment of this Committee will change, as suggested by the Woods Committee Report and which we support totally—that is, to take this out of the Canadian situation and not have it happen. You have asked us two or three times for an actual case and we have not seemingly done very well, Mr. Guay, but I think Mr. Chadderton has a case he can give you.

Mr. Chadderton: Mr. Chairman, I think you should relate this case to the recommendation, as we understand it, in the White Paper. This was the case of a decorated officer returning from Korea. He was killed in a crash of an airplane owned at that time by Trans Canada Airlines. There was no question about pension under the Pension Act because he was declared to have been on duty. Shortly after that time his widow was approached by a representative of the Canadian Pension Commission and advised that under the Act it would be necessary for her to proceed legally against Air Canada to collect damages and the case was placed in the hands of a lawyer in a city in Canada who took on the case. Many many months of negotiations went on and finally it was agreed that he came under the Warsaw Convention and I believe the settlement was $5,000. I could be wrong in the amount but it was very close to that. After the widow received notice of a settlement her lawyer again was approached by a legal representative of the Canadian Pension Commission advising that under Section 13(2) of the Pension Act, admittedly, she was entitled to a pension but that under Section 21 of the Act it would be necessary for the Crown to recover the amount of legal damages that she had been paid.

Now this women had two small children. She inquired and was told that if she were to give up her pension and take the settlement that her children would go on pension at orphan rates and, as she was planning remarriage, which gives you some idea of the length of time that had gone on to reach this stage, she agreed to forgo the pension and took the settlement. However, by the time the matter had passed she had been paid roughly $4,000 pension, so that of course came out of the $5,000 and she netted something like $1,000. Now relate that to the recommendation

[*Interprétation*]

blème pour sa famille? Il est possible que je ne comprenne pas la question qu'on a expliquée.

M. Kohaly: Je pense que vous la comprenez très bien, monsieur. Ce n'est que le résultat d'une mesure législative ancienne qui, nous l'espérons, sera modifiée par le présent Comité, de la façon proposée par le Rapport du Comité Woods que nous appuyons entièrement, pour supprimer cet état de choses au Canada et pour que cela ne se renouvelle plus. Vous nous avez demandé deux ou trois fois de citer un cas précis, et nous n'avons pas pu vous en donner un vraiment bon, monsieur Guay, mais je crois que cette fois M. Chadderton peut vous citer un bon exemple.

M. Chadderton: Monsieur le président, je pense que vous devriez faire le rapport entre ce cas et la recommandation qui se trouve dans le Livre blanc. C'est le cas d'un soldat décoré qui rentre de Corée et qui est tué dans un accident d'un avion d'Air Canada. Il n'y avait aucun doute en ce qui concerne sa pension puisqu'il était en service commandé. Peu après l'accident, la veuve du soldat était contactée par un représentant de la Commission canadienne des pensions et fut avisée que, aux termes de la Loi, il était nécessaire qu'elle entreprenne des poursuites juridiques contre la Société Air Canada afin de recevoir des dommages-intérêts. Le cas a été confié à un avocat d'une ville canadienne. Après des mois et des mois de négociations, on est finalement tombé d'accord pour un règlement de $5,000 en vertu de la Convention de Varsovie. Le montant n'est peut-être pas exact, mais à quelques dollars près, c'était à peu près l'ordre de grandeur. Après que la veuve eût reçu l'avis du règlement de la cause, son avocat fut à nouveau contacté par un représentant de la Commission canadienne des pensions qui lui dit qu'en vertu de la Loi sur les pensions, aux termes de l'article 13(2), elle avait droit à une pension, mais qu'en vertu de l'article 21 la Couronne était dans l'obligation de recouvrer le montant des dommages-intérêts qu'elle avait obtenu.

Cette femme avait toutefois deux petits enfants. Elle se renseigna et on lui répondit que, si elle renonçait à sa pension et acceptait les dommages-intérêts, ses enfants toucheraient une pension à titre d'orphelins et, comme elle se proposait de se remarier, ce qui vous donne une idée de la lenteur des procédures, elle fut d'accord pour renoncer à sa pension et de garder le montant des dommages-intérêts. Cependant, au cours de ces transactions, elle avait reçu environ $4,000 au titre de la pension, ce qui fut évidemment retranché des $5,000. Ainsi, elle reçut un

[*Text*]

in the White Paper which says that in a settlement of this type, where there are legal damages, she will be allowed to retain any amount for special damages, loss of consortium and I think there is one other minor amount which I have forgotten. But, as I read the White Paper, there would be no relief at all in that kind of case. Now and I assure this Committee, speaking from the point of view of The War Amputations of Canada—and I know that it is also the feeling of all the other veterans' organizations here—that we have no intention of vacating our position on this, which has been entirely clear for some time and which the Woods Report properly echoes.

Mr. Guay (St. Boniface): Thank you very much. I appreciate that. Mr. Chairman, this is my last question, and I hope it is not a big one. It is in relation to the...

Mr. Laniel: May I ask a question?

Mr. Guay (St. Boniface): Pardon me, yes go ahead.

Mr. Laniel: What I am trying to do now is to look into the...

The Chairman: Mr. Stanley Knowles has waited patiently for a question.

Mr. Knowles (Winnipeg North Centre): That is all right.

Mr. Guay (St. Boniface): I will discontinue my questioning then, Mr. Chairman. I know others want to ask questions.

The Chairman: No, no; it is all right.

Mr. Laniel: On that last point. I have a note here on recommendation 90 about which you are talking. We were told this morning by Mr. Ward that it was accepted and modified, retaining 20, 21 and 22 plus special provisions that I do not remember. Mr. Thompson was here this morning and perhaps he has a better memory than I. I am trying to find out how far the Pension Commission is ready to go on that.

The Chairman: I do not think we were given an answer this morning in terms precise enough to answer the question that is put before us directly, Mr. Laniel.

Mr. Bigg: If I remember correctly, he outlined this morning this particular part

[*Interpretation*]

montant net d'environ $1,000. Si on fait donc le rapport avec la recommandation contenue dans le Livre blanc aux termes de laquelle dans un règlement du genre, la veuve pourra retenir un certain montant à titre de dommages spéciaux, la perte du conjoint et une certaine autre somme peu importante que j'ai oubliée, car, selon le Livre blanc, il n'y aura aucune assistance dans un pareil cas. J'aimerais rassurer le Comité, en parlant du point de vue de l'Association des amputés de guerre du Canada, et je sais qu'il s'agit aussi du point de vue de toutes les autres associations d'anciens combattants présentes, que nous n'avons pas du tout l'intention d'abandonner notre attitude à l'égard de ces questions; notre attitude a été très claire pendant un certain temps, et le rapport Woods en fait écho.

M. Guay (St-Boniface): Je vous remercie beaucoup. Je comprends. Monsieur le président, c'est là ma dernière question et j'espère qu'elle ne sera pas trop longue. C'est en rapport avec...

M. Laniel: Puis-je poser une question?

M. Guay (St-Boniface): Excusez-moi, allez-y.

M. Laniel: Ce que j'aimerai faire maintenant, c'est de regarder. .

Le président: M. Stanley Knowles attend avec patience le moment de poser une question.

M. Knowles (Winnipeg-Nord-Centre): Ça ne fait rien.

M. Guay (St-Boniface): Ainsi j'interromps mes questions, monsieur le président. Je sais que d'autres députés désirent poser des questions.

Le président: Non, non, c'est parfait.

M. Laniel: Au sujet de ce dernier point, j'ai une note au sujet de la recommandation 90 dont vous avez parlé. M. Ward nous a dit ce matin qu'elle avait été acceptée et modifiée, en retenant les articles 20, 21 et 22, plus certaines dispositions spéciales dont je ne me souviens pas. M. Thompson était présent ce matin et il a peut-être meilleure mémoire que moi. J'aimerais savoir jusqu'à quel point la Commission des pensions veut aller sur ces questions.

Le président: Je ne pense pas qu'on nous a donné une réponse suffisamment précise ce matin pour satisfaire à la question qui nous a été soumise, monsieur Laniel.

M. Bigg: Si je me souviens bien, ce matin, M. Ward a souligné cette partie précise de la

[*Texte*]

which the White Paper has recommended, saying that special damages and pain and suffering and loss of consortium would be the modification of the...

An hon. Member: When was that?

Mr. Bigg: This morning.

The Chairman: There is a modification there; there is no question.

Mr. Bigg: This is the modification which was explained to us this morning, and this was the only concession they were making on the recommendation of the Woods Report.

The Chairman: I would be reluctant to say which specific case...

Mr. Laniel: I do not want to take the time of the Committee. I was merely asking...

Mr. Bigg: Are we going to pursue this particular point later? I had something to say on it, as well.

The Chairman: I will call on Mr. Knowles and then on you, Mr. Bigg, if that is all right.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I am sure we all appreciated the fact that it was difficult for Mr. Kohaly to answer the question about priorities, but I want to say to him that we appreciate the fact that he did. In fact, he has made clear what are the three most important matters, namely, the question of the basic rate, justice for those with multiple disabilities and the appeal procedure. I hope this Committee will make effective recommendations in all three of those areas.

I agree with Mr. Guay, as has been made clear to us by the Minister, that what we have before us is a White Paper, not a bill. In other words, there is wide flexibility in any recommendation that this Committee might make. But I think it has also been made clear to us that that flexibility does not apply to the question of the basic rates. It has been made clear to us that the question of basic rates, in the view of the government, is part of the broad social welfare review. No one around here...

• 1605

Mr. Laniel: No, no; you had better correct that. What you are saying there is not a fact.

[*Interprétation*]

recommandation du Livre blanc en nous disant que les dommages spéciaux, la souffrance et le perte du conjoint composaient la modification de...

Une voix: Quand ça?

M. Bigg: Ce matin.

Le président: Il y a sans doute une modification.

M. Bigg: C'est la modification qui nous a été expliquée ce matin, et c'est là la seule concession que les fonctionnaires du ministère faisaient au sujet de la recommandation du rapport Woods.

Le président: J'hésiterais à dire de quel cas particulier. .

M. Laniel: Je ne veux pas faire perdre du temps au comité. Je demandais seulement...

M. Bigg: Allons-nous revenir sur ce point particulier plus tard? J'ai quelque chose à dire à ce sujet.

Le président: Je demanderais donc à M. Knowles de prendre la parole, et ensuite ce sera votre tour, monsieur Bigg, si cela vous convient.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je suis certain que nous savons tous qu'il était difficile pour M. Kohaly de répondre aux questions sur les priorités; cependant, je dois dire que nous avons apprécié qu'il l'ait fait. Ainsi, il a démontré clairement qu'il y avait trois choses très importantes, soit la question du taux de base, assurer que les anciens combattants souffrant d'infirmités multiples soient traités avec justice et la procédure d'appel. J'espère que notre Comité fera des recommandations valables dans ces trois domaines.

Je suis d'accord avec M. Guay, comme le Ministre nous l'a fait du reste clairement savoir, que le document que nous avons devant nous est un Livre blanc et non un projet de loi. En d'autres mots, il peut y avoir une grande souplesse à l'égard de chacune des recommandations que le Comité sera appelé à faire. Mais je pense qu'on nous a également fait comprendre que cette souplesse ne s'applique pas aux taux de base. Il est clair pour nous que cette question, dans l'esprit du gouvernement, fait partie de notre révision générale des services sociaux. Aucun de nous...

M. Laniel: Non, non. Il vous faudrait corriger cela. Ce que vous venez de dire n'est pas

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What has been mentioned in the newspapers was never said by the Prime Minister.

Mr. Legault: I believe, Mr. Chairman, the Minister even corrected that particular point of talking about social welfare, and the difference between welfare...

Mr. Laniel: Veterans' allowance, not veterans' pension.

Mr. Knowles (Winnipeg North Centre): I hope I am wrong, and I will not pursue it. I do not have the White Paper in front of me to look at, but...

The Chairman: Here is a copy.

Mr. Knowles (Winnipeg North Centre): I will come back to it. I want to make the point, about which I think, all of us in this room are concerned, about general pensions and social security; not just social welfare, but social security; and I do not think the position of veterans should wait until those issues have been resolved. I hope that somehow this Committee will find it possible, even under its terms of reference, to make recommendations on the basic rate issue.

Relative to the second major issue, that of multiple disabilities, we have had an excellent statement from Mr. Kohaly, and I am particularly glad that he narrowed it to the 300 to 400 cases for which I am sure everybody in Canada wants to do something.

On the appeal procedure, I would like to think out loud for a moment, without committing myself but putting a question to Mr. Kohaly in the light of what has been said to us today.

I gather that the witnesses appreciate the fact that the first stage has been separated from the other two, but the witnesses seem to feel that it would have been better to separate the third stage from the other two. It is about the final stage—the final appeal—that the witnesses are most concerned.

Here is where I am thinking out loud. Bearing in mind the kind of structure the government has given us in the White Paper, would it be any better if the first two stages—the initial hearing and the function of the Entitlement Board—were both handled in the Department of Veterans Affairs, and the final appeal proposition was in the hands of a new Canadian Pension Commission that was completely separate and had nothing else but that to handle?

[*Interpretation*]

un fait. Ce qui a été mentionné dans les journaux n'a jamais fait l'objet d'une déclaration du premier ministre.

M. Legault: Je crois, monsieur le président, que le ministre a même rectifié ce point particulier en parlant du bien-être social et de la différence entre le bien-être...

M. Laniel: Les allocations aux anciens combattants, non les pensions aux anciens combattants.

M. Knowles (Winnipeg-Nord-Centre): J'espère que je me trompe, et je ne continuerai pas. Je n'ai pas le Livre blanc devant les yeux et ne peux le consulter, mais...

Le président: En voici un exemplaire.

M. Knowles (Winnipeg-Nord-Centre): J'y reviendrai. J'aimerais dire quelque chose au sujet des pensions en général et de la sécurité sociale; je pense que tout le monde ici est touché par ce problème. Non pas seulement celui du bien-être social, mais de la sécurité sociale. Et je ne crois pas que la situation des anciens combattants puisse attendre que ces deux problèmes soient résolus. J'espère que le Comité trouvera moyen, malgré son mandat, de faire certaines recommandations au sujet du taux de base.

Au sujet du deuxième problème important, la question des infirmités multiples, nous avons une excellente déclaration de M. Kohaly, et je suis particulièrement heureux de savoir qu'il a réduit le nombre de cas à 300 ou 400. Je suis certain que tout le monde au Canada voudra faire quelque chose pour ces malheureux.

En ce qui concerne la procédure d'appel, j'aimerais pour quelques instants penser tout haut, sans m'engager moi-même, mais en posant une question à M. Kohaly, à la lumière de ce qu'il nous a dit aujourd'hui.

J'ose espérer que les témoins ont apprécié que le premier stade a été séparé des deux autres, mais ils semblent croire qu'il aurait mieux fallu séparer le troisième stage des deux premiers. C'est au sujet de l'appel en dernière instance que les témoins sont préoccupés.

C'est ici que je pense tout haut. En songeant à la structure que le gouvernement nous propose dans le Livre blanc, ne vaudrait-il pas mieux que les deux premiers stages, la première audience et la fonction du Bureau d'admissibilité, se fassent tous deux au sein du ministère des Affaires des anciens combattants, et que la procédure d'appel en dernière instance soit confiée à une nouvelle Commission canadienne des pensions qui serait totalement autonome et qui n'aurait rien d'autre à faire?

[*Texte*]

Mr. Kohaly: With all respect, Mr. Knowles, to your knowledge of, and deep concern for veterans' problems, we would not be impressed with that division. We do not "knock" the unique idea of having the Department do the initial assessment, although it was not part of the considered opinion of the Woods Committee. But it is the wrong end in which we are concerned about independence. It is the final adjudication that must be independent.

I would not see merit in telescoping the entitlement hearings into the Department. I must not "knock" the initial hearing by the Department, because I have no way of saying it is wrong. It is unique to me. It is new. We had not anticipated anything like this; and that does not mean it is wrong; but in the case of the Commission hearing it is important that it remain in its present atmosphere of Canadian Pension Commission, which is fine. It is only at that point that the veterans' group walks away from the Minister's position in the White Paper, flexible as it is and says that the next step is wrong as he enunciates it. It is right as Woods enunciates it, and we support Woods strongly for the reason stated, that is, that it must in every facet be independent, and appear independent. So I cannot "knock" the lower two levels. You might, in your wisdom, be right, that they should be combined; we cannot see that. But that is maybe because we do not have the wisdom and the age that you have to look at these things.

Mr. Knowles (Winnipeg North Centre): If there are to be three levels, you would like to see each of these levels independent?

Mr. Kohaly: Yes, sir. We think there would be no significant cost factor involved. That is always important, but not the most crucial factor. There would be no significance to keeping it separate. We are not much impressed with this unique idea that came out of left field about the initial hearings in the Department. But we are not "knocking" it; we are just going to watch that one with cautious care.

Mr. Knowles (Winnipeg North Centre): I do not think it came out of left field.

Mr. Kohaly: My apologies, Mr. Chairman.

[*Interprétation*]

M. Kohaly: Malgré tout le respect que j'ai pour votre savoir, monsieur Knowles, et tout l'intérêt que je porte aux problèmes des anciens combattants, je ne trouve pas qu'une telle division soit une trouvaille. Nous ne rejettons pas l'idée exceptionnelle de voir le Ministère faire la première évaluation, bien que cela ne soit pas l'opinion motivée du Comité Woods. Ce n'est pas pour cela que nous devrions nous soucier d'indépendance. C'est la décision finale qui devrait être indépendante. Je ne vois pas l'avantage qu'il y aurait à vouloir à tout prix que les audiences d'admissibilité relèvent du Ministère. Je ne veux pas rejeter l'idée que les audiences initiales soient examinées par le Ministère, car je ne peux pas dire que cela serait mauvais. Il s'agit de quelque chose de très spécial. De quelque chose de neuf. Nous n'avions pas prévu quelque chose de tel; ce qui ne signifie pas que ce soit mauvais; mais, dans le cas de l'audition par la Commission, il est important que les choses restent comme elles le sont actuellement, et que ce soit la Commission canadienne qui s'en occupe. C'est seulement là dessus que les associations d'anciens combattants s'écartent du point de vue du Ministre, si souple soit-elle, exprimée dans le Livre blanc pour dire que l'étape suivante telle que le Ministre l'annonce devrait être modifiée. Le Rapport Woods a raison à mon avis et nous l'appuyons fortement pour la raison que j'ai indiquée plus haut, c'est-à-dire parce que, il doit être en tout point indépendant et paraître indépendant. C'est pourquoi je ne peux rejeter les deux premiers stades. Il se peut que vous ayez raison et que ces deux premiers stades devraient être combinés mais ce n'est pas notre avis. Mais c'est peut-être parce que nous n'avons ni votre sagesse, ni votre expérience.

M. Knowles (Winnipeg-Nord-Centre): S'il doit y avoir trois étapes, voudriez-vous sans doute qu'elles soient indépendantes les unes des autres.

M. Kohaly: Oui. Nous croyons que cela n'accasionnerait pas de grands frais. C'est toujours important, bien que ce ne soit pas le facteur le plus important. Les garder indépendants ne porterait pas à conséquence. Cette idée exceptionnelle et peu orthodoxe selon laquelle l'audience initiale devrait être faite par le Ministère ne nous impressionne pas beaucoup. Mias nous ne rejettons pas l'idée; nous voulons tout simplement voir comment iront les choses.

M. Knowles (Winnipeg-Nord-Centre): Je ne crois pas que cette idée soit si peu orthodoxe.

M. Kohaly: Toutes mes excuses, monsieur le président.

[*Text*]

An hon. Member: It came out of right field.

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Mr. Kohaly: In Western Canada anything that comes out that unique is left field. I do not know what field it is in Eastern Canada!

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I am grateful to Mr. Bigg for turning up the paragraph in the White Paper that he realized I must have been referring to. If I have misunderstood it I would be glad to be corrected, or it may be that it has been modified by the Minister, but these are the words:

> There have been far-reaching changes in Canada's social and economic environment since the pension program was first introduced fifty years ago, and in particular many new social development programs of various kinds have meanwhile been initiated. These...plans have evolved individually over the years, and the Government considers that the time has come to examine the entire fabric in order to achieve greater consistency between the various elements, and to eliminate unintended gaps or duplications.
>
> This overall assessment is a large and complex undertaking, but when it is completed the Government may propose changes in the pension program or in its administration.

That seems to me to say that changes in the pension program—and forgive me if I think that includes basic rates—have to wait until we have had this over-all review of the total social security program in the country. It is a logical, neat and tidy position, but I do not think it is fair to the veterans.

The Chairman: Mr. Knowles, with all respect, the documentation has been put on the record and there was the statement of the Minister. I do not know whether we can gain much by further pursuit at this point.

Mr. Knowles (Winnipeg North Centre): No, I am quite prepared—I just think the Minister's statement is in the same vein.

Mr. Legault: Mr. Chairman, the objections we were putting were for the use of the word "welfare" which we do not believe is applicable in the sense of a pension.

Mr. Knowles (Winnipeg North Centre): I accept that, I will talk about social security legislation generally.

[*Interpretation*]

Une voix: C'est très orthodoxe au contraire.

M. Kohaly: Dans l'Ouest, des idées aussi exceptionnelles ne sont pas orthodoxes. Comment sont-elles alors dans l'Est du Canada?

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je remercie M. Bigg de m'avoir indiqué le paragraphe dans le Livre blanc auquel il croyait que je m'étais reporté. Si j'ai mal compris, j'aimerais qu'on me corrige ou peut-être le Ministre y a-t-il apporté des modifications, mais en tous cas voici le passage:

> Depuis la mise en œuvre du programme de pensions il y a cinquante ans, il s'est produit au Canada de profonds changements sur les plans économique et social, et, plus précisément, divers nouveaux programmes de développement social ont été établis. Ces nombreux programmes ont évolué séparément au cours des années, et le gouvernement estime que le moment est venu d'en examiner toute la structure afin de réaliser une meilleure cohérence des divers éléments, de combler les lacunes et d'éliminer les doubles emplois involontaires.
>
> Cette évaluation générale est une tâche considérable et compliquée, mais lorsqu'elle sera terminée, le gouvernement pourra peut-être proposer des changements au programme même ou à l'administration du programme des pensions.

A mon avis cela veut dire que les changements apportés au programme de pensions, et aux taux de base, devront attendre que tous les programmes de sécurité sociale dans le pays aient été examinés. C'est une façon logique et pratique de procéder, mais je ne crois pas que ce soit juste pour des anciens combattants.

Le président: M. Knowles, avec tout le respect que je vous dois, toute la documentation a été versée au dossier et le Ministre a fait une déclaration. Je ne crois pas que nous ayons quelque chose à gagner en poursuivant les débats à ce stade.

M. Knowles (Winnipeg-Nord-Centre): Non, je sais à quoi m'attendre, la déclaration du Ministre est de la même veine.

M. Legault: Monsieur le président, nous nous opposons à l'usage du mot «bien-être» qui est impropre pour désigner une pension.

M. Knowles (Winnipeg-Nord-Centre): Je suis d'accord, j'emploierai le terme mesures législatives visant la sécurité sociale.

[*Texte*]

Mr. Marshall: Mr. Chairman, if I can elaborate, on page 15 in the White Paper it states distinctly:

> Such payments would veer from the principle of compensation for loss suffered and, in effect, would be welfare payments.

This is pretty clear. I do not think a veteran or his dependents should be considered as welfare recipients.

The Chairman: I think the position has been that war veteran's allowances and some other things were welfare; however, I do not think it has ever been the position that pensions were in that class. Mr. Bigg had some questions. Do you have something more, Mr. Marshall?

Mr. Bigg: On that question of Sections 20, 21 and 22, I think a very important question has been brought up here. It seems to me that the advisers of the government or whoever is responsible for this type of decision are perhaps unaware of the fact that Canadian pensions have been, and we hope will continue to be, based on a man's ability to earn his living with labour. Yet, in the interpretation which we are getting through these particular individual cases they are taking into account apparently only the value to the Crown in these pension cases and not the value to the widow or the dependents of the live body of the veteran and his ability to earn his living apart from the labouring level.

In a court of law, generally speaking, some consideration is given to the loss of earning power of the person as an individual not necessarily at the labouring level. For instance, if in an automobile accident you were to sever Liberace's hands, particularly if you were rich, the court would look very favourably upon you compensating his widow for the loss of Liberace's piano playing hands and not his ability to saw boards. Therefore, I think in principle the Crown is entirely wrong to use this least common denominator and say that we are going to force the woman to pay back anything over the labouring level when the court judgment may well be compensating her for the real value of her husband or consort. It is a case where surely the magnanimity of the Canadian people could lean over the other way and say, quite apart from skinning down the widow of the veteran the very opposite should be considered, that we should take a very broad and liberal view and allow her as much compensation as possible; particularly when it is coming from a

[*Interprétation*]

M. Marshall: Monsieur le président, si vous le permettez, à la page 16 du Livre blanc il est indiqué clairement:

> Ces paiements, au lieu de constituer une compensation pour les pertes subies, équivaudraient effectivement à des prestations d'assistance sociale.

C'est assez clair. Je ne crois pas qu'un ancien combattant ou les personnes à sa charge devraient être considérés comme des bénéficiaires du bien-être.

Le président: Je crois qu'on a toujours considéré que les allocations des anciens combattants et les autres allocations relevaient du bien-être, mais que cela n'a jamais été le cas pour les pensions. M. Bigg avait une question à poser. Avez-vous autre chose, monsieur Marshall?

M. Bigg: Je crois qu'on a abordé une question très importante concernant les articles n[os] 20, 21 et 22. Il me semble que les conseillers du gouvernement ou ceux qui sont chargés de prendre des décisions de ce genre ne sont peut-être pas conscients du fait que les pensions sont, et je l'espère continueront d'être en fonction de la capacité que possède une personne de gagner sa vie en travaillant. Cependant, de la façon dont certains cas individuels sont traités, il me semble qu'on s'occupe seulement de ce que la pension coûtera au Trésor et non de ce qu'elle représente pour la future veuve et les personnes à la charge de l'ancien combattant et on ne tient pas compte s'il est capable de gagner sa vie dans le monde du travail.

Généralement, dans un tribunal, on étudie l'ancapacité de travailler de la personne qui ne fait pas nécessairement partie du monde du travail. Par exemple, si au cours d'un accident d'automobile vous amputez les mains de Liberace, le tribunal verrait d'un œil favorable que vous dédommagiez son épouse surtout si vous êtes riche, pour l'incapacité dans laquelle se trouve le pianiste de jouer de son instrument et non pas pour son incapacité à scier du bois. C'est pourquoi à mon avis, la Couronne a tout à fait tort de tenir compte du plus petit dénominateur commun et de dire qu'il faut que l'épouse rembourse la différence entre la somme accordée et celle qui correspond en fait au niveau du travail quand, à la suite du jugement du tribunal, elle reçoit une compensation en dédommagement de l'invalidité dont souffre son époux ou conjoint. C'est sûrement un cas où le peuple canadien devrait se montrer plus magnanime, au lieu de priver la veuve de l'ancien combattant et où il devrait avoir l'esprit large et la compenser le mieux possible, particuliè-

[*Text*]

source not connected with the Treasury Board.

The Chairman: Are there any further questions? Mr. Guay.

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Mr. Guay (St. Boniface): There was one that I passed up because I wanted to give an opportunity to others to ask their questions. Of course the questions that I am raising, Mr. Chairman, are to the delegation and not possibly along the lines of discussion we will take in committee. We may even ask the Department heads the same questions later on. My question is: do you believe that the 420 multiple disability class or group should not have to apply again to receive the increase in pension?

Mr. Kohaly: I do not think they should have to apply again, no. Multiple disability would be a most aggravated disability and would be well known to the Canadian Pension Commission. If the arm is off above the elbow, it is off above the elbow and they would not need to apply again, no. I can see no big issue though. If they had to they could come in with the sleeve empty and it would still be empty.

Mr. Guay (St. Boniface): Yes.

Mr. Bigg: It would not take long.

Mr. Kohaly: I do not think so. I would not see that as a necessary thing.

Mr. Guay (St. Boniface): My next question then is the last one, Mr. Chairman. As things stand at the moment, do they have to apply?

Mr. Kohaly: Do they have to apply?

Mr. Guay (St. Boniface): For the increase.

Mr. Kohaly: Under the $400-$1,200 feature, I am sorry we do not know the procedure or tactics that are anticipated of us in this respect. It does not seem to spell it would. We would be interested to learn of that.

The Chairman: We might ask for this later.

Mr. Guay (St. Boniface): Yes, I kept a note for that purpose, Mr. Chairman.

Mr. Kohaly: Yes.

Mr. Guay (St. Boniface): I just thought I would ask that.

[*Interpretation*]

rement quand ce n'est pas le Conseil du Trésor qui verse les fonds.

Le président: Y a-t-il d'autres questions? M. Guay.

M. Guay (Saint-Boniface): J'ai laissé passer mon tour car je voulais donner l'occasion aux autres de se faire entendre. Je poserai en fait ma question à la délégation, monsieur le président, et non de la façon dont on le fait au comité. Il se peut que nous posions les mêmes questions au Ministère par la suite. Ma question est la suivante: croyez-vous que les 420 anciens combattants souffrant d'affections multiples ne devraient pas faire de nouveau la demande pour obtenir une augmentation de pension?

M. Kohaly: Non, je ne crois pas qu'ils devraient refaire la demande. Le fait de souffrir d'affections multiples est en soit très grave et la Commission canadienne des pensions en est consciente. Si un bras est amputé au dessus du coude, il l'est un point c'est tout et il ne faudrait pas refaire une demande. Ce n'est pas parce qu'ils referaient une demande qu'il retrouveraient leur bras.

M. Guay (Saint-Boniface): Non.

M. Bigg: Cela ne prendrait pas longtemps.

M. Kohaly: Je ne crois pas. Je ne crois pas que ce serait nécessaire.

M. Guay (Saint-Boniface): Ma question suivante sera la dernière monsieur le président. Pour le moment, doivent-ils refaire une demande?

M. Kohaly: Doivent-ils faire la demande?

M. Guay (Saint-Boniface): S'il veulent que leur pension soit augmentée.

M. Kohaly: Pour ce qui est de l'article relatif aux $400 à $1,200, je regrette de dire que nous ignorons ce que l'on attend de nous à ce sujet. Il ne semble pas que ce serait nécessaire, mais nous aimerions bien en savoir davantage.

Le président: Nous pourrons nous renseigner plus tard.

M. Guay (Saint-Boniface): Oui. J'en ai pris note, monsieur le président.

M. Kohaly: Oui.

M. Guay (Saint-Boniface): J'ai pensé qu'il serait bon de poser la question.

[*Texte*]

Mr. Kohaly: We are taking the White Paper as basic principles that are just open for discussion. We were pleased to note even as late as this morning that more information is coming in which is exactly in tune with what the Minister said he was going to do. We are watching now very closely.

Mr. Knowles (Winnipeg North Centre): I gather in the case of the Hong Kong veterans who are on pension and who have an assessable disability below 48 per cent, that their increase will be automatic. They will not have to apply.

Mr. Kohaly: Yes.

Mr. Knowles (Winnipeg North Centre): I gather Mr. Guay is suggesting that the same policy might be pursued with the others.

Mr. Guay (St. Boniface): That is right.

Mr. Kohaly: We would hope so.

Mr. Guay (St. Boniface): That was the purpose of my question. I do not think that they should have to apply.

Mr. Kohaly: Mr. Chairman, I wonder if you would permit me to introduce to the Committee one of the members of our group from The Royal Canadian Air Force Association, Group Captain Alex M. Jardine who hails from Victoria.

Some hon. Members: Hear, hear.

The Chairman: Mr. Weatherhead.

Mr. Weatherhead: Mr. Chairman, you will recall that I mentioned this morning my being in favour of continuing the pension at first glance to children up to 25 years of age in universities and post university education. I am happy to see that our friends here this afternoon have included this in their recommendations.

I was wondering whether they have had an opportunity to do any cost study on the possible increase in costs that this might entail in a given year, even in a general sort of a way because I am sure that we will be faced with a cost argument if we want to pursue this with the government.

Mr. Kohaly: I think not, sir, but when our separate organizations appear we will see that this is given proper attention. This is just a

[*Interprétation*]

M. Kohaly: Nous considérons le Livre Blanc comme un ensemble de principes de base à discuter. Nous étions heureux de constater, pas plus tard que ce matin, que nous recevons de plus en plus de renseignements qui correspondent exactement à ce que le Ministre a dit qu'il avait l'intention de faire. Nous surveillons l'affaire de très près.

M. Knowles (Winnipeg-Nord-Centre): J'ai cru comprendre que dans le cas des anciens combattant de Hong-Kong qui touchent une pension et qui souffrent d'une invalidité possible à déterminer à moins de 48 p. 100, l'augmentation se fera de façon automatique. Ils n'auront pas besoin de présenter une demande.

M. Kohaly: C'est exact.

M. Knowles (Winnipeg-Nord-Centre): Je pense que M. Guay veut dire que la même ligne de conduite pourrait être observée avec les autres.

M. Guay (Saint-Boniface): Oui, c'est cela.

M. Kohaly: Nous l'espérons aussi.

M. Guay (Saint-Boniface): C'était le but de ma question. Je ne crois pas qu'ils devraient avoir à faire une demande.

M. Kohaly: Monsieur le président, me permettriez-vous de présenter au Comité l'un des membres de notre groupe de l'Association de l'Aviation royale du Canada, le capitaine de groupe Alex M. Jardine, qui vient de Victoria.

Des voix: Bravo.

Le président: Monsieur Weatherhead.

M. Weatherhead: Monsieur le président, vous vous souvenez sans doute que j'ai dit ce matin que j'étais en faveur de continuer à verser la pension à l'égard des enfants qui font des études supérieures ou post-universitaires jusqu'à ce qu'ils aient atteint l'âge de 25 ans. Je suis heureux de constater que nos amis ici présents ont inclus cette proposition dans leurs recommandations.

Je me demande s'ils ont eu la possibilité de faire des recherches sur l'augmentation possible des dépenses qui pourrait en découler au cours d'une année donnée même d'une manière générale, car je suis certain que nous allons être confrontés avec des problèmes d'argent si nous voulons poursuivre l'affaire avec le gouvernement.

M. Kohaly: Je ne le crois pas, monsieur. Mais quand nos diverses associations comparaîtront, nous verrons à ce que l'on étudie la

[*Text*]

general statement of principle of all the chartered veterans' groups here. We have not gone into that as yet. We will. Similarly, it is surprising to me that this business of the legal damages has taken on such prominence here. We had not contemplated that, but in our subsequent appearances by either The Royal Canadian Legion or The Army, Navy, and Air Force Veterans of Canada, some of the general veterans' groups will put more emphasis on that and give you more information.

Mr. Weatherhead: That is fine.

The Chairman: Are there other members here who want to ask questions? If not, on behalf of the Committee I would like to extend a very hearty vote of thanks to you for coming today, for your brief and for answering the questions which I think have been fairly searching in many respects. The Committee will continue to hear from the various groups represented individually.

Mr. Bigg: Mr. Chairman, I see Mr. Chadderton is here. This morning we were talking about the Syme's amputation, would this be a good time to have a little clarification on that?

The Chairman: I think Mr. Chadderton will be back, will he not?

Mr. Chadderton: I understand I will be here tomorrow and Monday.

Mr. Bigg: I just wanted some clarification on the Syme's amputation, and similar problems.

The Chairman: Mr. Bigg, I think there will be a good opportunity to question Mr. Chadderton and the group he represents who know more about this.

Mr. Bigg: Yes.

The Chairman: There are two announcements I would like to make. First, the meeting that we had planned for this evening has

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definitely been cancelled. We do not have a program for this evening. There will be no hearings of the Committee. Second, I would like to call on Mr. Reynolds at this point to indicate further developments in regard to the schedule of appearance of different groups.

Mr. Reynolds: Mr. Chairman, the groups now scheduled are: for September 19, that is

[*Interpretation*]

question. Il s'agit simplement d'une déclaration de principe générale de tous les groupements d'anciens combattants à charte ici présents. Nous n'avons pas encore étudié la question, mais nous alons le faire. De même, je suis surpris de voir l'importance que l'on donne ici à toute cette question des dommages et intérêts. Nous n'avions pas envisagé cela, mais lors des comparutions ultérieures de la Légion royale du Canada ou de l'Association des anciens combattants des armées de terre, de mer et de l'air du Canada, certains des groupements d'anciens combattants en parleront davantage et vous donneront plus de renseignements.

M. Weatherhead: C'est très bien.

Le président: Y-a-t'il d'autres membres du Comité qui aient des questions à poser? Sinon, au nom des membres du Comité, j'aimerais vous remercier tous très sincèrement d'être venus aujourd'hui nous présenter votre mémoire et répondre aux questions qui ont été, je crois, assez poussées à bien des égards. Le Comité continuera à entendre les divers groupements à tour de rôle.

M. Bigg: Monsieur le président, je vois que M. Chadderton est ici. Ce matin, nous avons parlé de l'amputation de Syme. Le moment serait-il opportun pour obtenir des éclaircissements à ce sujet?

Le président: Je pense que M. Chadderton reviendra, n'est-ce pas?

M. Chadderton: Je crois comprendre que je serai ici demain et lundi.

M. Bigg: Je voulais simplement quelques éclaircissements sur l'amputation de Syme et sur des problèmes semblables.

Le président: Monsieur Bigg, je pense que nous aurons une bonne occasion d'interroger M. Chadderton et le groupement qu'il représente; ils sont bien au courant de la question.

M. Bigg: Oui.

Le président: J'ai deux annonces à faire. Tout d'abord, la rencontre que nous avions prévue pour ce soir a été définitivement annulée. Nous n'avons rien au programme pour ce soir. Le Comité ne tiendra pas d'audience. Ensuite, j'aimerais passer maintenant la parole à M. Reynolds pour qu'il nous informe des dernières nouvelles en ce qui concerne la date de comparution des différents groupements.

M. Reynolds: Monsieur le président, voici le programme actuel: demain 19 septembre, à

[*Texte*]

tomorrow at 9.30 a.m., The National Council of Veterans Associations of Canada headed by Mr. J. C. Lundberg; on Monday, September 22 at 9.30 a.m., *The War Amputations of Canada* headed by Mr. Chadderton; on Tuesday at 9.20 a.m., the Hong Kong Veterans Association of Canada, headed by Mr. C. P. Brady; on Wednesday at 9.30 a.m., *The National Dieppe Prisoners of War Association.*

The Chairman: I understand they are just for the morning.

Mr. Reynolds: Some of those organizations expect to take more than half a day so they have the whole day available to them.

The Chairman: When we have extra time it is our intention to go back to Mr. Ward and complete his testimony. Do you want to continue Mr. Reynolds?

Mr. Reynolds: Yes, I would like to. At the moment Wednesday afternoon and all day Thursday and Friday of next week are vacant. So that is available for Departmental officials if you want to fit them in there if they cannot be fitted in after the veterans' organizations have finished their presentations. There is nothing else scheduled for next week after Wednesday noon as the next organization—*the Nursing Sisters' Association* of Canada—is scheduled to appear on Monday, September 29, at 9.30 to be immediately followed by—the nurses do not expect to be very long—the *Canadian Corps Association* who will take more than half a day. So they will use up most of the Monday.

On Tuesday, September 30, at 9.30, we will have the Canadian Paraplegic Association and at 2.00 o'clock on the same day, September 30, the *Sir Arthur Pearson Association* of War Blinded.

On October 1, that is Wednesday, at 9.30, we will have the War Pensioners of Canada in the morning and in the afternoon at 2.00 o'clock, the Army, Navy Air Force Veterans of Canada.

At the moment I have scheduled for October 2, that is Thursday, at 9.30, the Royal Canadian Legion. They are the last organization we have scheduled so, presumably, they will carry right on until they finish their brief.

The Chairman: Does that meet with your approval?

[*Interprétation*]

9h. 30 du matin, le Conseil national des associations d'anciens combattants du Canada, dirigé par M. J.C. Lundberg; le lundi 22 septembre, à 9h. 30, l'Association des amputés de guerre du Canada, dirigée par M. Chadderton; mardi, à 9h. 30, l'Association canadienne des anciens combattants de Hong-Kong, dirigée par M. C.P. Brady; mercredi, à 9h. 30, l'Association nationale des prisonniers de guerre de Dieppe.

Le président: Il n'y aura donc d'audiences que le matin.

M. Reynolds: Certaines de ces associations s'attendent à avoir besoin de plus d'une demi-journée, et elles disposeront donc de la journée entière.

Le président: Lorsque nous aurons du temps en trop, nous avons l'intention de revenir à M. Ward et d'entendre la fin de son témoignage. Voulez-vous poursuivre, monsieur Reynolds?

M. Reynolds: Oui. Pour l'instant, mercredi après-midi et toute la journée de jeudi et de vendredi la semaine prochaine sont libres. Vous pouvez donc en disposer pour les représentants du Ministère si vous le désirez, et s'il n'est pas possible de leur réserver une période après que les associations d'anciens combattants auront terminé leurs exposés. Rien d'autre n'est prévu pour la semaine prochaine après mercredi midi, car la prochaine association doit comparaître le lundi 29 septembre, à 9 h. 30. Il s'agit de l'Association des infirmières militaires du Canada, qui ne s'attend pas à prendre beaucoup de temps, et qui sera immédiatement suivie par l'Association du corps canadien, à qui il faudra plus d'une demi-journée, et à qui la plus grande partie de lundi sera donc consacrée.

Le mardi 30 septembre, à 9 h. 30, nous aurons l'Association canadienne des Paraplégiques, et à 2 h. le même jour, soit le 30 septembre, ce sera l'Association sir Arthur Pearson des aveugles de guerre.

Le 1er octobre, soit mercredi, à 9 h. 30, nous entendrons les Pensionnés de guerre du Canada et l'après-midi, à 2 h., ce sera l'Association des anciens combattants des armées de terre, de mer et de l'air du Canada.

Pour l'instant j'ai inscrit pour le 2 octobre, soit jeudi, à 9 h. 30 du matin, la Légion royale du Canada. C'est la dernière association inscrite, et elle poursuivra donc sans doute jusqu'à la fin de son exposé.

Le président: Est-ce que vous êtes d'accord?

[*Text*]

Some hon. Members: Agreed.

The Chairman: There is the possibility that we may adjourn early next week and give you a break of about four days. I think that is a possibility the Committee may wish to think about. Mr. Kohaly?

Mr. Kohaly: Mr. Chairman, the chartered veterans groups and their heads who are here would give me a very bad time in the corridor if I did not, on their behalf and on my own, say to you how very encouraged we are. Firstly, last night when we heard the Minister was leaving us room to move here and secondly, your continued attitude to this Committee and the concern you have shown, but primarily your attitude to listen to us and to hear us out in full and in detail about the veterans and the pensioners who need assistance in this country. We are very encouraged. If I knew a stronger phrase I would use it.

We all are going to be happy to come back individually to present more detail about this, but I, for one, on behalf of the Royal Canadian Legion, and I know I am joined by all the others who are here, am going to go back out across the country and speak to our veterans, our pensioners and their widows and say that we are receiving fair treatment. It is an open ball game; the whole thing is up for discussion and let us put it on the table fair and square because we are receiving a fair hearing, not that we anticipated receiving anything but a fair hearing here because you historically have done so. We are very encouraged by the atmosphere we find here and I would feel remiss if I did not say so. I know it is inherent in everything that has been said here today, but I want it on the record and we want to speak this way across Canada. Thank you, very much, Chairman.

The Chairman: Thank you, Mr. Kohaly

[*Interpretation*]

Des voix: D'accord.

Le président: Il est possible que nous nous ajournions vers le début de la semaine prochaine pour vous laisser vous reposer pendant quatre jours. Je crois que c'est une chose à laquelle les membres du Comité pourraient songer. Monsieur Kohaly?

M. Kohaly: Monsieur le président, les groupements d'anciens combattants à charte et leurs porte-parole qui sont ici me feraient certainement des reproches à la sortie si je ne vous disais pas, en leur nom et au mien, combien nous nous sentons encouragés. D'abord, parce qu'hier soir on nous a dit que le ministre nous donnait carte blanche dans ce domaine, et ensuite par votre attitude devant le Comité et par l'intérêt que vous avez montré, et surtout parce que vous avez bien voulu nous écouter lorsque nous vous avons parlé des anciens combattants et des pensionnés qui ont tant besoin d'aide dans ce pays. Nous nous sentons vraiment encouragés, c'est le moins que je puisse dire.

Nous serons tous très heureux de revenir chacun à notre tour vous donner tous les détails à ce sujet, mais pour ma part, au nom de la Légion royale du Canada—et je sais que tous ceux qui sont ici seront de mon avis—je vais aller dire à nos anciens combattants, à nos pensionnés et à leurs veuves dans tout le pays que l'on nous traite de façon juste et équitable. Nous jouons cartes sur table; la discussion est ouverte, et nous devons parler en toute franchise, car vous nous écoutez de manière impartiale; nous n'avions d'ailleurs jamais pensé qu'il en serait autrement, car votre réputation d'impartialité est établie depuis longtemps.

Dans cette atmosphère, nous nous sentons vraiment encouragés, et nous serions ingrats si nous ne le disions pas bien haut. Je sais que cela ressort de tout ce qui s'est dit ici aujourd'hui, mais je veux que cela figure au compte rendu, et nous le dirons bien haut dans tout le pays. Merci beaucoup, monsieur le président.

Le président: Merci, monsieur Kohaly.

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Twenty-eighth Parliament, 1968-69

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CHAMBRE DES COMMUNES

Première session de la

vingt-huitième législature, 1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

COMITÉ PERMANENT

DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS AND EVIDENCE

PROCÈS-VERBAUX ET TÉMOIGNAGES

OCT 22 1969 UNIVERSITY OF TORONTO

No. 15

FRIDAY, SEPTEMBER 19, 1969

LE VENDREDI 19 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(*See Minutes of Proceedings*)

(*Voir Procès-verbal*)

20759—1

STANDING COMMITTEE ON
VETERANS AFFAIRS

COMITÉ PERMANENT
DES
AFFAIRES DES ANCIENS
COMBATTANTS

Chairman — Mr. Lloyd Francis — *Président*
Vice-Chairman — Mr. Carl Legault — *Vice-président*

and Messrs. — et Messieurs

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—20

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

Pursuant to S.O. 65(4)(b). — Conformément à l'article 65(4)(b) du Règlement.

MINUTES OF PROCEEDINGS

(*Text*)

FRIDAY, September 19, 1969
(19)

The Standing Committee on Veterans Affairs met this day at 9:40 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Bigg, Francis, Laniel, Latulippe, Legault, MacRae, Marshall, Turner (*London East*), Weatherhead. (9)

Other Member present: Mr. Knowles, M.P. (*Winnipeg North Centre*).

Witnesses: From the National Council of Veterans Associations in Canada: Mr. J. C. Lundberg, Chairman and Mr. H. C. Chadderton.

The Chairman introduced the witnesses and Mr. Lundberg read the Association's brief. The Committee proceeded to the questioning of the witnesses.

At 12 noon the Committee adjourned to Monday, September 22, 1969 at 9:30 a.m.

PROCÈS-VERBAL

(*Traduction*)

VENDREDI, 19 septembre 1969
(19)

Le Comité permanent des affaires des anciens combattants se réunit ce matin, à 9 h. 40, sous la présidence de M. Lloyd Francis, président.

Députés présents: MM. Bigg, Francis, Laniel, Latulippe, Legault, MacRae, Marshall, Turner (*London-Est*), Weatherhead. (9)

Aussi présent: M. Knowles (*Winnipeg-Nord-Centre*), député.

Témoins: Du Conseil national des associations d'anciens combattants du Canada: M. J. C. Lundberg, président et M. H. C. Chadderton.

Le président présente les témoins dont l'un d'eux, M. Lundberg, donne lecture du mémoire de l'Association, puis le Comité les interroge.

A midi, le Comité s'ajourne jusqu'au lundi 22 septembre 1969, à 9 h. 30 du matin.

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

20759—1½

[*Texte*]

EVIDENCE

(*Recorded by Electronic Apparatus*)

Friday, 19 September 1969

• 0942

The Chairman: The Committee is called to order. Our witness this morning is Mr. Lundberg. I believe we have met him briefly yesterday.

Mr. J. C. Lundberg (National Council of Veterans Associations of Canada): Mr. Chairman, may I express our thanks for the opportunity to present our views to this Committee, and we certainly appreciate this privilege. I present this brief to you today because the Chairman of the National Council, Mr. Ken Langford, is in Ireland at the International Disabled Conference. I will read each subject matter and then we shall discuss it as it is read; this will save time, I believe, in the end.

I noticed yesterday there appear to be some questions on your mind still unanswered and we shall attempt to clarify them for you today. Mr. Chadderton, the Executive Secretary of the War Amputations of Canada, will assist me in this presentation.

Yesterday, gentlemen, you heard the general statement read to you by comrade Kohaly, Dominion President of the Legion, who expressed the general views of the veterans' organizations. We are here this morning to get down to, as they say, the nitty-gritty, and we hope that we shall immerse you in a total course of the problems of the veterans, so that when you have the opportunity, you will be extremely knowledgeable in this matter.

With me this morning, representing the Paraplegic Association, is Mr. Andrew Clarke. Captain Fred Woodcock is representing the Sir Arthur Pearson Association of War Blinded. Mr. Chadderton, the Executive Secretary of the War Amputations of Canada, is representing the War Amputations Association, and I, J. C. Lundberg, represent the Army, Navy and Air Force Veterans of Canada, and I am Vice-Chairman of the National Council.

Gentlemen, you have two briefs before you. This is the amended brief as a result of the

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le vendredi 19 septembre 1969

Le président: Messieurs, la séance est ouverte. Notre témoin, ce matin, est M. Lundberg, avec lequel nous nous sommes brièvement entretenus hier, je crois.

M. J. C. Lundberg (Conseil national des associations d'anciens combattants du Canada): Monsieur le président, je vous remercie de cette occasion qui m'est offerte d'exposer nos vues à ce Comité. Nous apprécions certainement cette faveur. Je vous présente ce mémoire aujourd'hui parce que le président du Conseil national, M. Ken Langford, est en Irlande où il assiste à la Conférence internationale des invalides. Je vais lire ce qui y est écrit sur chaque sujet et nous en discuterons au fur et à mesure. Cela nous permettra de gagner du temps, je l'espère.

J'ai remarqué hier que vous vous posez encore certaines questions sans y trouver de réponse. Je vais essayer de les éclaircir pour vous aujourd'hui. M. Chadderton, secrétaire exécutif de War Amputations of Canada, m'y aidera.

Hier, messieurs, vous avez entendu la déclaration générale que vous a lue le camarade Kohaly, président fédéral de la Légion, exprimant d'une façon générale les opinions des organisations d'anciens combattants. Ce matin, nous allons passer aux détails. Nous espérons vous donner des renseignements précis sur tous les problèmes des anciens combattants, dont vous serez ainsi parfaitement au courant.

Sont présents avec moi ce matin, M. Andrew Clarke, représentant l'Association canadienne des paraplégiques, le capitaine Fred Woodcock, de la Sir Arthur Pearson Association of War Blinded; M. Chadderton, secrétaire exécutif de War Amputations of Canada, représente l'Association des amputés de guerre et moi-même, J. C. Lundberg, je représente les anciens combattants de l'armée, la marine et l'aviation du Canada et je remplis les fonctions de vice-président du Conseil national.

Messieurs, deux mémoires vous ont été soumis. Celui-ci est le mémoire modifié par suite

[*Text*]

White Paper. The other brief is our original submission. Of necessity I shall refer back to our original presentation.

The government White Paper on War Disability Pensions was released on September 8th, 1969. In his address to the War Amputations of Canada, on September 15th, 1969, the Honourable J. E. Dubé, Minister of Veterans Affairs, stated that the Woods Committee had required some three years to complete its presentation, and that the government had required a further 18 months to prepare the White Paper. The National Council of Veterans Association has had less than 10 days to prepare a submission respecting its observations on this White Paper.

Notwithstanding, we do feel that we are in a position to furnish the Committee with some solid evaluations, and our immediate reaction can be summed up in one word—disappointment!

We had hoped that much of the philosophy, and many of the important recommendations, of the Woods Committee Report would be incorporated into the White Paper. Our assessment indicates that less than one half of the recommendations are included in the policies announced in the White Paper, and many of these recommendations in which the government has adopted the principle are being proposed for implementation in part only.

• 0945

Other veterans organizations will be making appearances before this Committee and will presumably convey to the Committee their views in regard to some of the recommendations. Time does not permit the National Council, therefore, to include its views in regard to the full complement of proposals of the Woods Committee Report, and we can deal herein only with those which we have had time to analyse in detail.

Multiple Disabilities:

It seems to us that the White Paper missed the whole point of the multiple disability question. Whereas we are grateful that the government is prepared to accept the necessity to pay pensions in excess of the 100 per cent level, the means by which the government intends to give effect to this philosophy is open to very serious question.

We wish to make it clear that our objections to the multiple disabilities proposal are based on two main points—the financial in-

[*Interpretation*]

du Livre blanc. L'autre constitue notre présentation originale. Il est donc nécessaire que je m'y reporte.

Le Livre blanc du gouvernement sur les pensions des anciens combattants a été publié le 8 septembre 1969.

Dans son discours à l'Association canadienne des amputés de guerre, le 15 septembre 1969, le ministre des Affaires des anciens combattants, l'honorable J.-E. Dubé, a déclaré qu'il avait fallu environ trois ans au comité Woods pour préparer son rapport, et que le gouvernement avait consacré encore 18 mois à la rédaction du Livre blanc. Le Conseil national des associations d'anciens combattants du Canada a disposé de moins de 10 jours pour rédiger un mémoire présentant ses observations sur ce Livre blanc.

Malgré tout, nous sommes convaincus d'être à même de fournir au Comité quelques appréciations valables—et notre première réaction se rrésume en un seul mot—quelle déception!

Nous espérions que l'essence et un grand nombre des recommandations importantes du rapport du comité Woods se reflèteraient dans le Livre blanc du gouvernement. Et nous estimons que le Livre blanc, dans les programmes qu'il annonce, ne contient même pas la moitié de ces recommandations et que le gouvernement qui en a adopté un grand nombre en principe n'en propose que la mise en œuvre partielle.

D'autres organisations d'anciens combattants comparaîtront devant le Comité et lui présenteront sans doute leurs opinions concernant quelques-unes des recommandations. Aussi le Conseil national n'a-t-il pas le temps de présenter ses opinions au sujet de la totalité des propositions du Comité Woods; nous ne pouvons traiter que de celles que nous avons eu le temps d'analyser en détail.

Invalidités multiples

Il nous semble que le Livre blanc rate complètement son but pour ce qui est des invalidités multiples. Bien que nous soyons reconnaissants de ce que le gouvernement reconnaît la nécessité de payer des pensions au-dessus du taux de 100 p. 100, nous estimons que les moyens par lesquels le gouvernement entend mettre en œuvre ce principe est sujet à des critiques très graves.

Nous voulons préciser que les objections que nous proposons au sujet des invalidités multiples se fondent sur deux points princi-

[*Texte*]

adequacy, and perhaps more important, the philosophy.

It is noted that the White Paper proposes annual or lump sum grants of between $400 and $1,200 per annum. This fails to give effect to the findings of the Woods Committee which were, so far as we can determine, that multiple disabilities were far under-rated, and that, in terms of dollars and cents, the severe multiple disability casualty was entitled to a much higher pension income, in some cases representing an increase of as much as $6,000 and $7,000 per annum.

It is understandable that there should be some hesitation in regard to an increase of this proportion. It should be borne in mind, however, that the numbers of multiple disability pensioners are extremely limited. Secondly, even if they were not, the obligation of the Government of Canada is such that payment in full, for pensioners in this category, should be made regardless of the cost.

The second objection is that of principle. The Woods Committee has visualized that the solution to the problem would be for the Canadian Government to recognize that, where certain disabling factors existed in a substantial extent, over and above the loss of earning capacity, compensation was due the pensioner in respect of such factors. They include anatomical loss, loss of enjoyment of life, loss of life expectancy, and scarring and disfigurement.

This would have to mean that the seriously disabled pensioner, in the view of the Woods Committee, was *entitled* to an *additional* assessment which would be calculated in dollars and cents, on a direct ratio with the loss of earning power in the unskilled labor market.

The proposal in the White Paper appears to ignore this premise completely. What it does, in effect, is to suggest that where the severely disabled pensioner requires specific amenities, these can be provided by the Pension Commission in the form of an annual or lump sum grant. A measure of this nature does not belong in the Pension Act. This type of assistance can best be described as a "welfare handout", and would best be offered by benevolent organizations. In fact, if the war disability pensioner wanted to get down on his knees and beg, he could no doubt get this kind of assistance now without wait-

[*Interprétation*]

paux: l'insuffisance de l'aide financière, et ce qui est peut-être plus important, le principe de la chose.

Nous notons que le Livre blanc propose qu'on verse des paiements annuels ou des sommes globales, s'échelonnant entre $400 et $1,200. Ces mesures ne permettent pas l'application des conclusions du Comité Woods selon lesquelles, autant que nous puissions en juger, les invalidités multiples ont été très sous-estimées, et qu'en termes de dollars et de cents, le fait de souffrir d'une invalidité multiple grave donnait droit à une pension beaucoup plus élevée qui parfois pouvait représenter une augmentation allant jusqu'à $6,000 et $7,000 par an.

On comprend que l'on puisse hésiter devant une augmentation de cette proportion. Toutefois, on doit se souvenir que le nombre de pensionnés souffrant d'invalidités multiples est extrêmement limité. En outre, même si ce n'était pas le cas, le gouvernement du Canada a une telle dette envers cette catégorie de pensionnés qu'il devrait leur verser la somme entière, sans considérer les dépenses occasionnées.

Notre seconde objection repose sur une question de principe. Le comité Woods a envisagé que la solution au problème consisterait, pour le gouvernement canadien, à reconnaître, lorsque certains facteurs d'invalidité se présentent dans une mesure considérable, en plus de perdre le pouvoir de gagner sa vie, que le pensionné aurait droit à une indemnité au regard de ces facteurs. Ils comprennent: La perte d'un membre; la perte de la faculté de jouir de la vie; la diminution de l'espérance de vie; les cicatrices et la défiguration.

Un pensionné souffrant d'une grave invalidité, selon le Comité Woods, aurait ainsi droit à une indemnité supplémentaire qui serait calculée en dollars et en cents, et directement proportionnée à la perte du pouvoir de gagner sa vie sur le marché du travail des ouvriers non spécialisés.

La proposition du Livre blanc semble ignorer complètement cette question de principe. En effet, dans le cas où un pensionné souffre d'une invaladité grave qui exige des soins spéciaux, il ne fait que proposer que la Commission des pensions verse des allocations sous forme de sommes annuelles ou globales. Une mesure de ce genre n'est pas comforme à la Loi sur les pensions. On peut décrire ce genre d'aide comme une «aumône de bienfaisance», que l'on pourrait avantageusement confier aux organisations de charité. En fait, si le pensionné souffrant d'une invaladité de guerre voulait s'agenouiller et mendier, il ne fait pas

[*Text*]

ing for the implementation of the recommendations in the White Paper.

To conclude our comments in regard to the multiple disability proposal, it may be that those whose responsibility it will be to defend the White Paper, will conclude that our objections in regard to principle have been developed merely as a basis for arguing for a higher pension award for the multiple disability cases. We would wish to assure the members of the parliamentary committee that this is not the case. We feel certain that, even if the amounts proposed in the White Paper were considerably more generous than they are, we would still have to object to the proposals on the "handout" principle.

I will ask you to refer to the November 26 brief on page 4. Here we are going into this in a little more detail than in our original brief.

2. *Multiple Disabilities* (Woods Committee Recommendations Nos. 64 and 65):

The National Council desires to suggest particular emphasis be accorded the recommendations of the Woods Committee dealing with compensation for multiple disabilities. We believe that the failure to provide for adequate pensions for multiple disabilities has been the major defect in the Canadian pension system since its inception. The Woods Committee, in the conclusion of its Report, commented on this deficiency, stating that Canada's pension program for veterans was often referred to as being among the most generous of any in the world, giving the example of the "insurance principle", but pointing out that "the Pension Act in Canada requires considerable broadening in other provisions".

• 0950

In the section dealing with multiple disabilities the Committee made the following comment:

> The necessity to provide some form of supplementary pension for multiple disability casualties seems evident. The absence of adequate provision in this regard appears as a major flaw in the existing system for war disabilities.

National Council wishes to endorse the recommendations of the Woods Committee respecting multiple disabilities and suggests their implementation at the earliest possible moment.

[*Interpretation*]

de doute qu'il pourrait obtenir ce genre d'aide dès maintenant sans attendre la mise en œuvre des recommandations du Livre blanc.

Au moment de conclure ces remarques concernant les propositions relatives aux invaladités multiples, nous pensons que ceux dont la responsabilité sera de défendre le Livre blanc, concluront peut-être que nos objections de principe ont été simplement exposées pour appuyer nos arguments en faveur du versement d'une pension plus élevée dans le cas d'invalidités multiples. Nous voudrions assurer les membres de ce Comité parlementaire qu'il ne s'agit pas de cela. Nous sommes convaincus, que même si les sommes proposées dans le Livre blanc étaient considérablement plus généreuses qu'elles ne le sont, nous devrions encore nous opposer aux propositions du principe de l'«aumône».

Je vous demanderai de vous reporter à la page 4 du mémoire du 26 novembre. Nous y traitons de la questions d'une façon plus détaillée que dans notre mémoire original.

2. *Infirmités multiples* (recommandations nos 64 et 65 du comité Woods)

Le Conseil national désire mettre l'accent sur l'importance des recommandations du comité Woods traitant de l'indemnisation pour infirmités multiples. Nous pensons que le défaut d'accorder des pensions appropriées aux personnes souffrant d'infirmités multiples constitue la plus grande lacune du système canadien des pensions, depuis qu'il existe. Dans la conclusion de son rapport, le comité Woods, commentant cette lacune, dit que le programme de pensions aux anciens combattants du Canada était souvent compté parmi les plus généreux du monde. Le comité illustre cette affirmation par le «principe de l'assurance», mais fait remarquer que la Loi sur les pensions au Canada doit être élargie dans d'autres de ses dispositions.

Dans la partie traitant des infirmités multiples, le comité a fait l'observations suivante:

> La nécessité d'assurer aux personnes souffrant d'infirmités multiples une certaine forme de pension supplémentaire semble évidente. L'absence de dispositions appropriées à cet égard est un grand défaut du système actuel d'indemnisation des infirmes de guerre.

Le Conseil national désire exprimer son appui aux recommandations du comité Woods concernant les infirmités multiples et en propose l'application au plus tôt.

[*Texte*]

Although the formula on which these recommendations are based varies somewhat from that suggested in our original submission to the Committee, we believe that it is a simpler and more workable formula and commend it to you accordingly.

Under the Pension Act, compensation for disability can be assessed with reasonable fairness for a single disability. For multiple disabilities, however, the present method of assessment breaks down. While a single leg amputee may be compensated at existing rates at $212.00 a month, a double or triple amputee, a blind person or a paraplegic is awarded only $53.00 more, that is, $265.00 a month.

The authority for granting war disability pension in respect of disability or disabilities incurred during military service is found in the Pension Act. The operating section of that Act, Section 28(1), states that "pensions for disabilities shall . . . be awarded . . . in accordance with the extent of the disability . . ."

However, in the table of disabilities, which is a document prepared by the Pension Commission for the guidance of physicians and surgeons making medical examinations for pension purposes, we find this instruction:

> "Item 11—where more than one pensionable disability exists, the combined assessment will be based on the combined disablement as a whole, but in no case will the combined assessment exceed 100 per cent."

This, we submit, is contrary to the intention of Parliament and is the cause of grave injustice to those casualties who have suffered multiple disabilities.

Farther along in paragraph two of item 11 of the table of disabilities we find these instructions:

> When separate pensionable disabilities... have entirely independent functional effects, extreme care will be exercised in assessing each disability separately, and the composite assessment will be the arithmetical sum total.

and in paragraph four of item 11:

> Where there is damage to paired organs, the arithmetical sum of the separate assessments may fall short of the true degree of entire disablement. In each case, after inspection of the table, the composite assessment is to be made at a percentage which represents a true estimate of the disablement as a whole, e.g.,

[*Interprétation*]

Bien que la formule sur laquelle se fondent ces recommandations soit quelque peu différente de celle que nous proposions au Comité dans notre mémoire original, nous estimons qu'elle est plus simple et plus facilement applicable. Nous vous la recommandons donc vivement.

En vertu de la Loi sur les pensions, les indemnités d'invalidité sont calculées d'une façon assez juste lorsque les infirmités ne sont pas multiples. Si elles le sont, la méthode de calcul actuelle se révèle injuste. Un amputé d'une jambe reçoit actuellement $212 par mois, alors qu'une personne qui a subi trois amputations, un aveugle ou un paraplégique ne reçoit que $53 de plus, c'est-à-dire $265 par mois.

La Loi sur les pensions prévoit l'octroi de pensions pour toute infirmité (ou infirmités) subie en cours du service militaire. L'article 28 de la Loi dit que «les pensions pour invalidité doivent...être accordées...selon le degré d'invalidité...».

Cependant, dans le tableau des infirmités, document établi par la Commission des pension à l'intention des médecins et chirurgiens qui effectuent des examens médicaux à des fins de pensions, on peut lire cette instruction:

«Article 11—S'il existe plus d'une seule infirmité donnant droit à une pension, l'estimation combinée doit se fonder sur l'infirmité globale en tant que tout, mais ne doit jamais dépasser 100 p. 100.»

Cela, estimons-nous, est contraire à l'intention du Parlement et cause un grave préjudice aux personnes atteintes d'infirmités multiples.

On trouve, au deuxième paragraphe de l'article 11 du tableau des infirmités, les instructions suivantes:

> Lorsque deux infirmités distinctes donnant droit à pension ont des effets fonctionnels totalement indépendants, on prendra soin d'évaluer chaque infirmité séparément et l'évaluation globale devra être la somme arithmétique.

et, au quatrième paragraphe de l'article 11:

> Si des organes doubles sont atteints, la somme arithmétique des évaluations distinctes faites pourrait ne pas représenter le véritable degré de l'infirmité globale. Dans chaque cas, après examen du tableau, l'évaluation globale doit être faite à un pourcentage qui représente le degré réel d'invalidité en tant que tout; par

[*Text*]

the loss of sight of both eyes is more than twice as serious as the loss of either, and again, a double amputation may be more than twice as serious as a single one at the same level.

These last two statements are in accordance with the provisions of the Pension Act, but they are defeated by the previous arbitrary limitation which, we submit, should never have been imposed.

Many of the more seriously disabled of our war casualties have suffered multiple disabilities, any one of which would be sufficient to disqualify them from the unskilled labour market, yet at present they receive compensation for only a portion of their true disability.

This is the situation which the Woods Committee has recognized as "a major flaw in the existing system for war disabilities".

The three major categories of multiple disabilities are the multiple amputees, the paraplegics and the blind.

The Multiple Amputees:

The discrepancy between assessable disability and the pension at present being awarded is most clearly evident in the case of the amputee. In the case of a double leg amputation, in the upper third of the thigh, the Commission now pays compensation at the rate of 80 per cent for the one amputation but of only 20 per cent for the other. This is completely unjustifiable. The loss of a second leg above the knee should carry a second assessment of 80 per cent. In fact, the loss of two legs is more than twice as serious as the loss of one leg, and the arthmetical total of 160 per cent in this instance falls short of the true degree and extent of the disability.

For this disability the Woods Committee has recommended an assessment of 185 per cent.

The Paraplegic:

The paraplegic suffers paralysis as a result of spinal injury that affects the lower limbs and that part of the torso that is below the level of the injury.

Locomotion of the paraplegic is limited for all practical purposes to the wheelchair with consequent restriction to level areas and to

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short distances. Wherever steps are involved he must be carried. He is barred by narrow doors and passages and must constantly re-

[*Interpretation*]

exemple, la cécité totale est plus que deux fois plus grave que la perte d'un seul œil et deux amputations peuvent être plus que deux fois plus graves qu'une seule au même niveau.

Ces deux dernières déclarations sont conformes aux dispositions de la Loi sur les pensions, mais leur effet est annulé par la limitation arbitraire précédente qui, nous le soutenons, n'aurait jamais dû être imposée.

Nombre de blessés de guerre souffrent d'infirmités multiples dont chacune serait suffisante pour les écarter du marché du travail non qualifié. Pourtant, ils ne sont indemnisés à l'heure actuelle que pour une partie seulement de leur invalidité.

Telle est la situation que le comité Woods a reconnue comme «un grand défaut du système actuel d'indemnisation des infirmes de guerre».

Les trois principales catégories d'infirmités multiples sont les amputations multiples, la paraplégie et la cécité.

Les amputations multiples

Le déséquilibre qui existe entre l'invalidité évaluable et la pension actuellement versée est très évident dans le cas des amputés. Un amputé des deux jambes, au niveau du tiers supérieur de la cuisse, reçoit actuellement de la Commission une indemnité de 80 p. 100 pour la première amputation, mais de 20 p. 100 seulement pour la deuxième. Cela est injustifiable. La perte d'une deuxième jambe au-dessus du genou devrait aussi être évaluée à 80 p. 100. En fait, la perte des deux jambes est plus que doublement plus grave que la perte d'une seule et le total arithmétique de 160 p. 100 n'illustre pas, dans ce cas, le degré réel d'invalidité.

Pour cette infirmité, le comité Woods a recommandé une évaluation de 185 p. 100.

La paraplégie

Le paraplégique souffre d'une paralysie résultant d'une lésion de la moëlle épinière qui affecte les membres inférieurs et la partie du torse qui se trouve au-dessous de la blessure.

A toutes fins pratiques, on peut dire que le paraplégique ne peut se déplacer qu'en fauteuil roulant, ce qui le limite aux surfaces

planes et aux courtes distances. Dès qu'il a à descendre ou à monter des marches, il lui faut être porté. Les portes et les corridors

[*Texte*]

arrange his comings and goings to avoid such barriers.

The loss of normal control of bowel and bladder function restricts and frustrates the paraplegic in all of his activities. His living arrangements, his employment and his recreational pursuits are all affected by this problem.

He requires a much higher fluid intake than the average person in order to maintain health. But his loss of mobility and of organic control make this requirement incompatible with a normal life.

Kidney involvement presents a constant threat to life, a shortening of life expectancy, and a cause of recurrent illness. Statistically, kidney failure is the leading cause of death among paraplegics.

Loss of sensation leaves the paraplegic particularly susceptible to pressures sores and to injury from burns, bruises, etc. because the body's normal reaction of pain is absent. Loss of sensation may also mask abdominal pain or discomfort which is the normal warning of internal illness.

The absence of normal sensation is frequently replaced by distorted sensations and abnormal pain which are often of sufficient magnitude to be disabling in themselves.

Taken together, the above maladies comprise a complex combination of disabilities which seriously limit the paraplegic in most normal activities.

For this disability the Woods Committee has recommended an assessment of 350 per cent.

The Blind:

The loss of both eyes imposes a severe limitation on most human activities. The difficulties faced by a blind person, without useful guiding vision, are formidable indeed. In terms of locomotion he is dependent upon guidance from a sighted person for any mobility beyond a known environment. He cannot operate an automobile nor can he safely use public transportation without assistance.

Impairment of the use of arms and hands restricts the blind persons employability and his participation in most activities of ordinary life. His normal dexterity is sharply curtailed without vision to guide it.

[*Interprétation*]

étroits l'arrêtent continuellement et il doit toujours bien réfléchir à son itinéraire pour éviter de tels obstacles.

La perte du contrôle normal sur le gros intestin et la vessie limite et frustre le paraplégique dans toutes ses activités. Sa façon de vivre, son emploi, ses loisirs sont touchés par ce problème.

Pour demeurer dans un état de santé acceptable, le paraplégique doit absorber beaucoup plus de liquide qu'une personne normale. Cependant, son immobilité forcée et la perte de son contrôle organique font que cette exigence est incompatible avec une vie normale.

Des complications rénales menacent continuellement sa vie, raccourcissent sa longévité probable et sont cause de rechutes. Les statistiques indiquent que le mauvais fonctionnement des reins est la principale cause de décès parmi les paraplégiques.

Le fait qu'il est insensible à la douleur rend le paraplégique particulièrement sensible aux brûlures, aux petites blessures, aux contusions, etc., parce que c'est la douleur qui, chez l'individu normal, déclenche les réactions de l'organisme. Des douleurs et des troubles abdominaux, qui sont les signes précurseurs de maladies internes, passent inaperçus.

L'absence de sensation est fréquemment remplacée chez le paraplégique par des sensations déformées et des douleurs d'une telle acuité qu'elles suffisent à elles seules à le terrasser.

Ajoutées les unes aux autres, les affections précitées constituent une combinaison d'infirmités qui empêchent le paraplégique de participer à la plupart des activités normales.

Pour cette infirmité, le comité Woods a recommandé une évaluation de 350 p. 100.

La cécité

La perte totale de la vue entraîne de graves restrictions sur la plupart des activités humaines. Les difficultés d'un aveugle non assisté sont, de toute évidence, énormes. Pour se déplacer, il dépend d'une autre personne dès qu'il s'agit de sortir d'un lieu qu'il connaît. Il ne peut conduire une automobile et doit être aidé pour utiliser les transports en commun en toute sécurité.

L'usage des bras et des mains est compromis par la cécité, ce qui limite les possibilités d'emploi et de participation à la plupart des activités ordinaires. L'aveugle ne peut jouir d'une dextérité normale puisqu'il n'a plus des yeux pour guider ses mains.

[*Text*]

In communication the most serious aspect is the loss of ability to receive information by reading or through visual indication or through hand and facial gestures. This ability is indispensable to normal activities and is taken for granted by sighted persons. Its loss seriously limits the blind person's employment opportunities and his participation in normal recreational pursuits.

For this disability the Woods Committee has recommended an assessment of 250 per cent.

The number of multiple disability casualties who fall into these categories is fortunately not large. We estimate the present total at fewer than five hundred persons.

This small group is made up of those who have suffered most as a result of their service in wartime yet who have been least adequately compensated in relation to their disabilities.

Because of the importance of this matter, we have attached a copy of our earlier submission for your information.

Gentlemen, that is what we have to say on the multiple disability groups. If you are prepared to discuss that paragraph now, so are we.

Mr. MacRae: Might it not be better, Mr. Chairman, for Mr. Lundberg to continue his presentation and then we could take them all together?

Mr. Lundberg: We found yesterday, gentlemen, observing the witnesses and the Committee, that at the end we were doubling back and coming ahead and then doubling back again, and there is quite a bit of time lost in referring back. I thought that for the time involved with the Committee we could dispose of each paragraph as it was read and then we could be finished with it rather than coming back to it.

The Chairman: What is your wish? Would you care to discuss this point now or do you wish Mr. Lundberg to continue? Mr. Laniel?

Mr. Laniel: Mr. Chairman, Mr. Lundberg is touching on four or five subjects and I think it would be a good idea to stop and study them; in this way we might eliminate repetition.

The Chairman: All right, if that is agreeable to the Committee. We are open for questions from the floor.

[*Interpretation*]

L'aveugle ne peut communiquer avec les autres par la lecture ou par les gestes. Or ces moyens de communication sont indispensables à une activité normale et sont tellement naturels qu'ils passent inaperçus chez les personnes qui jouissent d'une vue normale. N'ayant pas ces moyens, l'aveugle perd nombre de possibilités d'emploi et d'occupation de ses loisirs.

Pour cette infirmité, le comité Woods a recommandé une évaluation de 250 p. 100.

Heureusement, le nombre d'invalides à infirmités multiples qui tombent dans l'une de ces trois catégories n'est pas très important. Ce nombre est, selon nos estimations, de moins de 500 personnes.

Ce petit groupe de gens est constitué de ceux qui ont le plus souffert par suite de leur service pendant la guerre. Pourtant, ce sont eux qui sont les moins indemnisés, compte tenu de la gravité de leurs infirmités.

Vu l'importance de cette question, nous avons annexé une copie de notre premier mémoire, pour votre gouverne.

Messieurs, c'était là ce que nous avions à dire à propos des groupes atteints d'infirmités multiples, et nous sommes prêts à discuter de ce paragraphe maintenant, si vous le voulez bien.

M. MacRae: Ne vaudrait-il pas mieux, monsieur le président, que M. Lundberg poursuive son exposé? Nous pourrions ensuite discuter du tout en même temps.

M. Lundberg: Messieurs, nous avons constaté, au cours de notre témoignage d'hier devant le Comité, qu'à la fin, nous revenions sur un sujet pour avancer quelque peu, puis pour revenir à nouveau sur nos pas et ainsi de suite. C'est une perte de temps. J'ai pensé que nous pourrions discuter de chaque paragraphe, au fur et à mesure de sa lecture. Nous n'aurions plus besoin d'y revenir ensuite.

Le président: Qu'en pensez-vous, messieurs? Voudriez-vous discuter de ce point maintenant ou préféreriez-vous que M. Lundberg continue son exposé? Monsieur Laniel?

M. Laniel: Monsieur le président, M. Lundberg a abordé quatre ou cinq sujets et je pense qu'il serait bon de s'arrêter pour les étudier. Nous éviterions ainsi des répétitions.

Le président: Très bien, si tel est le désir du Comité. Passons aux questions.

[*Texte*]

Mr. MacRae: Mr. Chairman, perhaps I might raise a point that I discussed with you very briefly last night; that is, the observations that were presented yesterday afternoon by Mr. Kohaly and Mr. Thompson. It may seem at this moment that I am off the track, but I assure you I am not. This would be helpful to Mr. Lundberg, too, I am sure.

In these observations, which I thought were in a document prepared by the govern-

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ment, but it is a Legion document, in the very first page or so of Mr. Lundberg's presentation he refers to the fact that he cannot find in the White Paper any reference to about half of the Woods Commission's recommendations.

We, as a Committee, have had the advantage of having Mr. Ward here for two or three days. I spotted this yesterday. As the government says—and I do not need to apologize for them, nor do I mean to—about four out of five have been dealt with in some way or another. Because of the shortness of time as Mr. Lundberg pointed out, he had only eight days to do everything; and the Legion is in exactly the same position.

We are in possession of information at this point that Mr. Lundberg, and perhaps the Legion, evidently, did not have until reading this brief this morning. To be specific, let us take Recommendation No. 80 of the Woods Committee. Yesterday this document had no reference in the White Paper, and I presume that Mr. Lundberg would feel, as the Legion did, that there was no reference to it. Of course, on my document I have it that this recommendation was accepted unchanged. I hope I am making my point clear that we have information that these gentlemen do not have at this moment.

The Chairman: I think that the transcript of yesterday's proceedings will be of a good deal of interest not only to members of the Committee but to the groups which are appearing before us. I do not know how we can avoid this. The Committee has called Departmental witnesses, examined them in greater depth and will continue to do so, and as the hearings of the Committee develop there will be additional information in the record at many points.

The Chair is open to questions dealing with the first part of Mr. Lundberg's presentation

[*Interprétation*]

M. MacRae: Monsieur le président, je voudrais parler d'un point que je vous avais signalé très brièvement la nuit dernière. Il s'agit des observations formulées hier après-midi par M. Kohaly et M. Thompson. Il peut vous sembler pour le moment que je sors du sujet, mais je vous assure que tel n'est pas le cas. La question intéressera certainement M. Lundberg.

Je croyais d'ailleurs que ces observations faisaient partie d'un document gouvernemental alors qu'il s'agit d'un document de la Légion. A la première page de l'exposé de M. Lundberg, il dit que le Livre blanc ne fait aucune mention d'à peu près la moitié des recommandations de la commission Woods.

Nous, membres du Comité, avons eu l'avantage de nous entretenir avec M. Ward ici même pendant deux ou trois jours. J'ai remarqué cela hier. Comme le gouvernement le dit—et je n'ai nul besoin de m'excuser pour lui, d'ailleurs je n'en ai pas l'intention —on s'est occupé de quatre sur cinq d'une façon ou d'une autre. Le temps faisant défaut, comme l'a fait remarquer M. Lundberg, il n'a eu que huit jours pour tout faire et la Légion se trouvait exactement dans la même situation.

Nous possédons des renseignements que M. Lundberg, et peut-être la Légion, ne possédaient manifestement pas avant la lecture de ce mémoire, ce matin. Pour plus de précision, prenons la recommandation n° 80 du Comité Woods. Hier, on n'a pas mentionné ce document dans l'étude du Livre blanc, et je suppose que M. Lundberg estime, tout comme la Légion, qu'on n'y faisait pas du tout allusion. Bien entendu, sur le document que j'ai ici, on dit que la recommandation a été acceptée sans modification. J'espère que je me fais bien comprendre; nous disposons de renseignements que ces messieurs n'ont pas encore pour le moment.

Le président: La transcription des délibérations d'hier sera, je crois, très intéressante, non seulement pour les membres du Comité, mais aussi pour les groupes qui comparaissent devant nous. Je ne sais comment nous pouvons éviter cela. Le Comité a fait comparaître des représentants du Ministère, les a interrogés en détail et continuera à le faire, et, au fur et à mesure des délibérations du Comité, de nouveaux renseignements viendront s'ajouter au compte rendu.

Le président invite les membres du Comité à poser des questions sur la première partie

[*Text*]

today. I thank Mr. MacRae for clarifying the document which was distributed yesterday by the Royal Canadian Legion. Mr. Bigg?

Mr. Bigg: Do I gather that our discussions up to date are going to be made public before our report is ready?

The Chairman: This is a public hearing, Mr. Bigg.

Mr. Bigg: Many of our opinions may be modified by the time we get to the end of these hearings.

The Chairman: I am sure that is what happens all the time, Mr. Bigg, at various stages in life. There will be a transcript as soon as it can be produced, it will be available and will be a public document. I am sure that everybody appearing before this Committee will be very much interested in the transcript, especially in Mr. Ward's testimony.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, since not many committees are meeting right now perhaps you could use your influence to hasten the transcript?

The Chairman: We have done our best, sir. One of our problems, again, is translation, but it will be provided just as soon as it is possible to do so.

Mr. Knowles (Winnipeg North Centre): "Vous parlez français".

The Chairman: It is policy to produce our record in the two official languages of Canada, Mr. Knowles. I hope as many as possible understand both, but not everyone does. Mr. Chadderton had his hand up?

Mr. C. Chadderton (The War Amputations of Canada): Mr. Chairman, just on a point of clarification following Mr. MacRae's remarks, I hope it is generally understood that the submission which was made yesterday by Mr. Kohaly, the Dominion President of The Legion, was not being made on behalf solely of The Royal Canadian Legion. He was representing the nationally chartered veterans organizations of Canada.

The Chairman: That was made clear.

Mr. Chadderton: Yes.

The Chairman: But the document that was distributed and to which Mr. MacRae made reference was I believe a document produced by The Royal Canadian Legion, and it was

[*Interpretation*]

de l'exposé de M. Lundberg. Je remercie M. MacRae d'avoir clarifié le document qu'a distribué hier la Légion royale du Canada. Monsieur Bigg?

M. Bigg: Est-ce à dire que les discussions engagées jusqu'ici seront rendues publiques avant que notre rapport ne soit prêt?

Le président: Les audiences sont publiques, monsieur Bigg.

M. Bigg: Nous avons le temps de modifier bon nombre de nos opinions d'ici la fin des audiences.

Le président: Il en est toujours ainsi, monsieur Bigg, dans le courant de la vie. Dès que la transcription sera disponible, elle sera publiée. Tous les témoins qui ont comparu devant le Comité voudront certainement lire la transcription, et surtout le témoignage de M. Ward.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, étant donné qu'il y a peu de comité qui siègent en ce moment, vous pourriez peut-être user de votre influence pour accélérer la transcription?

Le président: Nous avons fait de notre mieux, monsieur. L'un des problèmes, encore une fois, c'est la traduction, mais la transcription sera disponible aussitôt que possible.

M. Knowles (Winnipeg-Nord-Centre): Vous parlez français.

Le président: Nous avons l'habitude de publier notre compte rendu dans les deux langues officielles du Canada, monsieur Knowles. J'espère que la plupart d'entre vous comprenez les deux langues, mais ce n'est pas le cas de tout le monde.

Monsieur Chadderton?

M. C. Chadderton (Association des amputés de guerre du Canada): Monsieur le président, je voudrais donner une précision, après les observations de M. MacRae; et j'espère que tout le monde comprend que l'exposé qu'a fait hier M. Kohaly, président national de la Légion, n'était pas présenté uniquement au nom de la Légion royale du Canada. M. Kohaly représentait les associations à charte nationale d'anciens combattants du Canada.

Le président: On l'avait bien précisé.

M. Chadderton: Oui.

Le président: Mais le document distribué et auquel a fait allusion M. MacRae était, sauf erreur, soumis par la Légion royale du Canada, et s'est d'ailleurs révélé un instru-

[*Texte*]

a useful reference document as a starting point. However, the caution that Mr. MacRae put on the record was that there have been a number of points on which additional information has come to light.

Mr. Lundberg: Mr. Chairman, in producing this document that we have and to which no reference was made we are most happy to hear that reference has now been made to it in this Committee and that we can expect some action on that particular part.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, further to Mr. MacRae's points, at the conclusion of the White Paper on page 16 it says in part:

> The most recent review of the operations of this Act—the Woods Committee Survey—listed 148 recommendations, of which all but about 30 have been accepted . . .

I therefore find it a bit difficult to understand why, in the first page of this brief presented to us this morning, the Government is accused of having less than one half the recommendations included. I realize that individual items were not all included in the

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White Paper and may come out later, but I think, it was quite clear from the conclusion, unless the witnesses here this morning were challenging that, that four-fifths, as Mr. MacRae said, have been referred to and have been accepted or modified. I would think that should be made straight right after the first.

The Chairman: I think the transcript of our proceedings will verify this.

Mr. Laniel has his hand up.

Mr. Laniel: Mr. Chairman, we would not want Mr. Lundberg to get the impression that we are not interested in his presentation but, as inevitably happens, all the associations coming in front of us cover practically the same main points. As would be expected, all these were not covered by the White Paper because some were awaiting decisions. However, I would not want you to think that we are disinterested. I must say, and I think I can speak for most members here, that we are quite sympathetic to the question of multiple disability, especially because it does

[*Interprétation*]

ment de référence de base très utile. Toutefois, M. MacRae a fait remarquer qu'il y avait un certain nombre de points sur lesquels nous disposions de nouveaux renseignements.

M. Lundberg: Monsieur le président, au sujet du document que nous avons présenté et auquel on n'a pas fait allusion, nous sommes très heureux de voir qu'on le mentionne devant le Comité et que nous pouvons espérer des mesures dans ce domaine en particulier.

Le président: Monsieur Weatherhead?

M. Weatherhead: Monsieur le président, dans le même ordre d'idées que les observations de M. MacRae, dans la conclusion du Livre blanc, à la page 16, on lit, entre autres, ce qui suit:

> La révision la plus récente de la Loi sur les pensions, soit l'enquête du comité Woods, a dressé une liste de 148 recommandations, qui toutes ont été acceptées, en totalité ou en partie, à l'exception d'une trentaine.

Il m'est donc un peu difficile de comprendre pourquoi, à la première page du mémoire que l'on nous a présenté ce matin, on accuse le gouvernement d'avoir inclus dans le Livre blanc moins de la moitié des recommandations. Les rubriques individuelles, il est vrai, n'ont pas toutes été incluses dans le Livre blanc et peuvent être mentionnées plus tard, mais on peut déduire de la conclusion, à moins que les témoins de ce matin ne mettent la chose en doute, que quatre-cinquièmes des recommandations, comme le mentionnait M. MacRae, ont été étudiées, et soit acceptées, soit modifiées. Je voulais préciser ce point dès le début.

Le président: La transcription de nos délibérations le confirmera.

Monsieur Laniel?

M. Laniel: Monsieur le président, nous ne voulons pas donner à M. Lundberg l'impression que son exposé ne nous intéresse pas, mais, et c'est inévitable, les associations qui viennent témoigner reprennent toutes les mêmes points.

Comme on pouvait s'y attendre, ces points ne sont pas tous traités dans le Livre blanc, vu qu'on n'avait pas encore pris de décision au sujet de certains d'entre eux. Toutefois, n'allez pas croire que votre exposé ne nous intéresse pas. Je dois dire, et je suis sûr de parler an nom de la plupart des membres du

[*Text*]

impair to so great a degree those who are affected. You say that even if it was not just like that you would still have the same opinion. You spoke of 500 veterans. Knowing that it is not always easy to convince governments to make drastic changes in their policy can you give us some idea of the cost, if we were to follow the Woods Committee recommendations and yours, to meet this request in respect of about 500 veterans?

Mr. Lundberg: Mr. Laniel, at this time I cannot give you, as you say, the exact cost or even the appropriate cost. Mr. Chadderton, do you have any idea?

Mr. Chadderton: Mr. Chairman, we have some figures on this which we were attempting to finalize last night but were not too successful at it. It amounts to approximately $1,500,000 a year at current rates. The War Amputations of Canada will be here on Monday and we hope by that time to produce the additional information.

I might also add, Mr. Chairman, while I have the floor, that as a result of a question yesterday concerning the amount of pension paid in other countries. I made some telephone calls last night and although I was not able to get a figure on the maximum indemnification for the war-blinded in the United States I was able to update our figures for paraplegia and amputation. If you would like me to read them into the record, I have them here and will do so.

The Chairman: I think the Committee would be interested in hearing them. Please proceed, Mr. Chadderton.

Mr. Chadderton: According to telephone information last night from the disabled American veterans—we were unable to reach the United States Veterans' Administration because of course they were closed—the maximum indemnification in the United States today for a bilateral above-knee amputee at single rates is $585 monthly, and we believe the Canadian figure in a similar situation is $474 monthly.

On the question of paraplegia, from the same source, the monthly rate of compensation under the United States Code Title 38

[*Interpretation*]

Comité en disant cela, que la question des invalidités multiples nous touche beaucoup, vu qu'elle affecte dans une si large mesure les personnes qui en sont atteintes. Et même s'il n'en était pas ainsi, dites-vous, vous seriez toujours du même avis. Vous parlez de 500 anciens combattants. Sachant qu'il n'est pas toujours facile de convaincre les gouvernements de modifier de façon radicale leur politique, pouvez-vous nous donner une idée du montant d'argent que nous devrions débourser, si nous donnions suite aux recommandations du Comité Woods et aux vôtres, pour mettre à exécution cette requête dans le cas de près de 500 anciens combattants?

M. Lundberg: Monsieur Laniel, je ne puis vous donner sur-le-champ, comme vous le demandez, le coût exact, voire approximatif. Monsieur Chadderton, en avez-vous une idée?

M. Chadderton: Monsieur le président, nous avons essayé hier soir d'obtenir confirmation des chiffres dont nous disposons à cet égard, mais sans grands succès. Il s'agit d'environ $1,500,000 par an, aux taux actuels. L'Association des amputés de guerre du Canada sera ici lundi et nous espérons pouvoir vous donner alors les renseignements supplémentaires requis.

J'ajouterai, monsieur le président, tant que j'ai la parole, qu'à la suite d'une question qu'on a posée hier au sujet du montant des pensions versées dans les autres pays, j'ai fait hier soir quelques appels téléphoniques et, si je n'ai pu réussir à obtenir de chiffres sur les indemnités maximum versées aux aveugles de guerre aux États-Unis, j'ai pu mettre nos chiffres à jour en ce qui concerne les paraplégiques et les amputés. Si vous le voulez, je peux vous lire ces chiffres pour les consigner au compte rendu.

Le président: Cela intéresserait sûrement le Comité. Allez-y, monsieur Chadderton.

M. Chadderton: D'après les renseignements que j'ai obtenus au téléphone, hier soir, des anciens combattants invalides des États-Unis —il nous a été impossible de nous mettre en rapport avec la *United States Veterans' Administration*, dont les bureaux, bien entendu, étaient déjà fermés—l'indemnité maximum versée aujourd'hui aux États-Unis à un amputé des deux jambes au-dessus du genou est de $585 par mois, s'il n'a aucune personne à sa charge; une personne dans le même cas reçoit, au Canada, $474 par mois, sauf erreur.

En ce qui concerne les paraplégiques, et selon la même source, le taux mensuel d'indemnisation, en vertu du *United States Code*

[*Texte*]

for a single veteran is $985 and the Canadian rate is $524, and I think it should be stated that the Canadian rate includes the disability pension, attendance allowance and clothing allowance.

Mr. Bigg: Mr. Chadderton, do you know if this allowance of $985 includes attendance allowance or is there any beyond that figure in the United States?

Mr. Chadderton: Yes, it does include attendance allowance. There is a special rating for paraplegics in the United States.

Mr. Bigg: An over-all compensation.

Mr. Chadderton: That is correct. There are other benefits down there such as automobile assistance and purchasing a house and that type of thing, but direct monthly compensation is $585 for above-knee amputees and $985 for paraplegics.

Mr. Bigg: If a paraplegic is also blind is there a cut-off like ours of 100 per cent or do they add to that; would he get another allowance above that?

Mr. Chadderton: Yes, Mr. Chairman, under the U.S. system, as we understand it, it is quite possible to—what they call, build up a pension.

The Chairman: Mr. Laniel.

Mr. Laniel: Does this mean they do not operate on a percentage of disability and they have tables to identify and evaluate compensation for definite and separate disabilities?

Mr. Chadderton: Mr. Chairman, I think I can give the answer to that question. In the United States they do have a table—an assessment table—as we do up to 100 per cent, but for special categories there is a special provision in the U.S. title whereby the paraplegic, the war blinded and the amputee is taken out of the normal—up to 100 per cent—category. There is special provision made for him in the legislation.

Mr. Legault: For each disability?

Mr. Chadderton: Yes, for each disability. There are also some other means of additional compensation. For instance, an amputee in the United States receives an additional, I believe, $47 a month for what is called anatomical loss over and above his disability rate.

[*Interprétation*]

Title 38, pour un ancien combattant célibataire, est de $985, par rapport à $524 au Canada. De plus, il est à noter que le taux canadien inclut la pension d'invalidité, l'allocation de soins et l'allocation vestimentaire.

M. Bigg: Monsieur Chadderton, savez-vous si cette indemnité de $985 inclut l'allocation de soins ou si cette dernière vient encore s'ajouter au montant de la pension aux États-Unis?

M. Chadderton: Oui, elle inclut l'allocation de soins. Aux États-Unis, il y a un taux spécial pour les paraplégiques.

M. Bigg: Une indemnité générale.

M. Chadderton: C'est exact. Il y a aussi là-bas d'autres avantages, tels que les services de transport en automobile ou d'aide dans l'achat d'une maison, par exemple, mais la compensation mensuelle proprement dite est de $585 pour un amputé au-dessus du genou, et de $985 pour un paraplégique.

M. Bigg: Un paraplégique qui, de plus, est aveugle reçoit-il, comme ceci, 100 p. 100 de la pension et pas plus, ou obtient-il une autre indemnité en plus de cela?

M. Chadderton: Monsieur le président, en vertu du régime américain, d'après ce que nous avons compris, il est possible, comme on dit, de grossir la pension.

Le président: Monsieur Laniel.

M. Laniel: Est-ce à dire que l'on ne calcule pas le pourcentage d'invalidité, et qu'on se fonde sur des barèmes pour déterminer et évaluer les indemnités indiquées pour des invalidités définies et distinctes?

M. Chadderton: Monsieur le président, je crois pouvoir répondre à cette question. Aux États-Unis, on se sert d'un barème, d'un barème d'évaluation, comme nous le faisons jusqu'à concurrence de 100 p. 100 de la pension; mais pour les catégories particulières, une disposition spéciale du *U.S. Title* prévoit que le paraplégique l'aveugle et l'amputé de guerre ne feront plus partie de la catégorie normale de ceux qui peuvent toucher jusqu'à 100 p. 100 de la pension. Il existe dans la loi une disposition spéciale pour ces cas-là.

M. Legault: Pour chaque infirmité?

M. Chadderton: Oui. Il y a aussi d'autres façons d'obtenir une compensation additionnelle. Par exemple, aux États-Unis, un amputé reçoit une somme additionnelle de $47 par mois, sauf erreur, pour la perte d'un membre, en plus du taux d'invalidité.

[*Text*]

The Chairman: Mr. Legault?

Mr. Legault: Mr. Chairman, the examples being given at the moment—I am referring to this brief and I am not talking about the amounts, but the principle used and the way it would be done—and as they are described here according to the proposed grants of $400 minimum to $1,200 maximum best can be described as welfare handout. The example you have given is exactly what is being applied up here. If I understood properly, the United States has specific amounts for additional disabilities. Is not this same principle being applied up here?

Mr. Chadderton: I would not say so, Mr. Legault, it is quite the contrary. Take the case of a bilateral above-knee amputee in the United States. He is recognized on an assessment basis as being in excess of the normal 100 per cent rate and, therefore, it is just the same as a man with an 80 per cent assessment who gets a pension at 80 per cent. Down there if he is a bilateral amputee it is considered that his assessment is in excess of 100 per cent. Now, admittedly, the Veterans Administration does not state what percentage it is, but they have put a dollar figure into their legislation for him and they say, "You are entitled to so many dollars per month based on the asssesment of the degree of your disability."

As we understand the proposal in the White Paper, it is not going to recognize any additional assessment as such, it is going to say that he is assessed at 100 per cent. Presumably the government is not prepared to say that a man could be more than 100 per cent disabled, but for specified amenities he presumably can apply for and be given a grant to cover them. As we see it, there is no rela-

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tionship between this additional money that the multiple-disabled veteran will get, and the actual assessment of his disability and that is where the veterans organizations representing the multiple-disability casualty differ with the government's proposal. They feel that what should be done is as proposed in the Woods Committee Report and that is to take a look at a paraplegic and say that there is a level of assessment at 100 per cent in Canada, but a paraplegic has a number of other things to a substantial extent—loss of expectation of life and loss of enjoyment of life—and that a certain percentage of disability can be related to all those things and can be added in to bring him to a figure of,

[*Interpretation*]

Le président: Monsieur Legault?

M. Legault: Monsieur le président, dans le mémoire à l'étude, je ne parle pas des montants d'argent, mais du principe et de la façon dont on s'y prend, et de la description dont on en fait ici, les subventions projetées dont le minimum est de $400 et le maximum de $1,200 sont en somme des allocations de bien-être. L'exemple que vous donnez est exactement ce qui s'applique ici. Si j'ai bien compris, les États-Unis prévoient des montants déterminés pour les infirmités supplémentaires. N'applique-t-on pas exactement le même principe ici?

M. Chadderton: Je ne pense pas, monsieur Legault, au contraire. Prenez le cas d'un amputé des deux jambes au-dessous du genou aux États-Unis. Par suite d'une évaluation, on a classé le cas au taux normal de 100 p. 100 et il s'agit donc exactement de la même chose qu'un homme qui retire une pension de 80 p. 100, lorsque son invalidité est évaluée à 80 p. 100. Ici, le cas d'un amputé des deux jambes est considéré comme méritant plus de 100 p. 100. J'admets que le *Veterans Administration* ne précise pas le pourcentage en question, mais prévoit une indemnité en dollars pour cet ancien combattant. On prévoit que cet homme a droit à tant de dollars par mois, d'après l'évaluation de son invalidité.

Si nous comprenons bien la proposition énoncée dans le Livre blanc, on ne reconnaîtra pas comme telle une évaluation supplémentaire, on dira que l'invalidité est évaluée à 100 p. 100. Le gouvernement n'est probablement pas prêt à dire qu'un homme peut être frappé d'une invalidité qui exige plus de 100 p. 100, mais pour les infirmités précises, l'ancien combattant peut demander une indemnité. Selon nous, il n'existe aucun rapport entre cette somme supplémentaire que recevra l'ancien combattant souffrant d'infirmités multiples et l'évaluation proprement dite de son invalidité, et c'est sur ce point que les associations représentant les anciens combattants frappés d'infirmités multiples s'opposent à la proposition du gouvernement. A leur avis, il conviendrait de se conformer au rapport du Comité Woods. Il faudrait, par exemple, considérer le cas d'un paralytique évalué à 100 p. 100 au Canada et tenir compte des autres effets auxquels il a à faire face dans une large mesure, diminution de l'espérance de vie et perte des agréments de la vie. On applique ensuite un certain pourcentage d'invalidité à

[*Texte*]

I think Mr. Justice Woods suggested, 300 per cent.

The Chairman: Could I ask Mr. Chadderton a question? Does the United States have any concept similar to the basic unskilled labour which presumably is basic to the Canadian approach to a pension?

Mr. Chadderton: My answer, Mr. Francis, is this. It certainly is not written into their legislation.

The Chairman: Then would they ever go beyond a concept of 100 per cent such as the Woods Committee and your own organization are asking us to do? Do they ever produce a document that says that such and such a disability is rated in excess of 100 per cent?

Mr. Chadderton: Yes, that is exactly what they do, Mr. Francis, in the case of paraplegics. In other words, if you were a paraplegic in the United States you would not come under the 100 per cent disability as such.

The Chairman: What good is a 100 per cent then? Is 100 per cent a dollar figure defined from time to time? In other words, when they relate their percentage to a base, what is the base in the United States?

Mr. Chadderton: It is done in exactly the same as ours. Their 100 per cent disablement is rated in so many dollars which fluctuate with the cost of living index or purchasing power of the dollar.

The Chairman: How do they revise it?

Mr. Chadderton: How do they revise it?

The Chairman: Yes, the basic 100 per cent?

Mr. Chadderton: I am certain, again, that you will not find any written instructions for the revising of the basic rate unless it has been introduced since February of 1966.

The Chairman: In other words, Congress says 100 per cent is so many dollars and that is that? Is that it?

Mr. Chadderton: Yes, yes, they have had a base—

The Chairman: I am sorry to interrupt you.

Mr. Chadderton: No, Mr. Chairman, I think it is interesting to point out that they have had a base in the United States, as we have, since 1919, and from time to time the Veter-

[*Interprétation*]

tous ces effets et on les ajoute à l'évaluation jusqu'à concurrence de 300 p. 100 comme le propose M. le juge Woods, je crois.

Le président: Je voudrais vous poser une question, monsieur Chadderton. Adopte-t-on aux États-Unis comme au Canada, le principe de l'ouvrier non spécialisé à la base de toute étude des pensions?

M. Chadderton: Voici, monsieur Francis. Si tel est le cas, il ne figure certainement pas dans le texte de la loi.

Le président: Le gouvernement américain irait-il au-delà d'une évaluation de 100 p. 100, comme le comité Woods et votre propre association nous demande de le faire? A-t-on déjà évalué une telle infirmité à plus de 100 p. 100?

M. Chadderton: Oui, monsieur Francis, il le fait, dans le cas des paraplégiques. Autrement dit, si vous êtes paraplégique aux États-Unis, vous n'entreriez pas nécessairement dans la catégorie d'infirmité évaluée à 100 p. 100.

Le président: Que signifie ce 100 p. 100 dans ce cas? De temps à autre définit-on ce pourcentage en dollars? En d'autres termes, quand on rattache ce pourcentage à une base, quelle est cette base aux États-Unis?

M. Chadderton: Exactement la même qu'ici. L'invalidité de 100 p. 100 est évaluée en un certain nombre de dollars qui varient selon l'indice du coût de la vie ou du pouvoir d'achat du dollar.

Le président: Comment la revise-t-on?

M. Chadderton: Comment?

Le président: Oui, à raison de 100 p. 100?

M. Chadderton: Je suis encore convaincu qu'il n'existe pas de directives écrites touchant la revision du taux de base à moins qu'on en ait rédigées depuis février 1966.

Le président: Autrement dit, le Congrès proclame que 100 p. 100 équivalent à une certaine somme; c'est tout, n'est-ce pas?

M. Chadderton: Oui, oui. On se fonde sur un calcul...

Le président: Je regrette de vous interrompre.

M. Chadderton: Non, monsieur le président, chose intéressante, il existe, depuis 1919, aux États-Unis, une base de calcul semblable à la nôtre. On suppose que, de temps à autre,

[*Text*]

ans Administration presumably reviews the figures and says, "Well, this base is related to purchasing power and as described in terms of loss of earnings".

The Chairman: But not necessarily related to an unskilled labour concept?

Mr. Chadderton: Not necessarily.

The Chairman: Thank you. Mr. Bigg?

Mr. Bigg: I would like to make a comment on this unskilled labour business. Of course, this always comes in when we talk about what Parliament intended when they passed legislation 40 or 50 years ago, but certainly I could say with what I think is some degree of of accuracy what Parliament intends today and that is that our attitude to this basic pension of labour never was intended to replace employment. It was only a yardstick of compensation for loss of physical ability to work and if we do not keep this absolutely clear I think we cannot come to any just adjustment on this sort of thing because 100 per cent is all right as long as we are thinking about a man's ability to go back to the farm or the bush and as long as we are thinking about mere compensation for that particular type of physical labour, but when you talk about employability and enjoyment of life which is a factor then these other people are, in fact, more than 100 per cent disabled because they cannot go into any other employment field. A paraplegic cannot learn to play the piano or something like that or get back into an employment field at any level.

Mr. Lundberg: We must all agree on that, too, Mr. Chairman.

Mr. Bigg: But what we are trying to do—this is my own thinking on it, but I think it should be in the record—is that in unique specific cases where a man cannot adjust to life away from the bush—there are a great many people who having been unable to saw in the woods and if they do not have these other disabilities can become accountants, musicians, critics in the theatre, authors or a good many other things, but many of these occupations, in fact, nearly all of them absolutely are barred for a paraplegic—there is an onus put upon us to try and compensate him. I think this is the philosophy which the Royal Canadian Legion is trying to put over and is one with which I agree. I am not going to quibble about whether it is in the form of a cash grant or a percentage of the pension, although the Legion may feel hurt, but if we can give them twice as much money I would be happy whether they called it a cash compensation or a percentage of pension. In fact,

[*Interpretation*]

la Direction des anciens combattants repense ces chiffres en se demandant si cette base se rattache au pouvoir d'achat du point de vue de la perte des gains.

Le président: On ne se guide pas nécessairement sur la main-d'œuvre non spécialisée?

M. Chadderton: Pas nécessairement.

Le président: Merci. Monsieur Bigg.

M. Bigg: Mes commentaires ont trait à cette question de main-d'œuvre non spécialisée. Ce sujet rejaillit toujours lorsqu'on discute des intentions qu'avait le gouvernement il y a 40 ans ou 50 ans, à cet égard. Je pourrais certes affirmer avec quelque précision ce qu'entend faire le Parlement actuellement, à savoir que son attitude vis-à-vis de la pension de base des travailleurs n'a jamais visé à remplacer les emplois. Ils ne s'agissait que d'une mesure de comparaison touchant l'indemnisation de ceux qui sont privés d'emploi à cause d'une incapacité physique. Nous ne pourrons régler sagement ce problème car ce chiffre de 100 p. 100 est équitable si l'on juge que les requérants sont capables de vaquer aux travaux de ferme ou forestiers et que nous ne nous soucions que d'une simple indemnisation touchant ce travail physique. Cependant, si l'on songe à la capacité de travailler et aux jouissances de l'existence en tant que facteurs, ces gens souffrent donc d'invalidité à plus de 100 p. 100 car on ne peut les embaucher ailleurs. Un paraplégique ne peut apprendre le piano ou autre chose ni se trouver ailleurs un autre emploi.

M. Lundberg: Monsieur le président, nous devons tous en convenir.

M. Bigg: D'après moi, l'objectif que nous cherchons à atteindre—le compte rendu devrait en tenir compte—est celui visant des cas particuliers, comme celui des personnes qui peuvent s'adapter à la vie à l'extérieur de leur travail dans les bois. Il existe une foule de gens qui n'ont pu s'adonner au sciage du bois et qui, ne souffrant d'autres infirmités, peuvent devenir comptables, musiciens, critiques de théâtre, écrivains ou se consacrer à de nombreuses autres occupations. Les paraplégiques sont de fait entièrement soustraits à la plupart de ces occupations et c'est à nous qu'incombe la tâche d'y remédier. C'est la philosophie que s'efforce de préconiser la Légion canadienne et avec laquelle je suis d'accord. Il ne m'appartient pas d'en disputer la valeur en argent ou le pourcentage de pension, quoi qu'en dise la Légion. Cependant, si nous pouvions en doubler le montant, je me réjouirais, qu'il s'agisse d'argent ou de pourcentage de pension. A vrai dire, je

[*Texte*]

I would think that the veteran himself, if you will pardon me for saying so, probably would be happy if he were to get a double pension, a double amount of cash—I do not think it should be called "relief"—as long as the veteran knows he is entitled to it as a right and it is the will of Parliament to give him this because he has earned it.

The Chairman: Thank you. Mr. Weatherhead? I am sorry, Mr. Marshall is first.

Mr. Marshall: Mr. Chairman, I just want to say that when I first read the White Paper I was prepared to agree that the lump sum payment was reasonable, but in view of what Mr. Lundberg has brought out I think it is a very serious situation. I do not think we can solve anything here, but we should review it again very seriously with their help, probably by subcommittee, go into it in detail and bring in a recommendation.

Mr. F. J. L. Woodcock (The Sir Arthur Pearson Association of War Blinded): I am an honorary life member of the American War Blinded and it is only through my association with them—naturally, when you get to know Joe, Tom, Dick and Harry—that I have discussed the relative merits of the two pensions. To put a simple analogy, if a blind man in the United States loses a hand there is a specific lump sum designated over and above 100 per cent—call it statutory award—for the loss of that hand. Any blind man who loses a hand knows exactly where he stands. I do not want to pursue it any further, but the same thing applies, of course, if he is blind and loses a leg. I have a counter part at the moment in Toronto who had one leg off at the hip without a stump on that side, the other leg off below the knee, the loss of one eye and the loss of hearing all due to a grenade explosion, and who has gone blind in the other eye. Due to his age he is literally confined, not even a wheelchair is of much use to him at the moment. Through my association with them in the United States I know that this man would be receiving somewhere in the neighbourhood of $10,000. We are not arguing for $10,000 a year, in that sense. We, too, are Canadians and we are trying to be fair about the whole thing, but we certainly would like to know exactly where we will stand in the future.

Frankly, from my Association's point of view, we do not like to see these arbitrary amounts set and left up to the discretion of somebody. Who will decide? One man who says, "We wil give you so much"? There is

[*Interprétation*]

dirais—qu'on me pardonne de parler ainsi—que les anciens combattants se réjouiraient de bénéficier d'une double pension, d'une double somme d'argent—qu'on ne devrait qualifier de «secours direct»—pourvu qu'ils sachent qu'ils y ont droit statutairement parce qu'ils l'ont mérité et que c'est la volonté du Parlement.

Le président: Merci. Monsieur Weatherhead. Je suis désolé, monsieur Marshall d'abord.

M. Marshall: Monsieur le président, il me suffit de dire qu'à la lecture du Livre blanc, j'étais alors d'accord que le versement d'une somme globale était raisonnable. Toutefois, après avoir entendu M. Lundberg, je crois que la situation revêt un profond sérieux et que nous ne pouvons résoudre quoi que ce soit présentement. Il nous faudrait y songer encore très attentivement de concert avec les anciens combattants. Peut-être qu'un sous-comité pourrait en traiter dans le détail et formuler des recommandations.

M. F. J. L. Woodcock (de l'association Sir Arthur Pearson des aveugles de guerre): Je suis membre honoraire à vie de l'Association américaine des aveugles de guerre. Vu les liens que j'ai avec toutes ces gens que j'ai naturellement appris à connaître, j'ai pu discuter avec eux du bien-fondé des deux pensions. Aux fins de simple comparaison, si, aux États-Unis, on ampute une main à un aveugle, il se voit accorder une somme d'argent déterminée appelée indemnisation statutaire en sus des 100 p. 100, à cause de la perte de cette main. Tout aveugle à qui on ampute une main sait précisément ce à quoi il a droit. Sans vouloir m'étendre davantage, je dirais qu'il en est de même d'un aveugle à qui on ampute une jambe. Il existe présentement, à Toronto, un homme dans un état semblable au mien. On lui a amputé une jambe à la hauteur de la hanche sans lui laisser de tronçon, ainsi que l'autre jambe en bas du genoux. En outre, il est borgne et sourd. Toutes ces infirmités sont dues à l'explosion d'une grenade. Il est aussi devenu aveugle de l'autre œil. Vu son âge, il est à vrai dire alité et une chaise roulante ne lui est guère utile. Vu mes rapports avec ces gens aux États-Unis, je sais que cet homme recevrait là quelque $10,000. La discussion ne se borne pas à $10,000 par an comme tel. Nous sommes aussi des Canadiens et nous nous efforçons d'aboutir à une solution équitable, mais nous voudrions certes savoir ce que l'avenir nous réserve.

Franchement, notre association ne voit pas d'un bon œil l'affectation de ces sommes arbitraires que l'on confie à la discrétion de certaines gens. Qui décidera? Celui qui dira: «Nous vous accordons une telle somme»? On

[*Text*]

no guarantee whether the next man coming along will get less or will get more, unless there is something specifically defined. I may be on the wrong track, but this is the way we see it anyway, Mr. Chairman.

The Chairman: Thank you, Mr. Woodcock.

Mr. Lundberg: Mr. Chairman, I think Mr. Bigg hit upon the right theme when he said, "as a right of service". This is the point we are trying to make. We would like to have incorporated a system where over and above the 100 per cent it would be "as a right" and it would not be necessary to apply for it from time to time because a veteran could get $500 this year, but he will not necessarily get it next year.

The Chairman: I believe it is Mr. Weatherhead's turn.

Mr. Weatherhead: Thank you, Mr. Chairman. My questions are not related to this particular paragraph on multiple disabilities because I am, at the present time, very sympathetic to the submissions we heard yesterday and today on this particular point. As Mr. Laniel said this morning and as I mentioned yesterday, I think it would be very helpful and probably essential to this Committee if we could have before our hearings are through some very particular figures on what the cost would be for the Woods Committee's proposed rates of compensation for the existing 400 or so multiple disability veterans who would fall in this category. I

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think this information probably could be put together and I believe the cost will have a great deal to do with our decision here. At the present time, I am very sympathetic to their submission.

The Chairman: I think we can obtain supplementary information on the cost of these proposals. I see no reason why we cannot obtain this information for the Committee.

Mr. Legault: I have a question for Mr. Lundberg. Mr. Lundberg, I want to go back to the payment of $400 to $1,200 which I do not believe is sufficient. I am not talking about the amount, but I am talking about the principle involved and against which you have brought forth your objections. If it were established as a statutory amount such as was mentioned—I forget the gentleman's name—

The Chairman: It was Mr. Woodcock.

[*Interpretation*]

ne peut s'engager à accorder à d'autres des sommes moindres ou plus élevées à moins que les dispositions n'en soient clairement définies. J'ai peut-être tort, monsieur le président, mais c'est ainsi que nous l'entendons.

Le président: Merci, monsieur Woodcock.

M. Lundberg: Monsieur le président, je crois que M. Bigg a dit juste lorsqu'il a déclaré: «de droit comme ancien combattant». Voilà ce que nous voulons démontrer. Nous préconisons la création d'un régime selon lequel serait accordé «de droit» tout versement en sus des 100 p. 100 et pour lequel il ne serait pas nécessaire, de temps à autre, d'en faire la demande. Il se peut qu'un ancien combattant reçoive $500 au cours d'une année et qu'il n'en reçoive pas l'année suivante.

Le président: La parole est à M. Weatherhead.

M. Weatherhead: Merci, monsieur le président. Mes questions ne se bornent pas uniquement à cet article visant les infirmités multiples, car j'éprouve présentement une profonde sympathie à l'égard des instances formulées hier et aujourd'hui sur ce sujet même. Comme l'a dit ce matin M. Laniel et comme je l'ai mentionné hier, ce Comité trouverait très utile et peut-être essentiel que, avant la fin de nos travaux, on obtienne des données très précises du coût, comme le signale le comité Woods au sujet des taux proposés d'indemnisation touchant les quelque 400 anciens combattants souffrant d'invalidités multiples qui sont englobés dans cette catégorie. On pourrait recueillir ces renseignements et je crois que le coût influera largement sur notre décision. J'éprouve présentement beaucoup de sympathie pour leurs instances.

Le président: Nous pouvons obtenir de plus amples renseignements touchant le coût de ces propositions. Je ne vois pourquoi le Comité serait privé de ces renseignements.

M. Legault: J'ai une question à poser à M. Lundberg. Monsieur Lundberg, je me reporte à ces versements de $400 à $1200 que je ne trouve pas suffisants. Je ne traite pas des montants, mais plutôt du principe en jeu contre lequel vous vous êtes élevé. Si on en arrêtait la somme statutaire comme l'a signalé—le nom m'échappe...

Le président: M. Woodcock.

[*Texte*]

Mr. Legault: —as Mr. Woodcock mentioned, I can well see his point. Would this be an acceptable proposition?

Mr. Lundberg: Yes, if it were a statutory amount, but not if a veteran has to apply for it. This is the point we are trying to make, Mr. Legault, that it be a statutory amount.

Mr. Legault: That is what I wanted to have clarified. If it were established as such then there would be no need for the percentage to be established.

The Chairman: Mr. Lundberg, I caution you on one thing. In these days of statutory amounts, prices do change. Ask the retired civil servants. Mr. Knowles has views on that subject.

Mr. Lundberg: I hope, Mr. Legault, I did not misunderstand you. When you said "statutory" you meant the figures that are contained in the report should be left as such, $400 to $1,200?

Mr. Legault: No, I am not talking about the amount, I am talking about the principle involved.

Mr. Lundberg: As of right.

Mr. Legault: Yes.

Mr. Lundberg: That is what we are after.

The Chairman: Mr. Laniel.

Mr. Laniel: I think Mr. Lundberg stuck out his neck there because in trying to solve the problem of those who are over and above the 100 per cent he created a problem for those below 100 per cent who have multiple disability. My question at this time—perhaps you or Mr. Chadderton could give me an answer—is what philosophy did the people from the Canadian Pension Commission use to establish the compensation for multiple disability. If we take the example you mentioned where a leg amputee would be in receipt of $212 a month while, on the other hand, a triple amputee would receive $50 more, what did they give as an argument for this decision? Have you ever discussed that with them in any way? Have they said they base their assessment on the fact that there is a remaining capability in the man? I now am reaching Mr. Bigg's point because if we get away from the unskilled labour base—the rate or salary of unskilled labour might change—we will be sticking out our necks, I believe. Anyone could come along and say, "You are a paraplegic, but why do

[*Interprétation*]

M. Legault: ... comme il l'a signalé. J'en conviens. Cette formule est-elle valable?

M. Lundberg: Oui, s'il s'agit d'un versement statutaire que l'ancien combattant n'est pas tenu de demander. Voilà ce que nous voulons démontrer, monsieur Legault. Que ce soit un montant défini par la loi.

M. Legault: Voilà ce que je voulais préciser. Si l'on créait de telles dispositions, point ne serait besoin d'établir un pourcentage.

Le président: Je vous préviens d'une chose, monsieur Lundberg. Alors que sont accordés des montants statutaires, les prix fluctuent. Parlez-en aux fonctionnaires retraités. M. Knowles en sait quelque chose.

M. Lundberg: J'espère que j'ai bien saisi votre pensée, monsieur Legault. Lorsque vous dites «statutaire», cela signifie que les données dont on fait état devraient demeurer comme telles; c'est-à-dire, de $400 à $1,200.

M. Legault: Je ne discute pas le montant, je parle du principe en jeu.

M. Lundberg: De droit.

M. Legault: Oui.

M. Lundberg: C'est ce que nous voulons obtenir.

Le président: Monsieur Laniel.

M. Laniel: Je pense que M. Lundberg s'est engagé trop loin, car en s'efforçant de résoudre le problème de ceux de la catégorie en sus de 100 p. 100, il en crée un autre chez ceux de moins de 100 p. 100 qui souffrent d'infirmités multiples. Je vous demande—M. Chadderton ou vous-même pouvez peut-être répondre—sur quels principes s'est fondée la Commission canadienne des pensions lorsqu'elle a établi les taux d'indemnisation pour infirmités multiples? Si l'on se reporte à l'exemple que vous signalez où un unijambiste recevrait $200 par mois et que, par ailleurs, celui à qui on a amputé trois membres recevrait $50 de plus, sur quoi a porté la discussion? Avez-vous de quelque façon abordé ce problème? La Commission a-t-elle déclaré qu'elle fonde son évaluation sur le fait que le titulaire jouit encore de quelques aptitudes. Je m'approche du point soulevé par M. Bigg car, si nous nous écartons du facteur ayant trait à la main-d'œuvre non spécialisée —l'état salarial du travailleur non spécialisé peut changer—Je crois que nous nous aventurerons trop loin. On aurait beau dire «Vous

[*Text*]

you not start to play the piano and become a Mr. Liberace? Yould could earn millions of dollars a year". So actually, the basis is not completely wrong. It might be that the figure of dollars is wrong.

The Chairman: But the principle, Mr. Laniel of relating it to some concept, which is basically the Canadian approach, is different. This is what I was getting at with Mr. Chadderton a little while ago.

Mr. Laniel: Yes, but to come back to my question, if it is a fact that the compensations are based on unskilled labour and if the Commission has evaluated that a veteran should be in receipt of so much pension a month because he is a one leg amputee, and if he is a triple amputee—two legs and one arm—they will give him an extra $50, what philosophy was used to reach such a decision? How do they come up with these figures? Could you comment on that.

Mr. Chadderton: I would like to comment on that, Mr. Chairman. That is, of course, in our opinion, the reason why the Woods Committee made a study of the basic rates of pension despite the fact there may have been some question whether it was within its terms of reference or not—and we will speak later about whether it was or not. The Committee felt that in order to get at the basis of the multiple disability problem, they had to start somewhere and the place they had to start was the present concept of payment of war disability pensions in Canada.

In my recollection, the Woods Committee came up with its findings which was to the effect that the unskilled labour market was the basis tied to loss of earning capacity. When you come to loss of earning capacity, this is what the pensioner is being indemnified for, his disqualification to earn his living in the unskilled labour market.

The Chairman: But when you go 350 per cent of that, do you not really undermine the basis of the principle itself?

Mr. Chadderton: Well this is why—

The Chairman: The principle of earning capacity related to unskilled labour is basic to our system and not basic to the United States system.

Mr. Chadderton: I can only explain what our interpretation of Mr. Justice Woods report was. They said that this gets you basically 100 per cent of pension, but it only recog-

[*Interpretation*]

êtes un paraplégique, alors pourquoi ne pas apprendre le piano et devenir un émule de M. Liberace? Vous gagneriez des millions chaque année.» Donc, fondamentalement, on n'a pas tout à fait tort. La somme, en dollars, serait peut-être erronée.

Le président: Monsieur Laniel, le principe qu'on rattache à une certaine idée est autre et c'est là, au fond, un point de vue canadien. Voilà ce que je tentais de démontrer à M. Chadderton, il y a quelques minutes à peine.

M. Laniel: En effet. Me reportant à ma question, à savoir s'il est exact qu'on fonde les indemnisations sur les salaires de la main-d'œuvre non spécialisée et si la Commission a jugé bon d'accorder à un ancien combattant une pension mensuelle d'un certain montant parce qu'il lui manque une jambe ou qu'il souffre d'une triple amputation—deux jambes et un bras—il bénéficiera de $50 de plus; sur quel principe se fonde une telle décision? Sur quoi sont fondés ces chiffres? Qu'en pensez-vous?

M. Chadderton: Monsieur le président, je voudrais traiter de ce sujet. Voilà, nous semble-t-il, le motif qui a incité la Commission Woods à examiner les taux de base de la pension malgré qu'on se soit demandé si c'était dans le cadre de ses attributions. Nous en reparlerons. Afin de cerner le problème de l'incapacité multiple, la Commission était d'avis qu'il fallait un point de départ et celui-ci se trouvait dans le concept actuel régissant le versement, au Canada, de pensions pour infirmités de guerre.

Si je me souviens bien, le comité Woods a conclu que le marché de la main-d'œuvre non-spécialisée est la jauge d'après laquelle est mesurée la perte du pouvoir de gains. Lorsqu'il s'agit de déterminer cette perte, le pensionné se voit indemnisé parce qu'il est empêché de gagner sa vie au sein de la main-d'œuvre non spécialisée.

Le président: Lorsque vous vous engagez à verser 350 p. 100, ne songez-vous pas à la base même de ce principe?

M. Chadderton: C'est pourquoi...

Le président: Le principe régissant la capacité de gain axé sur la main-d'œuvre non spécialisée est la pierre de base de notre régime bien qu'elle ne le soit pas dans le régime américain.

M. Chadderton: Je ne puis qu'expliquer ce que nous concluons du rapport de M. le juge Woods. On y signale que la pension est établie, au départ, à 100 p. 100 et que seule est ad-

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nizes that part of a man's problem which is related to his capacity to earn his living in the unskilled labour market.

Now a multiply-disabled veteran has many other problems. His is a 24-hour disability. He has the problems—and I do not want to repeat them again—of loss of enjoyment of life. Surely there should be some compensation for that.

The Chairman: Mr. Chadderton, I do not think the Committee is going to dispute that, but would you still say that these other things should be measured in terms of loss of earning capacity which is the basis of—

Mr. Chadderton: No.

The Chairman: —the Canadian approach. We have this basic concept, which is not found in the United States of, what an unskilled labourer could make and it is a basis on which we argue revision of the basic amounts. Now when you talk things above and beyond that, is it unreasonable that you should approach them on a different basis for compensation?

Mr. Chadderton: We do not think so. We think if you are going to multiply something you have to have two figures. The first figure has got to be what do they pay for unskilled labour? So they say: "X". Now my friend down at the end of the table is a 300 per cent pensioner as far as I am concerned. I am speaking of Andy Clarke. All right, that is three times the same as I am. Let us get personal. I am a 100 per cent pensioner. I can play 18 rounds of golf; I can do many, many things that Andy Clarke cannot do. Therefore, he is three times as disabled as I am.

How are you going to do multiplication if you do not have the figure to start from. Now the figure to start from is how much is 100 per cent that I am being disqualified for, because I certainly cannot earn my living on the unskilled labour market.

All right ,that figure then is based on terms of dollars and cents as tied to something. In the age-old concept, as we see it, it has been tied to the lower scales of employment in the federal civil service. Now if we say that the paraplegic is three times as disabled as I am, you have to have some figure to multiply it by. So three times 100 is 300 and that is how you get it.

Our feeling is that if you want to discard this whole system you are going to have chaos. There is no question about it in our

[*Interprétation*]

mise cette partie du problème touchant le pouvoir de gagner sa vie au sein de la main-d'œuvre non spécialisée.

L'ancien combattant atteint d'infirmités multiples est en proie à de nombreux autres problèmes. Il souffre sans cesse et ses problèmes—intuile de le répéter—le privent des jouissances de la vie. Il faudrait sûrement le dédommager pour ces souffrances.

Le président: Je ne crois pas, monsieur Chadderton, que le Comité trouve à redire à cela, mais diriez-vous quand-même qu'on devrait juger ces autres facteurs à la lumière du pouvoir de gain qui est à la base de...

M. Chadderton: Non.

Le président: ...la méthode canadienne. Nous avons ce concept, qu'on ne trouve pas aux États-Unis, basé sur ce qu'un ouvrier non spécialisé pourrait faire. C'est là-dessus que nous discutions de la révision des montants de base. Quand vous parlez de ce qui est au-dessus de cela, est-il déraisonnable de demander que vous l'abordiez en prenant comme un minimum différent pour l'indemnité?

M. Chadderton: Nous ne croyons pas. Pour multiplier quelque chose, il faut deux chiffres. Le premier chiffre représente le salaire pour le travail d'un ouvrier non spécialisé. Disons que c'est un montant «X». Mais mon ami à l'autre bout de la table reçoit une pension de 300 p. 100 par rapport à moi. Je parle d'Andy Clarke. Bien entendu, il reçoit trois fois ce que l'on me donne. Parlons plus concrètement. Je touche une pension de 100 p. 100. Au golf, je puis jouer 18 trous; je puis faire beaucoup de choses qu'Andy Clarke ne peut faire. Donc, son invalidité est trois fois plus grande que la mienne.

Comment allez-vous multiplier sans disposer d'un chiffre comme point de départ? Ce chiffre de base représente une invalidité de 100 p. 100 parce que je ne puis certainement pas gagner ma vie même sur le marché du travail non spécialisé.

Donc, ce chiffre s'appuie sur des dollars et des cents car il est lié à quelque chose. D'après la conception d'antan, nous le savons, ce montant a été relié aux plus bas échelons d'emploi dans la Fonction publique du Canada. Si vous dites que le paraplégique est trois fois plus invalide que moi, vous devez multiplier ce chiffre par trois. Donc, trois fois 100 égale 300. C'est ainsi que vous obtenez votre résultat.

Nous croyons qu'en abandonnant cette méthode, c'est engendrer le désordre. Nous sommes convaincus de la valeur de la méthode

[*Text*]

view and we have studied it for years. We feel that the most chaotic situation you could have would be, for instance, to get off the unskilled labour market and the earning capacity market and go into something as they have in some other countries, where they attempt to compensate a man for his loss of being able to earn his living. In other words, to quote the classic example, the pianist who loses a hand is going to get much more pension then than the fellow who was not a pianist, but was a tap dancer. So we say first do not get into that.

Second, we say let us relate this to the White Paper which we are discussing today. We say that the White Paper recognizes, presumably at this moment anyway, that the unskilled labour market will remain the basis for pension up to 100 per cent. However, then it completely discards that theory and says that anything above that we are going to make pensions on the basis of specified amenities. Our proposal, Mr. Chairman and gentlemen, is that this is entirely wrong and not necessary.

We say that if you are going to pay a pension to a man such as Andy Clarke, who is in a wheelchair, what you should do is pay him his first 100 per cent pension for that, then you should relate in terms of the present method of assessment. You see this is where you are going wrong. Assessment has nothing to do with the unskilled labour market. He is assessed, because his medical disability is worth so much and there are a lot of figures

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in here. Loss of sexual function and all of these things can have a figure put on them. After all arbitrarily they began by putting a figure on a man with a leg off above the knee; they said he was 70 per cent. Therefore, you can turn around and say: "All right, Mr. Clarke has a certain number of additional problems to a substantial extent, put an assessment on it." Once you have your assessment, then you simply go back and multiply. You say: "If he is 2½ times as disabled as a 100 per cent pensioner, fine, turn around and do your multiplication." But to go off into the wild blue yonder and say: "That above 100 per cent for specified amenities, we are going to pay lump sum grants"—this is why the disabled veteran of this country will certainly have to object to this—to go above this and say that for specified amenities something can be done is just placing the whole thing...

[*Interpretation*]

que nous avons pensée pendant des années. Nous avons l'impression que la situation la plus désastreuse serait par exemple de mettre de côté le travail non spécialisé et la capacité de gagner sa vie, pour adopter une méthode dont on se sert dans d'autres pays où l'on essaie d'indemniser une personne qui est dorénavant incapable de gagner sa vie. En d'autres mots, pour citer l'exemple classique, le pianiste qui perd une main recevra une plus forte pension qu'un danseur à claquettes. Nous vous invitons donc, premièrement, de ne pas tomber dans cette erreur.

Deuxièmement, rattachons tout cela au Livre blanc dont nous discutons aujourd'hui. Le Livre blanc reconnaît, supposons-le pour le moment en tout cas, que la main-d'œuvre non spécialisée continuera à servir de base des pensions jusqu'au maximum de 100 p. 100. Mais ensuite il met complètement de côté ce principe et dit que tout ce qui est au-dessus de cela, nous allons accorder des pensions sur des agréments précis. Nous soutenons, monsieur le président et messieurs, que c'est entièrement faux et inutile.

Si vous versez une pension à un homme qui, comme Andy Clarke, circule dans un fauteuil roulant, il vous faudrait d'abord lui payer sa première pension de 100 p. 100, puis vous baser sur la méthode d'évaluation actuelle. C'est alors que vous êtes dans l'erreur. L'évaluation n'a aucun rapport avec le marché du travail non spécialisé. Il est évalué, en raison de son incapacité physique qui vaut tant, et il entre un tas de chiffres en jeu. On peut évaluer la perte de la fonction sexuelle et autres choses du genre. De façon arbitraire, on évalue en chiffres la perte d'une jambe au-dessus du genou à 70 p. 100. Alors on dit: «Très bien, Monsieur Clarke est victime de quelques problèmes supplémentaires jusqu'à un certain point. Évaluez cela.» L'évaluation faite, vous commencez tout simplement vos multiplications. Vous dites: «Si son invalidité est deux fois et demie plus importante que celle du pensionné qui est évaluée à 100 p. 100, très bien, faites la multiplication.» Mais on ne fait alors que toucher d'autres points obscurs: «Ce qui est situé au-dessus de 100 p. 100, pour des agréments précis, nous allons le payer par une indemnité globale.» C'est contre cela que les vétérans invalides de notre pays vont poser des objections. Aller au-delà du 100 p. 100, dire qu'il faut faire quelque chose au sujet des agréments particuliers, c'est tout simplement placer l'ensemble du problème...

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The Chairman: Mr. Chadderton I have given you a lot of leeway here and Mr. Laniel has awaited his turn very patiently.

Mr. Laniel: Actually in the case that I submitted to you I admit that the limitation is probably due to the 100 per cent. I do not know what they pay for a Syme's amputation and a hand amputation, but let us say a fellow has both of them and the total might fall below 100 per cent. Do they add the two disabilities percentagewise? Does that double?

Mr. Chadderton: Oh, yes.

Mr. Laniel: Let us say you have two Syme's amputations and one is worth 40 per cent, for two do you get 80 per cent?

Mr. Chadderton: Yes, except the Syme's is 50 per cent and so you come to 100 per cent.

Mr. Laniel: But still you would jump to 100 per cent.

Mr. Chadderton: Oh, yes, but then what happens if you have the Syme's off and an arm off? The Syme's is 50 per cent and the arm is 70 or 80 per cent, so what happens? You do not add the two of them together. You take the arithmetical total, which in this case would come to 120 per cent, but you cut it off at 100 per cent.

Mr. Laniel: Let us say the government would not be agreeable to the percentage approach that you put forward because they want to preserve the question of basis of unskilled labour, but they could come along with care that you could take advantage of by right for supplement. Would you disagree with that? It does not have to be the formula that you have presented in person does it?

Mr. Chadderton: I do not think that the disabled veterans associations would disagree with this, provided it was as of right and provision was made for it in the statute. Now where we are talking about statute, we are not talking necessarily about statutory amounts. I mean that is something that we would certainly stay away from.

The Chairman: I think we have that clear, yes.

Mr. Laniel: This is more or less the system that they have in England from what I gathered anyway when we were over there. They get a basic disability pension and you

[*Interprétation*]

Le président: Monsieur Chadderton, je vous ai laissé parler librement, mais monsieur Laniel attend très patiemment qu'on lui donne la chance de parler à son tour.

M. Laniel: A vrai dire, dans le cas que je vous ai présenté j'admets que la limite est probablement attribuable au 100 p. 100. Je ne sais pas ce qu'on verse pour une amputation de Syme et pour l'amputation d'une main. Mais disons qu'une personne est privée de ses deux mains, et que le total serait inférieur à 100 p. 100. Est-ce qu'on additionne le pourcentage des deux infirmités? Est-ce que le résultat est doublé?

M. Chadderton: Oui.

M. Laniel: Disons qu'il y a deux amputations de ce genre. Si l'une vaut 40 p. 100, les deux valent-elles 80 p. 100?

M. Chadderton: Oui, sauf que dans le cas de Syme, c'est évalué à 50 p. 100, et donc les deux donnent un total de 100 p. 100.

M. Laniel: Vous accepteriez donc ce 100 p. 100?

M. Chadderton: Oui. Mais qu'arrivera-t-il s'il y a amputation de Syme et amputation d'un bras. L'amputation de Syme est évaluée à 50 p. 100, et l'amputation du bras à 70 ou 80 p. 100. Qu'arrive-t-il donc? Vous n'additionnez pas les deux résultats. Vous prenez le total de l'addition, soit 120 p. 100 dans ce cas, et vous le ramenez à 100 p. 100.

M. Laniel: Supposons que le gouvernement n'accepte pas cette méthode du pourcentage que vous préconisez, parce qu'il veut conserver comme élément de base celui de la main-d'œuvre non spécialisée. Mais il pourrait laisser entendre délicatement que vous pouvez tirer avantage du droit d'indemnité complémentaire. Seriez-vous contre cela? Est-il nécessaire que ce soit conforme à la formule que vous avez expliquée?

M. Chadderton: Je ne crois pas que les Associations des anciens combattants invalides seraient en désaccord avec cela, pourvu que ce soit conforme à leurs droits et contenu dans les statuts. En parlant de statuts, je ne sous-entend pas nécessairement les montants statutaires. Nous ne l'accepterions certainement pas.

Le président: C'est clair et net, à mon avis.

M. Laniel: C'est plus ou moins la méthode adoptée par l'Angleterre, si j'en crois les renseignements recueillis lors de notre visite. On verse une pension d'invalidité de base, à la-

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can add all kinds of things around that, depending on your needs due to your disability. That might be a solution. It is a question of thinking I know. Also, the fact that we use a base of the unskilled labour market and the disability right now is based on the earning capability of a person in that field. It might be easier for us to try to convince the government to supplement—but not supplement in the way it is put in the White Paper—supplement by using charts and tables, which a veteran could take advantage of by right. Then you have the basic principle and supplementary benefits.

The Chairman: Mr. Knowles you are next, followed by Mr. Bigg.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, again I have a few words that might be described as thinking out loud. First of all, I think we are all agreed that the welfare handout idea is something we would not like to see in the Pension Act; we would rather see these things as a matter of right. While I sympathize with the position Mr. Bigg and others including you, Mr. Chairman, have stated, we must think twice before we get away from the basic labour principle.

I suggest very strongly that it is not inconsistent with the idea of compensating for the right, the capacity to earn a living at a basic labourer's rate to come at this the way the veterans' organizations are. It is one thing for a healthy unskilled labourer to make so much money in the labour market and therefore have a certain kind of life. I was going to say enjoy it but you do not enjoy a life at that wage, but at least you are alive; you are healthy. But a 200 or 300 per cent disabled person is like me on a golf course—he needs a handicap. He starts from away behind. I do not think it is at all inconsistent to say that a 150 or 200 or a 300 per cent disabled person—ever since we used those figures—needs two or three times the basic labour wage rate just to get the same quality of life. Even then he does not get it, but he gets a litlte closer to it.

As I say, all I am arguing at the moment is that I do not think those who say we should pay attention to the requests that the

[*Interpretation*]

quelle on ajoute toutes sortes d'indemnités selon les besoins divers dûs à l'invalidité. Ce pourrait être une bonne solution. Il suffit d'y penser. Et aussi, du fait que nous prenons comme base le marché de la main-d'œuvre non spécialisée et que le droit de l'invalide se compare actuellement aux possibilités de salaire d'un ouvrier non spécialisé, il serait peut-être plus facile d'essayer de convaincre le gouvernement d'ajouter un supplément, non pas comme on l'explique dans le Livre blanc, mais en employant des graphiques et des tableaux dont un ancien combattant pourrait se prévaloir en toute justice. Nous aurions à la fois le principe de base et les bénéfices complémentaires.

Le président: Monsieur Knowles, vous êtes le suivant. Ensuite, monsieur Bigg.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, j'aimerais une fois de plus comme on dirait, exprimer tout haut ma pensée. Tout d'abord, il me semble que tous s'accordent à dire qu'ils n'aimeraient pas que la Loi sur les pensions reflète l'idée d'un don de bien-être social; tous préféreraient qu'on y parle de droit. Et même si je comprends le point de vue de monsieur Bigg et des autres, y compris vous-même, monsieur le président, nous devrions y penser deux fois avant de nous débarrasser du principe de base de la main-d'œuvre spécialisée.

Je soutiens fortement que la manière de voir des organisations des anciens combattants ne contredit pas l'idée d'indemniser pour le droit la capacité de gagner sa vie, au taux du salaire minimum du travailleur, car il est important qu'un travailleur non spécialisé, mais en bonne santé, gagne un certain montant d'argent sur le marché du travail et, dès lors, atteigne un certain niveau de vie. J'allais dire «jouir» d'un certain niveau de vie, mais on ne jouit pas vraiment de la vie avec un tel salaire; tout de même, on est au moins en vie et en bonne santé.

Mais une personne dont l'invalidité représente 200 ou 300 p. 100 me ressemble, quand je joue au golf: elle a besoin qu'on lui concède quelques coups, car elle est désavantagée au départ. Je ne crois pas illogique de dire qu'une personne dont l'invalidité est évaluée à 150, 200 ou 300 p. 100 aurait besoin d'un salaire de base deux ou trois fois plus élevé pour obtenir au moins le même niveau de vie. Même alors elle ne l'atteint pas, mais au moins elle s'en rapproche.

Comme je l'ai dit, je ne parle que de ce point dans le moment: je ne crois pas qu'il faille écouter ceux qui affirment que les de-

[*Texte*]

organizations are making are inconsistent with the basic principle contained in the Pensions Act.

The Chairman: The basic thing, Mr. Knowles, I think you would agree, is getting it as a matter of right.

Mr. Knowles (Winnipeg North Centre): Yes.

The Chairman: It is not the welfare handout aspect. This seems to be the basic...

Mr. Knowles (Winnipeg North Centre): We are agreed on that; but then some who agree to that say, "But we must be careful we do not move away from this other principle". I do not think we would be moving away from it if we accept the fact that there is an extra handicap that needs to be met just to give these people half a chance to be even with those who are—if I may use the phrase in quotation marks—only 100 per cent disabled.

The Chairman: Yes.

Mr. A. C. Clarke (The Canadian Paraplegic Association): Am I permitted to speak?

The Chairman: I do not think the Committee would have any objection to hearing from you.

Mr. Clarke: I think the unskilled labour market formula is a yardstick only. To my mind it is not a difficult mathematical conception to go beyond 100 per cent. We like the unskilled labour market formula. It is a means which has been tested over the years for measuring the extent of disability, but my mind has no problem at all in going beyond 100 per cent. In the past there seems to have been some difficulty in or some boggling at, going beyond 100 per cent, but they go beyond 100 per cent in every other field. There is nothing complete about 100 per cent. That does not mean the end of our ability to use mathematics. I do not see why we cannot retain that same yardstick and still use it as a measure, but go beyond it.

The Chairman: Yes. Are there other questions on this point? Mr. Bigg?

Mr. Bigg: While we are on this I think I might also say that the whole attitude to pensions must change as we go along. During the so-called "dirty thirties", if you had a pension of $35 a month it was more than

[*Interprétation*]

mandes des organisations des anciens combattants contredisent le principe de base contenu dans la Loi sur les pensions.

Le président: Monsieur Knowles, je crois que vous devriez accepter, comme élément de base, que ce soit une question de droit.

M. Knowles (Winnipeg-Nord-Centre): Oui.

Le président: Il ne s'agit pas de la question du bien-être social. C'est, semble-t-il, la base...

M. Knowles (Winnipeg-Nord-Centre): Nous nous entendons là-dessus. Mais ensuite quelques-uns qui l'acceptent disent: «Oui mais nous devons prendre bien soin de ne pas nous éloigner de l'autre principe.» Je ne crois pas qu'on s'en éloigne si l'on accepte l'existence d'un autre handicap dont il faut tenir compte pour donner à ces citoyens une demi chance d'être au même niveau que ceux—entre parenthèses—qui ne sont invalides qu'à 100 p. 100.

Le président: Oui.

M. A. C. Clarke (L'Association canadienne des paraplégiques): Puis-je prendre la parole?

Le président: Je ne crois pas que le Comité refuse de vous écouter.

M. Clarke: Je crois que la main-d'œuvre non spécialisé n'est qu'un élément de mesure. A mon avis, dépasser le 100 p. 100 ne présente pas de difficultés mathématiques spéciales. Nous acceptons le principe de la main-d'œuvre non spécialisée. Ce moyen a servi pendant des années à mesurer l'importance de l'invalidité. Mais je ne vois aucun problème si l'on dépasse le 100 p. 100. Dans le passé, on a semblé poser des difficultés ou rechigner contre le fait de dépasser 100 p. 100. Pourtant on agit ainsi dans tous les autres domaines. 100 p. 100 n'est pas un chiffre unique. Il ne signifie pas la fin de notre habileté à employer les mathématiques. Donc je ne puis voir pourquoi nous ne pourrions pas retenir la même norme, nous en servir encore comme mesure, mais en sachant la dépasser.

Le président: Oui. Veut-on poser d'autres questions à ce sujet? Monsieur Bigg?

M. Bigg: Pendant qu'on discute ce point, j'aimerais ajouter qu'avec le temps nous devons changer entièrement notre attitude à l'égard des pensions. Durant les fameuses années 1930, une pension de $35 par mois

[*Text*]

survival. It meant that you were king in a backwoods area such as where I was raised, and you had more than just enjoyment of life. Even a very small army pension was a great thing. I think today we accept the fact that we are offering everybody in Canada more than a survival level.

Mr. Knowles (Winnipeg North Centre): We ought to be.

Mr. Bigg: We ought to be. We are boasting on the one hand about our tremendous ability to provide all the wonderful things in life and yet when it gets down to this sort of thing I think we are sometimes a little too narrow. For years we had to fight this argument and try to keep the government consistent—and that is not partisan, I mean all governments—and we had great difficulty in doing so. For example, to say that the Hong Kong veterans were incapable of earning their

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living in the bush, sawing boards. They would point to the fact that many of them had made great come-backs; that they had become leaders of industry and high school principals and goodness knows what and did not really need the help. They were not consistent about that, and I am glad to see that they now are. They have said they are incapable, on the physical level, of work both in the bush or back on the farm, and are going to get a 50 per cent pension.

It seems to me that we can carry this same principle on in this matter and, as I said, make it by right that with certain multiple disabilities we can give them the benefit of this more sophisticated view of pensions to enrich their lives. I think this is a long overdue attitude in 1969-1970.

The Chairman: Mr. Laniel.

Mr. Laniel: For my own information, at any time were representations made to the Commission about the scale that they use for disabilities as such, and that for one kind of impairment, 40 per cent would not be enough? I ask that because I still question the danger of playing with a percentage figure of over 100. I am thinking of a possible subsequent reaction from those who are impaired less. If one man is in receipt of 350 per cent pension for his disability another might make a comparison between

[*Interpretation*]

assurait plus qu'une simple survivance. Grâce à une telle pension vous viviez comme un roi dans les régions éloignées, comme celle où j'ai été élevé; vous aviez plus qu'il n'en faut pour tout simplement subsister. Une petite pension de l'armée c'était vraiment beaucoup. Mais je crois qu'aujourd'ui nous acceptons comme un fait que nous offrons à chacun, au Canada, plus qu'une subsistance.

M. Knowles (Winnipeg-Nord-Centre): Nous devrions le faire.

M. Bigg: Nous le devrions. D'un côté, nous nous vantons d'offrir à tous et chacun les agréments de la vie, mais quand il s'agit d'agir, nous sommes souvent peu généreux. Pendant des années nous avons combattu pour défendre cet argument, nous avons essayé de pousser le gouvernement à agir logiquement—je dis cela sans partisannerie aucune, car je parle de tous les gouvernements—et nous avons eu beaucoup de difficultés à le faire. Par exemple, nous avons dit que les anciens combattants de Hong-Kong étaient incapables de gagner leur vie dans les bois, comme bûcherons. On nous répondait que plusieurs d'entre eux avaient pourtant réussi à tel point qu'ils étaient devenus des chefs d'industrie, des directeurs d'écoles secondaires, etc., donc, qu'ils n'avaient pas besoin d'aide. On n'était pas très logique sur ce point, mais je suis fier de constater qu'on l'est maintenant, car on a accepté le fait qu'ils étaient incapables, physiquement, de travailler dans les bois ou de retourner sur leur ferme, et on leur a accordé une pension de 50 p. 100.

Il me semble que nous pourrions prolonger l'effet de ce principe et, comme je l'ai dit, en faire un droit, de sorte qu'en multipliant certaines infirmités nous puissions donner aux invalides le bénéfice de cette conception plus riche de pensions qui pourraient vraiment enrichir leur vie. Une telle attitude en 1969-1970 est vraiment nécessaire depuis longtemps.

Le président: Monsieur Laniel?

M. Laniel: En guise de renseignement, pourrait-on me dire si, à un moment donné, on a questionné la Commission au sujet de la norme respectée pour de telles infirmités, et si pour telle ou telle personne 40 p. 100 serait suffisant? Je demande cela, parce que je crains encore le danger de jouer avec des pourcentages supérieurs à 100 p. 100. Je pense aux réactions subséquentes possibles de ceux qui sont moins invalides. Si un homme touche une pension évaluée à 350 p. 100, pour son invalidité, un autre pourrait comparer ce 350

[*Texte*]

the 350 per cent and the 35 per cent that he receives and might try to bring pressure to bear to get a higher level of compensation for definite disabilities.

Are you satisfied in general, with the individual percentages used by the Commission for each of the disabilities?

Mr. Chadderton: Mr. Chairman, I would refer you to the Woods Report, Volume II, page 512, where representations were made by the multiple disability casualties on the amount of assessment which should be awarded. Let us examine these amounts very quickly. For the blinded the suggested assessment was 185 per cent; for amputation, double arm, 200 per cent; and for the paraplegic, 365 per cent. And my recollection is that the Woods Committee recommendations were not too far from that. They were more or less in that category.

Relating to possible criticism from pensioners who are assessed at or below the 100 per cent, who would not come into the multiple disability field, I guess I can only point out that the organizations which speak generally for veterans, such as the Royal Canadian Legion, the Army, Navy and Air Force Veterans, of which Mr. Lundberg is the president, and the Canadian Corps Association, fully endorsed this principle. That might be taken as an indication that veterans who do not come into the multiple disability category are not going to be unhappy if the government does something in a substantial way to increase the percentage of disability for the multiple case, sir.

Mr. F. J. L. Woodcock (The Sir Arthur Pearson Association of War Blinded): Mr. Chairman, may I correct one figure?

The Chairman: Yes.

Mr. Woodcock: Mr. Chadderton has mentioned 185 for blindness. He is referring to the 100 per cent category of blindness. He is not referring to those who are totally blind.

Mr. Chadderton: I am sorry. It is 365 per cent.

Mr. Woodcock: Yes. The 185 in the original figures was for those who have a considerable amount of guiding vision, at the bottom of our group of 100 per cent blind persons. We naturally vary, as do the amps, from signs right on up to triple; and we work with quadruple amps. We vary actually from 80 per cent right on up to 100 per cent, and

[*Interprétation*]

p. 100 au 35 p. 100 qu'il reçoit. Il pourrait bien faire pression pour obtenir une indemnité plus élevée pour des infirmités bien précises. Êtes-vous satisfait, de façon générale, des pourcentages individuels utilisés par la Commission pour chacune des invalidités.

M. Chadderton: Monsieur le président, je voudrais que vous vous reportiez au rapport Woods, page 512, du volume II, des propositions ont été faites en se fondant sur les cas de multiples invalidités relatives à l'évaluation à accorder. Examinons rapidement ces pourcentages: cécité, évaluation proposée 185 p. 100; amputation des deux bras, 200 p. 100; paraplégie, 365 p. 100. Si je me souviens bien, les recommandations du Comité Woods n'étaient pas très éloignées de ces pourcentages. Quant aux critiques possibles de la part des pensionnés pour lequels une évaluation inférieure à 100. 100 a été établie et qui n'entrent pas dans la catégorie des invalidités multiples, je ne peux dire seulement que les organismes qui représentent les anciens combattants comme la Légion canadienne, les Anciens combattants de l'armée, de la marine et de l'aviation dont le président est M. Lundberg, et la Canadian Corps Association acceptent pleinement ce principe. Il ne faudrait pas penser cependant que les anciens combattants qui n'entrent pas dans la catégorie des invalidités multiples ne seront pas heureux si le gouvernement accroît de façon substantielle le pourcentage d'évaluation relative aux invalidités multiples, monsieur.

M. F. J. L. Woodcock (The Sir Arthur Pearson Association of the War Blinded): Puis-je apporter une correction, monsieur le président, à l'une de ces données?

Le président: Bien sûr.

M. Woodcock: M. Chadderton au sujet de la cécité a mentionné le pourcentage de 185. Cela s'applique à la cécité de la catégorie à 100 p. 100 mais non à ceux qui sont complètement aveugles.

M. Chadderton: Je m'excuse, ce serait 365 p. 100.

M. Woodcock: Oui. Le 185 dans les données originales s'adressent à ceux qui ont conservé une vision appréciable et qui se classent au bas de notre groupe d'aveugles à 100 p. 100. Cela varie, comme dans le cas des amputés, selon des cotes établies du simple au triple et nous avons affaire à des amputés des quatre membres. Le pourcentage varie de 80

[*Text*]

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then varying degrees of loss of sight beyond that.

Mr. Chadderton: Just to put it on the record, Mr. Chairman, the actual recommendations of the Woods Committee for these categories are: double amputee, 185 per cent; paraplegia, 350 per cent, and total blindness, 250 per cent.

Mr. Woodcock: May I speak further to that, Mr. Chairman?

The Chairman: Yes, Mr. Woodcock, please do.

Mr. Woodcock: The word "assessment" is the question, and I think our group has been quite happy with the assessment when they assess, say, a particular disability at a certain percentage. There was a time when the Pension Commission would assess one disability at, say, 80 per cent and another disability at 20 per cent, but they would only take 20 per cent of the remaining 20 per cent when adding the two together. If my memory is correct, this was back in about 1945. In other words, short of infinity no man could ever become 100 per cent disabled unless he had an original disability of 100 per cent. That was the system. It took years of fighting but eventually they did go to a straight arithmetical total of 80 and 20 and made it 100, but they would not add 80 and 30 and make it 110.

Mr. Weatherhead: Mr. Chairman, following up Mr. Laniel's questioning, did the Woods Committee investigate these present rates at below 100 per cent, and were they in effect satisfied that a 40 per cent disability rating is now the correct figure. Did they make any investigations along this line at all?

Mr. Chadderton: I can answer that question from the point of view of being the Secretary of the War Amputations of Canada. To the best of our knowledge the Woods Committee did not take evidence from anyone concerning this, but I have personal knowledge of the fact that they certainly discussed the matter with the medical advisers to the Committee and were satisfied that the present levels of assessment were satisfactory and that there were no recommendations required in that field.

Mr. Weatherhead: I think what Mr. Laniel was getting at was that if we did raise some of them up to 350 per cent and some to 200 per cent, and what have you, which at the

[*Interpretation*]

à 100 p. 100 et au-dessus, l'on tient compte des divers degrés de cécité.

M. Chadderton: A titre de renseignement seulement, monsieur le président, voici les présentes recommandations du Comité Woods pour ces catégories: amputés de deux membres, 185 p. 100; paraplégie, 350 p. 100; cécité totale, 250 p. 100.

M. Woodcock: Puis-je faire une observation à ce sujet, monsieur le président?

Le président: Je vous en prie, monsieur Woodcock.

M. Woodcock: J'en suis au mot «évaluation» et je pense que notre groupe a été assez heureux de l'évaluation établie pour une invalidité en particulier. Il y a eu un temps où la Commission des pensions évaluait une invalidité à 80 p. 100 et une autre à 20 p. 100 mais l'on ne retenait que 20 p. 100 du 20 p. 100 restant lorsque l'on additionnait les deux pourcentages. Si ma mémoire est bonne, cela se faisait en 1945. En d'autres mots, personne ne pouvait être considéré invalide à 100 p. 100 à moins que l'invalidité originale n'ait été évaluée à 100 p. 100. Il a fallu insister durant des années pour en arriver à une addition arithmétique simple et pour que 80 et 20 fassent 100 mais il n'était pas encore possible que 80 et 30 fassent 110.

M. Weatherhead: Monsieur le président, à la suite des questions de M. Laniel, j'aimerais savoir si le Comité Woods a étudié les présents pourcentages inférieurs à 100 p. 100, en est-on arrivé à la conclusion qu'un pourcentage d'invalidité de 40 est une donnée correcte? A-t-on étudié le sujet?

M. Chadderton: Je peux répondre à cette question en qualité de secrétaire des Amputés de guerre du Canada. D'après ce que nous savons le Comité Woods ne s'est renseigné auprès de personne à ce sujet mais je sais personnellement que les membres du Comité ont sûrement discuté le sujet avec leurs conseillers médicaux et qu'ils sont arrivés à la conclusion que les présents pourcentages étaient satisfaisants et qu'aucune recommandation n'était nécessaire en ce domaine.

M. Weatherhead: Je pense que M. Laniel voulait dire que si nous augmentions quelques-uns de ces pourcentages à 350 p. 100 et quelques autres à 200 ou comme vous vou-

[*Texte*]

moment, as I said before, I am in favour of so doing, that we immediately might come under real pressure to increase a 40 per cent disability to 60 per cent and an 80 per cent disability to 120 per cent, and this sort of thing, because a person may say, "Well, I may be five times less incapacitated than Mr. So-and-so, but I am certainly not ten times less incapacitated". I think your veterans' associations, while you might well be content with the present level of assessment below 100 per cent, might soon receive a great amount of pressure that all the assessments should be raised, based on the top one of 350 per cent, or whatever was decided upon, and then working out percentages of disability from that. Do you have any comments on that?

Mr. Lundberg: Mr. Chairman, at many of our conventions the question of the Hong Kong veterans and the multiple disability groups has come up and we have supported both of these groups in an unselfish manner, realizing the particular problems of both groups, and at no time has the question ever been brought up that we should raise our own particular 40 to 50 or 50 to 60. I am happy to say that they were most concerned with these two groups in a most unselfish manner and I think by the combined pressure the result has been that one portion has already been corrected, and we sincerely hope that we can assure you that the other portion will be corrected.

Mr. Laniel: What about the Dieppe prisoners of war?

Mr. Lundberg: Mr. Laniel, you were with me when we interviewed the Minister of Pensions and we asked about the Hong Kong veterans, and what did he say? That it was just his tough luck to be sent to Hong Kong, and as a British soldier he did not expect

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anything else. The same at Dieppe; there is no comparison between the two because the environments were the same, as you should know. I was talking to an Australian delegate and they are after now including it and they are processing the same Hong Kong problems that we are. Some people do not agree with it, but I think they are going to be as successful as the Hong Kong veterans of Canada.

Mr. Weatherhead: I wonder if in your extensive experience, then, you really could see no real probability of pressure coming from your various groups in order to increase the particular below 100 per cent disability

[*Interprétation*]

drez, ce que je veux bien que l'on fasse comme je l'ai déjà dit, il se pourrait que des pressions se fassent immédiatement sentir pour que l'on porte une invalidité de 40 p. 100 à 60 p. 100 et une autre de 80 p. 100 à 100 p. 100 et ainsi de suite. Quelqu'un pourrait bien dire: «Je suis peut-être cinq fois moins invalide que M. X mais je ne le suis sûrement pas dix fois.» Je pense que les associations d'anciens combattants, même si vous êtes maintenant satisfaits du présent niveau d'évaluation inférieur à 100 p. 100, pourraient subir de fortes pressions pour que toutes les évaluations soient accrues, fondées sur le sommet de 350 p. 100 ou quelque autre sommet. Auriez-vous des observations à faire à ce sujet?

M. Lundberg: Monsieur le président, au cours de plusieurs de nos réunions il a été question des anciens combattants de Hong-Kong et du groupe des invalidités multiples et nous avons donné notre appui le plus sincère à ces deux groupes, nous connaissons leurs problèmes et jamais il n'a été question de faire augmenter notre propre évaluation d'invalidité de 40 à 50 ou de 50 à 60. Je suis heureux d'affirmer que l'on s'est préoccupé de ces deux groupes de la façon la plus généreuse et je pense que grâce à ces pressions combinées, la situation a été en partie corrigée et j'espère sincèrement je vous l'assure, que le reste sera aussi amendé.

M. Laniel: Et au sujet des prisonniers de guerre de Dieppe?

M. Lundberg: Monsieur Laniel, vous étiez avec moi lorsque nous avons interrogé le ministre autorité responsable en matière de pensions. Nous l'avons interrogé au sujet des anciens combattants de Hong-Kong et qu'a-t-il répondu? Que c'était le destin d'avoir été envoyé à Hong-Kong et qu'à titre de soldat britannique il acceptait son sort. C'était la même chose à Dieppe. Il n'y a pas de comparaison parce que le milieu n'était pas le même comme vous savez. J'ai parlé à un délégué de l'Australie et ils étudient aussi cette question et les mêmes problèmes relatifs à Hong-Kong. Il y a des gens qui ne sont pas d'accord, mais je pense qu'ils auront autant de succès que nous au sujet des anciens combattants de Hong-Kong.

M. Weatherhead: Je me demande, d'après votre expérience si vous n'entrevoyez aucune possibilité de pression provenant de vos divers groupes qui cherchaient à accroître les pourcentages d'invalidité inférieurs à 100 p. 100 si

[*Text*]

percentages at the present if we went to above 100 per cent for some of these multiple disability cases?

Mr. Lundberg: No. I see no immediate objection at all, Mr. Weatherhead, because of the fact there are so few in number.

The Chairman: Mr. Weatherhead spoke about the ones that are now rated below 100 per cent. In your opinion, would there not be pressure on your organization to revise the assessments of substantial numbers of such cases?

Mr. Lundberg: I may be naive, Mr. Chairman, but I really do not think so.

Mr. Chadderton: I could add some specific information to that. War Amputations of Canada has a membership of approximately 2,500, of which less than 200 are multiple casualties and approximately 1,200 are rated somewhere in the 60 per cent category. Our organization—and I mean the organization right down to the branch level—has made an extensive study of the Woods Report. The report has been out a year and one half. We just concluded our convention in Montreal and certainly there was not one word of criticism or suggestion from any of our delegates or any of our branches to the effect that because of the Woods Committee recommendation, which would only assist a very small percentage of our members, that people in the 60 per cent category, for instance, were thinking about asking for a higher assessment. I think it is quite to the contrary. In our organization we consider the multiple disabilities recommendation of the Woods Committee to be very near the highest priority in regard to implementation of the report. I do not know if that is of any value, but I would like to say that I have been in and around veterans' organizations a long time and I have not heard one word of criticism for those who have no pensions or those who have pensions below 100 per cent in relation to the proposal in the Woods Committee Report to increase pensions as much as 300 per cent. It may come, no one can safely predict anything, but certainly there has been no indication of it, sir.

Mr. Weatherhead: Thank you, Mr. Chadderton.

Mr. Bigg: I do not like to be...

The Chairman: Mr. Bigg, we have dealt with one of three basic points in the brief so far.

[*Interpretation*]

dans certains cas d'invalidité multiple nous les portons à plus de 100 p. 100.

M. Lundberg: Non, je ne vois aucune objection immédiate, monsieur Weatherhead, parce qu'il y aurait peu de personnes en cause.

Le président: M. Weatherhead se préoccupe de ceux qui actuellement présentent une évaluation inférieure à 100 p. 100. Ne pensez-vous pas que des pressions seraient exercées sur votre organisme afin que l'on revise l'évaluation d'invalidité d'un grand nombre de cas?

M. Lundberg: Je suis peut-être trop confiant, monsieur le président, mais je ne le crois pas.

M. Chadderton: Je pourrais faire quelques observations à ce sujet. Les Amputés de guerre du Canada groupent environ 2,500 membres dont moins de 200 présentent des invalidités multiples et environ 1,200 sont dans la catégorie des 60 p. 100. Notre organisme, jusqu'aux niveaux inférieurs a fait une étude approfondie du rapport Woods depuis un an et demi qu'il a été publié. Notre réunion de Montréal vient tout juste de se terminer, et nous n'avons pas entendu un seul mot de critique de la part de nos délégués, ou de nos divisions et personne, sachant que le Comité Woods recommandait de l'aide pour un faible pourcentage de nos membres, n'a proposé de songer à accroître par exemple le pourcentage d'invalidité de ceux qui se trouvaient dans la catégorie des 60 p. 100. Ce serait plutôt le contraire. Au sein de notre organisme, nous pensons que la recommandation relative aux invalidités multiples du Comité Woods devrait peut-être obtenir la priorité lors de la mise en application du rapport. Je ne sais si l'on peut attacher de la valeur à cette déclaration mais j'ai travaillé au sein d'organismes qui s'occupent des anciens combattants depuis assez longtemps et je n'ai pas entendu un seul mot de critique de la part de ceux qui n'ont pas de pension ou qui reçoivent une pension inférieure à 100 p. 100, relativement à la proposition du Comité Woods d'accroître les pensions jusqu'à 300 p. 100. Cela peut se produire, personne ne peut à coup sûr prédire ce qui peut arriver, mais rien ne semble l'indiquer, monsieur.

M. Weatherhead: Je vous remercie, monsieur Chadderton.

M. Bigg: Je n'aime pas être...

Le président: Monsieur Bigg, nous avons jusqu'à présent étudié l'un des trois points principaux de l'exposé.

[*Texte*]

Mr. Bigg: I think this is on the very thing he is talking about.

The Chairman: Go ahead.

Mr. Bigg: I think, if I might say so—and I am not one who likes to trot out the horrors—that it would be a good idea if not only the members of this Committee but the members of the Cabinet took a trip to some of the veterans' hospitals and saw some of the cases we are talking about. I do not mean as an emotional thing at all but as a practical experience to find out what we are talking about and what these boys have to put up with. In view of the fact there are so few of them, I would like to make the suggestion that some day this Committee extend an invitation to Treasury Board and the people involved who should know at first hand just exactly what it is we are talking about.

The Chairman: Thank you, Mr. Bigg. I wonder if members of the Committee would like to proced to the next point of the brief. I am thinking of the time element now.

Mr. Legault: I just have one point, Mr. Chairman. According to the schedule prepared yesterday I believe that I for one have a commitment to leave this afternoon in order to attend another presentation tonight.

Mr. Lundberg: I will now continue from page 5 of the amended brief.

Pension to Continue for Twelve Months for Wife, Child or Parent

The Woods Committee was critical of the provision in the Pension Act which provides that a pension in payment to a family at "married rates" should cease as of the first day of the month following the death of the pensioner. The representations made to the Committee by veterans organizations requested that such provision should apply where the pension was in payment in excess of 48 per cent, and where, if continued in payment at the married rate, the amount would be greater than Widow's Pension. In view of its recommendation number 106, to the effect that pension should continue in payment for dependents where such was in payment to the pensioner at less than 48 per cent, the Woods Committee proposed that continuation of pension for one year should apply in all instances.

[*Interprétation*]

M. Bigg: Je crois que cela se rapporte directement au sujet à l'étude.

Le président: Je vous donne la parole.

M. Bigg: Je ne suis pas de ceux qui se complaisent dans la morbidité mais je crois que ce serait une bonne chose, si les membres du Comité et aussi les membres du Cabinet visitaient quelques uns des hôpitaux pour anciens combattants, ils pourraient voir de près quelques uns des cas dont il est question ici. Non pour en faire une expérience sur le plan émotionnel mais au point de vue pratique afin de se rendre compte de quoi il est question et juger de leur état. Du fait qu'ils sont peu nombreux j'aimerais proposer que l'on invite aussi les fonctionnaires du Conseil du trésor et tous ceux qui y sont intéressés afin qu'ils sachent de quoi il est question.

Le président: Je vous remercie, monsieur Bigg. Je me demande si les membres du Comité veulent poursuivre l'étude de l'exposé. Je pense au temps qu'il reste.

M. Legault: Je n'ai qu'une seule observation à faire, monsieur le président. Selon l'ordre du jour préparé hier, je crois que nous devrons faire relâche au cours de l'après-midi et avoir une autre séance au cours de la soirée.

M. Lundberg: Je poursuis maintenant à la page 5 de l'exposé modifié.

Pension pour prolonger de douze mois le versement des indemnités à la femme, à l'enfant ou au parent

Le comité Woods a critiqué la disposition de la Loi sur les pensions selon laquelle le versement d'une pension à une famille au taux applicable aux «gens mariés» doit cesser le premier jour du mois qui suit la mort du pensionné. Les organisations d'anciens combattants, dans les instances qu'ils ont présentées au Comité, ont demandé qu'une telle disposition s'applique dans le cas où le versement de la pension dépasse 48 p. 100, et où, en supposant que la pension continue d'être verser au taux applicable aux gens mariés, la somme dépasse le montant de la pension de la veuve. Au regard de sa recommandation 106, qui préconise que la pension continue d'être versée aux personnes à charge quant le montant dû au pensionné n'atteint pas la proportion de 48 p. 100, le Comité Woods a proposé que les pensions doivent continuer d'être versées pendant un an dans tous les cas.

[*Text*]

The veterans organizations of our Council suggest that if the government cannot implement Recommendation number 106, it should still be feasible to continue pension in payment at the married rate for a period of twelve months for widows and other dependents, following the death of the pensioner.

The White Paper states that the recommendation that payment of the rate in effect at the time the pensioner died be continued for one year was not accepted. The explanation given was that:

> Such payments would veer from the principle for compensation for loss suffered and, in effect, would be welfare payments. As such, they would be designed to meet needs which are already taken care of in other Government programs.

We wish to suggest that continuation of payment at married rates for a period of one year following the death of the pensioner would, in our opinion, still qualify under the principle of compensation for loss suffered. The widow or the dependent, in such circumstances, was, to all intents and purposes, being penalized in the extent of the pensioner's disqualification to earn his living in the unskilled labour market. Ostensibly, this would have to mean that the family income prior to the pensioner's death was less than it would have been, had he not been disabled. The circumstances which would obtain following his death would still be affected by that loss of earning capacity, following the pensioner's death, and for such period as it may require the family to readjust. The Woods Committee felt that the existing provisions which provided for continuation of pension at the married rates for a period of anywhere from one to thirty days, was insufficient; and that a more realistic adjustment period would be one year.

Now we come to page 10 of the November brief, paragraph 5, which relates to recommendations nos. 109 and 110 of the Woods Committee Report.

5. *Continuation of Pension on Death of Pensioner* (Woods Committee Recommendations Nos. 109 and 110):

The existing provision to the effect that, on the death of a pensioner, pension and attendance allowance shall cease on the first day of the month following the death, represents another serious defect in Canada's

[*Interpretation*]

Les organisations d'anciens combattants qui font partie de notre Conseil estiment que, si le gouvernement ne peut pas mettre en œuvre la recommandation 106, il doit être possible de continuer à verser aux veuves et aux autres personnes à charge, la pension au taux applicable aux gens mariés pendant une période de douze mois, après le décès du pensionnné.

Le Livre blanc indique que la recommandation pour que l'on continue pendant un an le versement de la pension au taux en vigueur au moment où le pensionné est décédé, n'a pas été acceptée. L'explication donnée est la suivante.

> Ces paiements, au lieu de constituer une compensation pour les pertes subies, équivaudraient effectivement à des prestations d'assistance sociale. Ils permettraient de satisfaire à des besoins auxquels d'autres programmes du gouvernement pourvoient déjà.

Nous soumettons que la prolongation du versement de la pension aux gens mariés pendant la période d'un an après le décès du pensionné, au taux applicable, serait, à notre avis, conforme au principe d'indemnisation pour le dommage subi. La veuve ou la personne à charge, dans un tel cas, a souffert, à tout égard, dans la mesure où le pensionné était inapte à gagner sa vie sur le marché du travail des ouvriers non spécialisés. Il est donc évident que le revenu familial avant le décès du pensionné, a été inférieur à ce qu'il aurait été, si ce dernier n'avait pas été handicapé. Les conditions de vie, après son décès, sont encore affectées par l'inaptitude du pensionné, à gagner sa vie, après sa mort, et pendant la période au cours de laquelle la famille doit se réadapter. Le comité Woods a estimé que les dispositions actuelles, concernant la continuation du versement de la pension au taux applicable aux gens mariés pendant une période allant de un à trente jours, sont insuffisantes, et qu'il serait plus réaliste de fixer à un an la période de réadaptation.

Nous arrivons maintenant à la page 10 de l'exposé de novembre au paragraphe 5 relatif aux recommandations nos 109 et 110 du rapport du Comité Woods.

5. *Continuation de la pension à la mort du pensionné* (Recommandations nos 109 et 110 du Comité Woods)

La disposition actuelle stipulant qu'à la mort du pensionné la pension et les prestations de soutien cesseront le premier jour du mois qui suit la mort représente un autre défaut important dans la loi canadienne sur

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pension legislation. This has been a subject of much concern to veteran organizations for a number of years and we are pleased to note the recommendations of the Woods Committee to the effect that the widow would continue to receive pension at the married rate for one year, and attendance allowance for two months.

It is perhaps unnecessary to dwell here on the logic and justification for these proposals. Common sense dictates that a pensioner's widow should be allowed a reasonable time in which to adjust the family's finances following the death of her husband. It seems neither reasonable nor humane to reduce the pension income without giving her an opportunity to rearrange her finances to meet the new circumstances.

There are a number of other recommendations in the Woods Report which would be of direct benefit to widows, all of which have our entire support. We have singled out Recommendations Nos. 109 and 110 to emphasize the inadequacy of the existing legislation in an area which warrants the fullest possible sympathy and consideration, i.e., the care of a pensioner's widow immediately following his death.

Our belief, gentlemen, is that this should be carried on for the period of one year to allow the wife to adjust her financial circumstances because upon his death his expenses still continue. There is still the hydro to pay, the rent to pay, the mortgage, if they have one, et cetera, and this leaves her at a position where she is forced, if she has any property, to sell because she just has nothing left.

Mr. Knowles (Winnipeg North Centre): Carried.

The Chairman: The next point, Mr. Lundberg?

Mr. Lundberg:

Continuation of Pension for Child to Age 25 When Undergoing Course of Instruction:

The Woods Committee noted that the age limit of 21, at which payment of pension to a child undergoing a course of instruction now terminates, was established many years ago at a time when students beyond the secondary school level were able to complete their professional training at a much earlier age than now occurs.

The Woods Committee noted, also, that the Education Assistance Act, under which educational assistance is extended to the

[*Interprétation*]

les pensions. C'est un sujet qui a causé beaucoup d'inquiétude aux organismes qui s'occupent des anciens combattants et cela depuis un certain nombre d'années et nous sommes heureux des recommandations faites par le Comité Woods voulant que la veuve continue à toucher la pension au taux de personne mariée pour une année et les subventions de soutien pour deux mois.

Il n'est peut-être pas nécessaire de démontrer la logique et le bien-fondé de ces propositions. Le sens commun suffit à faire comprendre que l'on doit laisser à la veuve d'un pensionné le temps de réajuster le budget de la famille après la mort de son mari. Il ne paraît ni raisonnable ni humain de réduire la pension sans lui donner le temps de réorganiser ses finances selon les circonstances.

Il y a plusieurs autres recommandations dans le rapport Woods pour avantager les veuves qui reçoivent tout notre appui. Nous avons choisi les recommandations nos 109 et 110 pour mieux illustrer les carences de la loi existante dans un domaine qui exige le plus d'attention et de sympathie, la situation où se trouve la veuve d'un pensionné immédiatement après la mort de son mari. Nous pensons, messieurs, que la pension doit être versée durant une période d'un an afin de permettre à la veuve de réorganiser ses finances parce qu'après la mort de son mari il y a encore des dépenses. Il faut encore payer l'électricité, le loyer, les hypothèques si elles existent, etc. Elle sera forcée, si elle a des propriétés de les vendre parce qu'il ne lui reste rien d'autre.

M. Knowles (Winnipeg Nord-Centre): Adopté.

Le président: L'autre point, monsieur Lundberg.

M. Lundberg:

Continuation du versement de la pension à un enfant, jusqu'à l'âge de 25 ans quand il poursuit ses études.

Le Comité Woods a remarqué que l'âge limite de 21 ans, auquel se termine à présent le versement de la pension à un enfant qui est aux études, a été fixé, il y a de nombreuses années, à une époque où les étudiants au-delà du niveau de l'enseignement secondaire pouvaient achever leur formation professionnelle beaucoup plus jeunes qu'à présent.

Le Comité Woods a remarqué également que la loi sur l'aide aux enfants des morts de guerre (éducation) en vertu de laquelle l'aide

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children of the war dead and deceased pensioners, provides for pension payments up to age 25, and in some cases, age 30.

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The Chairman: Would any of the members of the Committee want to ask any questions here? Do you want to continue Mr. Lundberg?

Mr. Lundberg: Fine. I would like to make one observation there, gentlemen. The higher the educational income tax you pay, in later life the government gets their money back.

The Chairman: I think many of us here have families and know what you are talking about.

Mr. Lundberg:

Attendance Allowance:

Note is taken of the proposal in the White Paper that attendance allowance may be extended beyond the one-month period if considered necessary, to relieve hardship. This leads to two observations as follows:

(1) There is no means test applied in connection with the existing provision for blinded pensioners; and

(2) The accepted justification for continuing attendance allowance is that, in the usual case, the pensioner must continue to pay for the additional costs of his disability, despite the fact that he is in hospital. These costs are not of the type ordinarily taken into account in a means test to establish financial hardship and we seriously question whether the provision to continue payment of allowance beyond one month on the basis of hardship, as proposed in the White Paper, could be said to represent an effective implementation of the Woods Committee recommendation. With due respect, we cite the Pension Commission's own policy, as brought out in the Table of Disabilities (get reference) to the effect that this allowance is paid on the basis of the "need for attendance". Awards of this nature have never been based on *financial* need.

National Council takes cognizance of the proposal in the White Paper that the Pension Act should state unequivocally that attend-

[*Interpretation*]

accordée à des fins d'éducation est étendue aux enfants des morts de guerre et des pensionnés décédés devrait se prolonger jusqu'à l'âge de 25 ans, et dans certains cas, de 30 ans.

Le président: Est-ce que des membres du Comité auraient des questions à ce sujet? Voulez-vous continuer, monsieur Lundberg?

M. Lundberg: C'est bon. J'aurais une observation à faire ici, messieurs. Plus vous verserez d'argent pour l'enseignement plus sûrement par la suite le gouvernement sera assuré de récupérer son argent.

Le président: Nous avons presque tous des familles et nous savons de quoi vous voulez parler.

M. Lundberg:

Allocation de soins.

Nous avons noté la proposition du Livre blanc selon laquelle l'allocation de soins peut être étendue au-delà de la période d'un mois, si c'est jugé nécessaire, pour soulager des besoins financiers. Cela nous amène aux deux observations suivantes:

(1) On n'applique pas de «constatation des besoins» en ce qui concerne les dispositions actuelles visant les pensionnés aveugles; et

(2) La justification proposée pour continuer de verser une allocation de soins est habituellement que le pensionné doit continuer de payer les frais additionnels résultant de son invalidité, bien qu'il soit à l'hôpital. Ces frais ne sont pas du genre de ceux qui entrent habituellement en ligne de compte dans une constatation des besoins destinée à établir les besoins financiers, et nous nous demandons sérieusement si la disposition visant à continuer de verser une allocation au-delà d'un mois pour cause d'indigence financière, comme le propose le Livre blanc, peut être acceptée pour mettre en œuvre la recommandation du comité Woods. Avec tout le respect que nous devons à cet organisme, nous citons le propre programme de la Commission des pensions, tel qu'il est exposé dans la Table des invalidités (fournir les références) en vertu duquel l'allocation est versée sur la base du «besoin de soins». Des sommes de ce genre n'ont jamais été versées en raison d'un besoin *financier*.

Le Conseil national prend connaissance de la proposition contenue dans le Livre blanc, selon laquelle il doit être stipulé clairement,

[*Texte*]

ance allowance is not part of pension. This is a major step forward and we wish to point out what appears to us to be the reason for the amendment. Under the existing Act the purpose of attendance allowance was not clarified. Accordingly, it was always possible for the Pension Commission to consider that attendance allowance was, in effect, supplementary pension. This made it difficult to establish the claim for additional pension for multiple disability cases.

The point being made here, is that, with the declaration on the part of the Government to the effect that attendance allowance is not part of pension, the need to pay additional pension, in the substantial amount, for multiple disability is emphasized.

The White Paper proposal to the effect that attendance allowance will be continued for a period of one month when the pensioner is in hospital leads to the question of the Government's intention in respect of the existing Section 33 (3) of the Pension Act. This Section provides continuation of attendance allowance for the war blinded, while under treatment in a departmental hospital. The result of the White Paper proposal might, if interpreted literally, mean that the existing provision for the war blinded, under which attendance allowance is continued indefinitely while in hospital, would have to be deleted.

Should this be the intention, the National Council of Veterans Association wishes to raise the most strenuous objection. This provision has been in the Pension Act for many years. It has been accepted as Government policy and is certainly justifiable. The organizations in Canada which represent the multiple disability casualties, will, of course, wish to have an assurance from the Government at an early date that it does not intend to reduce the existing benefits under Section 30 (3) in regard to the payment of attendance allowance for the war blinded.

It should also be noted that attendance allowance is now continued for two months for paraplegics who undergo hospital treatment. This is done under the treatment regulations of the Department of Veterans Affairs. While it is true that current studies of the Standing Committee on Veterans Affairs, do not directly involve consideration of these treatment regulations, any discussion of the possible effect of the White Paper would presumably be ap-

[*Interprétation*]

dans la Loi sur les pensions, que l'allocation de soins ne fait pas partie de la pension. Il y a là un progrès d'importance; aussi, voulons-nous indiquer sur quel motif l'amendement nous paraît fondé. Dans les dispositions de la loi actuelle, le but de l'allocation de soins n'est pas exposé de façon claire. La Commission des pensions pouvait toujours, dès lors, considérer l'allocation comme une pension supplémentaire; il devenait donc difficile d'établir son droit à une pension supplémentaire pour cause d'invalidité multiple.

Ce que nous voulons montrer ici, c'est que la déclaration du gouvernement selon laquelle l'allocation de soins ne fait pas partie de la pension, fait ressortir la nécessité de payer une pension supplémentaire, comprise dans le montant principal, pour cause d'invalidité multiple.

La proposition contenue dans le Livre blanc tendant à prolonger l'allocation de soins pendant une période d'un mois lorsque le pensionné est hospitalisé, nous amène à nous interroger sur l'intention du gouvernement en ce qui concerne le paragraphe (3) de l'article 33 de la Loi sur les pensions, qui prévoit le maintien de l'allocation de soins pour les aveugles de guerre qui suivent des traitements dans un hôpital du Ministère. Prise à la lettre, la proposition du Livre blanc peut signifier la suppression de la disposition actuelle concernant les aveugles de guerre, aux termes de laquelle l'allocation de soins est maintenue indéfiniment dans les cas d'hospitalisation.

Si telle est l'intention sous-jacente, le Conseil national de l'Association des anciens combattants tient à manifester l'opposition la plus énergique. Cette disposition figure dans la Loi sur les pensions depuis de nombreuses années. Elle a été acceptée comme la politique du gouvernement, elle est certainement parfaitement justifiable. Les organisations du Canada qui représentent les malades souffrant d'infirmités multiples demandent, évidemment, au gouvernement de leur donner, dans un avenir rapproché, l'assurance qu'il ne songe pas à réduire les avantages déjà accordés en vertu du paragraphe 3) de l'article 30 en ce qui a trait au paiement de l'allocation de soins aux aveugles de guerre.

On notera aussi que l'allocation de soins est prolongée de deux mois pour les paraplégiques qui subissent des traitements hospitaliers. Il en est ainsi en vertu du Règlement relatif aux traitements, au ministère des Affaires des anciens combattants. Même s'il est vrai que les études actuelles du Comité permanent des affaires des anciens combattants ne se rapportent pas directement au Règlement relatif aux traitements, il est opportun

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plicable at this time. Moreover, while the provision in the treatment regulations concerning extension of attendance allowance for paraplegics is not part of Canada's pension legislation, it is believed that this provision was put into effect as a means of making provision for the paraplegics at a time when it was considered impracticable to include such provision in an amendment of the Pension Act.

The Chairman: I think there are a number of points raised here which the Committee would like to raise with departmental witnesses to clarify the situation. I do not know how far members would like to ask questions at this time. Is there any member who wants to raise a point?

Mr. Marshall: I would like to point out, Mr. Chairman, that again in Mr. Ward's evidence, sections 85, 86 and 87 are accepted in one case and accepted or modified in the other two cases.

• 1110

Mr. Lundberg: Recommendation 85 was accepted but modified, 86 was accepted but modified, and 87 was accepted in the whole.

The Chairman: I think it goes a substantial way to meet the concern that is expressed, but I think members of the Committee might wish to ask further questions and review it in the course of our hearing.

Mr. Marshall: There is a bit in there to the members of the veterans organizations that their briefs are a bit premature in view of what Mr. Ward has given us.

The Chairman: I am sure they have been happy to read what Mr. Ward had to say on the matter in the transcript.

Mr. Chadderton: Could I correct one omission, Mr. Chairman? It is not an omission, but in the brief of September 19 on page 7, on the fourth last line, in parenthesis there are the words "get reference", and if we can introduce a jocular note into the discussion, I will tell you what has happened. It is that this particular brief was dictated at 3 o'clock in the morning into a dictaphone and we never saw it again and the young lady, I am sure, did not understand what we meant. I would like to point out to you that the reference to which this refers is found on page 22A of the Table of Disabilities of the Canadian

[*Interpretation*]

de saisir cette occasion pour évaluer l'effet éventuel des recommandations du Livre blanc. De plus, bien que la disposition du Règlement relatif aux traitements qui prévoit la prolongation de l'allocation de soins pour les paraplégiques ne figure pas parmi les mesures législatives du Canada qui concernent les pensions, on croit qu'elle a été établie pour assurer la protection des paraplégiques à une époque où l'on estimait peu pratique d'inclure une disposition de ce genre dans une modification à la Loi sur les pensions.

Le président: Je crois qu'il y a un certain nombre de points soulevés ici que le Comité aimerait à revoir avec les témoins du Ministère, pour éclaircir la situation. Je ne sais pas jusqu'où les membres aimeraient à pousser les questions en ce moment. Y a-t-il quelqu'un qui désire éclaircir un point?

M. Marshall: J'aimerais signaler, Monsieur le Président, que de nouveau, dans le témoignage de M. Ward, les articles 85, 86 et 87 sont admis dans un cas, et acceptés ou modifiés dans les deux autres cas.

M. Lundberg: La recommandation 85 a été adoptée avec modification de même que la recommandation 86, et la recommandation 87 a été acceptée telle quelle.

Le président: Je crois que cela répond en grande partie à l'inquiétude manifestée, mais il est possible que les membres du Comité veuillent poser d'autres questions et revoir le problème au cours de notre séance.

M. Marshall: Il y a là quelque chose pour les membres des organisations d'anciens combattants, que leur cause a été présentée un peu prématurément, étant donné le témoignage de M. Ward.

Le président: Je suis sûr qu'ils ont été contents de lire le témoignage de M. Ward.

M. Chadderton: Pourrais-je corriger une omission, Monsieur le président? Ce n'est pas une omission, mais dans l'exposé du 19 septembre, à la page 7, dans les quatre dernières lignes, on trouve entre parenthèses les mots «trouvez la référence» (*get reference*). Si l'on me permet d'introduire une note amusante dans la discussion, je vais vous dire ce qui s'est passé: l'exposé en question fut dicté à 3 heures du matin au dictaphone et nous n'en avons jamais retrouvé la trace. La jeune secrétaire, j'en suis sûr, n'a pas compris ce que nous voulions dire. Je voudrais signaler que la référence dont il s'agit

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Pension Commission. If I could read Note 2 into the record, Mr. Chairman, I think it would clarify our point.

The Chairman: Right.

Mr. Chadderton: It says, and I quote:

> The fundamental principle in the award and level of Attendance Allowance is based on the need of attendance and thus there is no means test.

That, Mr. Chairman, of course is the main concern in our brief today. If we understand the White Paper correctly, and I can see now that we may be quite off beam in some of this because we have had no explanation except that in the White Paper, but if these—

The Chairman: This is why we have the Committee, Mr. Chadderton, to clarify these things.

Mr. Chadderton: Yes, and if, as is our understanding, the intention is to extend the attendance allowance while the pensioner is in hospital, on the basis of hardship, then of course we wish to register a pretty strenuous objection because this would be the sacrifice of a principle which in our understanding has been in pension legislation many years.

The Chairman: Mr. Lundberg, would you like to continue?

Mr. Lundberg:

Legal Damages

The proposal of the White Paper must be considered as an extremely small concession. For many years, veterans organizations have objected, with solid grounds, to the principle in the present Pension Act under which any amount paid by reason of legal damages to a pensioner or a widow is used to reduce the pension, or, alternatively, is recovered by the Crown.

The Woods Committee prepared some very sensible arguments regarding the deletion of this Section of the Act. Apparently, these arguments were not acceptable to those who had the responsibility to prepare the White Paper, or, for that matter, to the government. The compromise offered in the White

[*Interprétation*]

se trouve à la page 22A du Tableau des invalidités de la Commission canadienne des pensions. Si je pouvais citer la Note 2, je pense, Monsieur le Président, que tout deviendrait clair.

Le président: Très bien.

M. Chadderton: La Note 2 dit, et je cite:

> Le droit fondamental en ce qui concerne l'attribution et l'importance de l'allocation de soins, est en fonction du besoin en soins, et ainsi, il n'y a pas à tenir compte des moyens financiers de l'intéressé.

Ceci, monsieur le président, est naturellement aujourd'hui l'objet principal de notre exposé. Si nous comprenons bien le Livre blanc, et je peux constater maintenant que nous avons été un peu à tâtons en certains points, parce que nous n'avons pas eu d'explications sauf celles du Livre blanc lui-même, mais si...

Le président: C'est la raison d'être de notre Comité, monsieur Chadderton, d'éclaircir ces choses.

M. Chadderton: Oui, et si, comme nous le pensons, l'intention est de continuer l'allocation pour les soins tant que le pensionné est à l'hôpital, en se basant sur les inconvénients qu'il subit, nous tenons alors naturellement à protester énergiquement, parce qu'il s'agirait là, à notre sens, de sacrifier un principe qui fait depuis des années partie des mesures législatives relatives aux pensions.

Le président: Monsieur Lundberg, vous voudriez continuer?

M. Lundberg:

Dommages-intérêts judiciaires.

La proposition contenue dans le Livre blanc doit être considérée comme une concession extrêmement mince. Pendant nombre d'années, les associations d'anciens combattants se sont opposées, pour des motifs sérieux, au principe énoncé dans l'actuelle Loi sur les pensions, selon lequel les montants payés à un pensionné ou à une veuve comme dommages-intérêts judiciaires entraînent une réduction de la pension ou, mesure équivalente, sont recouvrés par la Couronne.

Le Comité Woods a réuni des arguments fort sensés au sujet de la suppression de cet article de la Loi. Selon toute apparence, ces arguments n'ont pas paru acceptables à ceux qui ont veillé à la préparation du Livre blanc, ni même au gouvernement. Le compromis offert dans le Livre blanc ne tient

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Paper completely ignores the principle upon which the Woods Committee recommendations to delete these Sections from the Act were based. The Woods Committee stated that the Pension Commission should award pension, without relation to the possibility of payments from any source, irrespective of whether such payments were being made in relation to the injury or death for which pension was paid.

The adoption of the recommendation in the White Paper would sustain the existing principle which was condemned by the Woods Committee, although the Government does propose the compromise of retaining only the amount of a legal damage settlement which is represented by loss of earnings. The remainder of any such settlement, described in the White Paper as the portion for "special damages pain and suffering and loss of 'consortium'" will not affect pension. However, investigation indicates that this portion is exceedingly small, compared with the usual total amount as represented in a settlement for legal damages.

I would ask you, gentlemen, if you would turn to page 10 of the November 26 brief:

4. *Civil Damages under Section 20, 21 and 22 of the Pension Act* (Woods Committee Recommendations Nos. 90 and 91)

Under the present practice and legislation, there is no provision to allow damages to the widow of the pensioner in Classes 1 to 11, who, as a civilian, is killed as a result of negligence of some person, without a reduction in the widow's pension. Even what is known as special damages, that is funeral, hospital and medical expenses, ambulance charges, etc., are not allowable to the widow without reduction in her pension.

We suggest that these sections should not apply where the pensioner, in civilian life, suffers a second injury by reason of a tortious act that has no connection with service. Should a pensioner in classes 1 to 11 be killed under these circumstances his widow is already entitled to a pension as of right as a result of her husband's previous service-incurred disability. This basic right should

[*Interpretation*]

aucun compte du principe sur lequel s'est fondé le Comité Woods pour recommander la suppression de ces articles de la Loi. Le Comité Woods a déclaré que la Commission des pensions devrait accorder les pensions sans égard aux possibilités de revenu, de quelque source qu'ils proviennent, sans chercher à établir si ces montants sont versés en raison des blessures ou du décès ayant motivé la pension.

En adoptant la recommandation contenue dans le Livre blanc, on défendrait le principe actuel, qui a été condamné par le Comité Woods, même si le gouvernement propose, comme solution de compromis, de retenir uniquement le montant des dommages-intérêts judiciaires qui correspond à la perte de revenu. Le reste des dommages-intérêts ainsi accordés, que le Livre Blanc décrit comme la partie qui est la compensation des «dommages, douleurs et souffrances particulières, et rupture de la vie conjugale», n'influera pas sur la pension. Toutefois, des enquêtes révèlent que cette partie est extrêmement faible, en comparaison du montant global ordinaire que constitue l'attribution de dommages-intérêts judiciaires.

Je vous demanderais, Messieurs, de bien vouloir passer à la page 10 de l'exposé du 26 novembre:

4. *Articles 20, 21 et 22 de la loi sur les pensions: Dommages-intérêts adjugés en vertu de la loi civile* (Recommandations nos 90 et 91 du Comité Woods)

La coutume et la loi actuelle ne permettent pas à la veuve d'un militaire retraité des classes 1 à 11 de toucher, sans qu'il y ait réduction de sa pension de veuve, des dommages-intérêts si son mari, en tant que civil, perd la vie par suite de la négligence d'une personne quelconque. Même ce que la loi désigne dommages particuliers, c'est-à-dire, les frais médicaux et les frais d'ambulance, d'hôpital et de funérailles, etc., ne peuvent être attribués à la veuve en vertu de la loi civile sans entraîner la diminution de sa pension.

A notre avis, ces articles devraient être nuls et non avenus lorsque, dans la vie civile, le retraité est affligé d'une seconde mutilation en raison d'un acte préjudiciable indépendant du service militaire. Lorsqu'un retraité des classes de 1 à 11 perd la vie en semblables circonstances, sa veuve a déjà plein droit à la pension par suite de l'invalidité précédente due au service militaire

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not be prejudiced by any damages that may be awarded as a matter of civil right as a result of the second injury in civilian life.

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It has been the practice of the Canadian Pension Commission even to retain damages for injuries which bear no relation to a pensionable disability. For example, if a veteran pensioned for total blindness as a result of enemy action should later lose a leg in an automobile accident in civilian life, the Pension Commission can claim and retain all civil damages arising out of the second civilian injury for loss of the leg.

We submit that this provision is grossly unfair and commend to you the solution proposed in recommendations 90 and 91 of the Woods Report.

The Chairman: Again, I believe that Recommendation 90 is partially accepted. Committee members may wish to have further questioning of departmental witnesses. Mr. Turner.

Mr. Turner (London East): Mr. Chairman and Mr. Lundberg, in a factory if a veteran has a bad leg and he is operating a machine and something happens, the bad leg gives out and he has trouble with the other leg, what happens under this if the plant is covered by compensation?

Mr. Lundberg: He would receive compensation and there would be no claim by the Department for that portion of the compensation. He would receive his pension plus the compensation and the Crown would not take action to recover the compensation paid.

Mr. Turner (London East): In other words, you are stating that his pension is based on the leg that he lost in the war.

Mr. Lundberg: That is right.

Mr. Turner (London East): That is a basic right.

Mr. Lundberg: Yes, the only concern so far as we are concerned with the Canadian Pension Commission is the disability incurred in service. If he lost a leg, he was paid for that leg and that is as far as the Commission is required; they pay for the leg and that is the end of the problem. Whatever happens to his other good leg is his own personal business. If I have a large insurance policy that I pay myself and I am involved in an

[*Interprétation*]

du mari. Elle ne doit pas être lésée dans ce droit acquis parce qu'elle obtient d'une cour civile des dommages-intérêts en compensation d'une seconde mutilation subie dans la vie civile.

Dans le passé, la Commission canadienne des pensions s'est même approprié les dommages-intérêts perçus pour des blessures qui n'avaient aucun rapport avec l'invalidité établissant le droit à la pension. Par exemple, si un ancien combattant retraité par suite de cécité totale due à la guerre était plus tard, dans la vie civile, victime d'un accident d'automobile où il perdait une jambe, la Commission était autorisée à réclamer et à s'approprier tous les dommages-intérêts versés pour cette seconde infirmité.

Cette disposition est une grossière injustice. Aussi, nous préconisons la solution proposée dans les recommandations 90 et 91 du rapport Woods.

Le président: Je répète qu'il me semble que la recommandation 90 a été adoptée en partie. Les membres du Comité désirent peut-être poser d'autres questions aux témoins du Ministère. Monsieur Turner.

M. Turner (London East): Monsieur le président, et monsieur Lundberg, dans une usine, si un ancien combattant qui a une jambe perdue, fait fonctionner une machine et qu'un accident se produit, si la jambe handicapée cède et que l'autre jambe est atteinte, que se passe-t-il dans ce cas, si l'usine est couverte par une assurance?

M. Lundberg: Il recevrait une indemnité et le Ministère ne pourrait pas réclamer cette partie de l'indemnité. Il recevrait sa pension, plus l'indemnité et la Couronne ne ferait rien pour reprendre la compensation payée.

M. Turner (London East): En d'autres termes, vous déclarez que sa pension se fonde sur la jambe qu'il a perdue à la guerre.

M. Lundberg: C'est exact.

M. Turner (London East): C'est un droit fondamental.

M. Lundberg: Oui. La seule chose dont s'occupe la Commission canadienne des pensions est l'invalidité à la suite du service militaire. Si l'ancien combattant a perdu une jambe, il a été indemnisé pour cette jambe, et c'est tout ce que la Commission doit faire: elle paie pour la jambe et la question est réglée. Tout ce qui peut arriver ensuite à l'autre jambe regarde uniquement l'ancien combattant. Si j'ai une police importante

[*Text*]

accident and I lose the other leg, my insurance company will pay me for that leg and the Crown makes no attempt to recover that money even though I have received, shall we say, a large amount of money for the loss of that leg.

Mr. Turner (London East): Thank you.

Mr. Bigg: I covered this briefly yesterday. It seems to me that we are not being consistent if we do not allow this recommendation in your brief because we would be going back to the old idea that a man's life is only worth the labour level and where the wife is being compensated by the negligence of a civilian. She is entitled, in my opinion, to a full compensation for his full value to her and not of the arbitrary value as outlined in the pension philosophy. I think your point is very well taken and I think that we will have more to say about this later when we summarize the report.

Mr. Woodcock: Mr. Chairman, may I make a comment?

The Chairman: Mr. Woodcock.

Mr. Woodcock: We have battled on this one before and as an individual I do not like the feeling that I am a ward of the state because that is what it does imply to me. If I am standing outside of this Parliament building today and some car, through defective brakes or mismanagement at the wheel, comes up over that sidewalk and I end up in hospital with both legs gone and am confined to a wheelchair the rest of my life, I do not think it is a very grateful government that says, "Well, we can gain some money here", but it is going to cost them nothing. Should I take that to a civil court and say they granted me $50,000, $100,000 or just $20,000, it does not matter what the amount, I cannot see where the government can lay claim to that money.

Mr. Lundberg: I know there was an interesting case many, many years ago, I do not remember the name, but this woman, I believe, turned over $30,000 to the Crown, two years later she remarried and lost her pension and the Crown made $20,000. But these, as Mr. Bigg has said, are all incon-

[*Interpretation*]

d'assurance payée par moi-même, et qu'impliqué dans un accident, je perds l'autre jambe, ma compagnie d'assurance m'indemnisera pour cette jambe et la Couronne ne tentera pas de récupérer cet argent, même si j'ai reçu, supposons-le, une forte somme pour la perte de cette jambe.

M. Turner (London East): Je vous remercie.

M. Bigg: J'ai traité brièvement de cette question hier. Il me semble que nous manquerions de logique si nous n'admettions pas cette recommandation de votre exposé, car ce serait faire un retour en arrière vers cette ancienne conception que la vie d'un homme tire son unique valeur du travail qu'il peut fournir. Lorsqu'une veuve reçoit une compensation à la suite d'une imprudence dont un civil est responsable, elle a droit, à mon avis, à une compensation entière pour tout ce que son mari représentait pour elle, et non pas pour cette valeur arbitraire mise en avant par la philosophie inspirant cette question des pensions. J'estime avoir bien compris votre point de vue et je pense que nous aurons à en dire davantage sur ce sujet lorsque nous résumerons le rapport.

M. Woodcock: Monsieur le Président, puis-je faire une remarque?

Le président: Monsieur Woodcock.

M. Woodcock: Nous avons bataillé auparavant à ce sujet, et en tant que personne, je n'aime pas avoir l'impression que je suis un pupille de l'État, ce qui, en fait, est l'impression que j'ai. Si, aujourd'hui, alors que je me trouve à l'extérieur du Parlement, une automobile aux freins défectueux ou mal conduite, monte sur le trottoir et que je me retrouve à l'hôpital avec deux jambes en moins, et si je dois me servir d'une chaise roulante pendant le reste de mes jours, je ne trouve pas que c'est un gouvernement bien reconnaissant qui me dit «Et bien, voilà une occasion de gagner quelque chose», sans qu'il leur en coûte rien. Si je porte la cause devant un tribunal civil et qu'on m'accorde $50,000, $100,000 ou seulement $20,000, le montant n'a pas d'importance, je ne vois aucune raison pour laquelle le gouvernement pourrait exiger cet argent.

M. Lundberg: Je me souviens d'un cas intéressant qui s'est produit il y a plusieurs années. Je ne me souviens plus du nom, mais cette femme, je crois, avait remis plus de $30,000 à la Couronne, deux ans plus tard elle s'est remariée et a perdu sa pension et la Couronne a réalisé un bénéfice de $20,000.

[*Texte*]

sistencies and if they were prepared to go that far, they should be prepared to go all the way.

The Chairman: Are there any further questions on this recommendation? Will you continue, Mr. Lundberg?

Mr. Lundberg: Yes.

Appellate Procedure

We are not convinced that the proposal of the Government to establish an Appeal Division within the Pension Commission will provide a remedy to the problems which now

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exist in regard to the handling of appeals on pension claims. We do welcome the idea that, not only entitlement claims, but also all other matters under the Pension Act would not be appealable. Our interpretation of the White Paper indicates that the government's intention is to expand appellate procedures to include this.

We cannot see, however, that the establishment of a "Division" within any new Pension Commission could be considered as giving effect to the main fault in pension appeals as seen by the Woods Committee, i.e. the fact that such appeals were decided by personnel who belonged to the same body as those personnel who made the decisions at the lower level of adjudication.

The proposal in the White Paper suggests that the responsibility for initial decisions should be transferred to the Department of Veterans Affairs and that an appeal system or two levels should be reorganized under a new Pension Commission.

The Chairman: Excuse me, Mr. Lundberg. I wondered if there was an error in the first paragraph.

Mr. Chadderton: Is that line five, Mr. Chairman?

The Chairman: Yes.

Mr. Chadderton: "...which would now be appealable".

The Chairman: It changes the sense rather significantly.

Mr. Chadderton: Thank you, Mr. Chairman.

[*Interprétation*]

Mais tout cela, comme M. Bigg l'a dit n'est qu'inconséquences, et s'ils veulent aller jusque là, ils devraient être prêts à aller jusqu'au bout.

Le président: Y a-t-il d'autres questions au sujet de cette recommandation? Voulez-vous continuer, Monsieur Lundberg?

M. Lundberg: Oui.

Procédure d'appel

Nous ne sommes pas convaincus que le fait d'établir une Division des appels au sein de la Commission des pensions, comme le gouvernement le propose, permettra de régler les problèmes qui se posent actuellement pour l'examen des appels relatifs aux réclamations de pension. Nous voyons d'un œil inquiet le projet visant à empêcher d'en appeler non seulement des réclamations d'admissibilité, mais aussi de toutes les autres questions relatives à la Loi sur les pensions. Selon l'interprétation que nous faisons du Livre blanc, le gouvernement se propose d'élargir les procédures d'appel, de manière à y inclure cette mesure.

Nous ne voyons pas, toutefois, comment l'établissement d'une Division au sein d'une nouvelle Commission des pensions peut être considéré comme un remède à la principale lacune relevée par le Comité Woods en ce qui concerne les appels relatifs à la pension, c'est-à-dire le fait que ces appels sont jugés par un personnel appartenant au même organisme que celui d'où proviennent les décisions rendues au niveau inférieur d'attribution.

La proposition contenue dans le Livre blanc donne à entendre que la responsabilité des décisions *initiales* doit être transférée au ministère des Affaires des anciens combattants et qu'il y a lieu d'organiser, au sein d'une nouvelle Commission des pensions, un système d'appels ou deux paliers de décision.

Le président: Excusez-moi, Monsieur Lundberg, je me demandais s'il n'y avait pas une erreur dans le premier paragraphe.

M. Chadderton: A la cinquième ligne, Monsieur le Président?

Le président: Oui.

M. Chadderton: «...dont on pourrait maintenant appeler»

Le président: Le sens en est notablement changé.

M. Chadderton: Merci, Monsieur le Président.

[*Text*]

The Chairman: I am sorry to interrupt you, Mr. Lundberg, but in line five, page eleven of this brief, "not be appealable" should read "now be appealable".

Would you continue please.

Mr. Lundberg: The Veterans Organizations are concerned, not necessarily with initial decision, but with the final decision. Thus, while the proposal to establish a Directorate of Pensions within the Department of Veterans Affairs may be a step in the right direction, it does not go far enough. It seems quite obvious that the only solution is to separate the body making the final appeals from the rest of the machinery used for initial and subsequent adjudications.

In our opinion, an Appeal Division which would consist of Commissioners of the Pension Commission which is responsible to issue the pension guidelines (as seen necessary in the White Paper) will do little to allay the criticism among veterans, to the effect that there is no independent appeal in regard to pension matters.

The National Council of Veteran Associations commends to the Government the proposals of the Woods Committee, which were to establish a completely separate or independent appellate body, housed in a separate building, and one which would have no connection of any kind with the Pension Commission itself.

While we understand the problems of the Government in regard to the necessity for economics, we do feel that a small but powerful agency could be established, at a very little cost, to give effect, in principle, to the need for an authority outside the Commission to have final powers to dispose of appeals, and to interpret the Act.

There is no intention to make direct reference to existing personnel of the Pension Commission. It is, rather the establishment of the Commission that gives concern to the member organizations of our group. This establishment provides for a complement of commissioners who work together and who, quite naturally, develop an *esprit de corps* which governs their attitude towards pension adjudication. This is not to say that individual commissioners do not differ with one another from time to time. It is too much to accept, however, that they can operate completely independent of each other. Running

[*Interpretation*]

Le président: Je regrette de vous interrompre, Monsieur Lundberg, mais à la cinquième ligne de la page 11 de cet exposé «dont on ne peut appeler» (*not be appealable*), devrait se lire «dont maintenant on peut appeler» (*now be appealable*). Voulez-vous continuer, je vous prie.

M. Lundberg: Les Associations d'anciens combattants s'inquiètent, non pas tant au sujet des décisions initiales qu'à propos des décisions *définitives*. Ainsi, bien que l'établissement d'une Direction des pensions au sein du ministère des Affaires des anciens combattants représente peut-être un pas dans la bonne direction, il ne constitue pas une solution suffisante. Il semble évident que la seule solution consiste à séparer l'examen des appels définitifs du reste des services administratifs qui s'occupent des attributions initiales et subséquentes.

A notre avis, une Division des appels composée des membres de la Commission des pensions, dont relève l'élaboration des principes régissant les pensions (chose jugée nécessaire dans le Livre blanc) ne répondra guère aux critiques formulées par les anciens combattants, selon lesquels on ne peut présenter d'appel *indépendant* en matière de pensions.

Le Conseil national des Associations d'anciens combattants exhorte le gouvernement à tenir compte des propositions du Comité Woods, qui cherchaient à établir un organisme d'appel complètement distinct ou autonome, logé dans un bâtiment distinct et qui n'aurait aucun lien avec la Commission des pensions elle-même.

Certes, nous comprenons les problèmes du gouvernement, face aux impératifs économiques; néanmoins, nous estimons qu'il est possible d'établir, à prix très modique, un organisme d'envergure modeste, mais puissant, qui réponde, en principe, à la nécessité d'un mécanisme d'autorisation distinct de la Commission et doté des pouvoirs suprêmes de juger les appels et d'interpréter la Loi.

Nous n'avons pas l'intention de viser directement le personnel actuel de la Commission des pensions. C'est plutôt la *constitution* de la Commission qui préoccupe les associations membres de notre groupe. Cette constitution prévoit un corps de commissaires qui en travaillant de concert, acquièrent tout naturellement un esprit de corps qui dicte leur attitude au sujet de l'attribution des pensions. Ce n'est pas que les commissaires ne diffèrent jamais d'avis entre eux. Toutefois, on ne saurait accepter qu'ils puissent travailler sans aucun lien l'un avec l'autre. Le fait de participer, pendant de nombreuses années, aux décisions

[*Texte*]

throughout the decisions of the Pension Commission, for many years, has been what might be termed "consolidation of thought". This creates a tendency for commissioners to think alike and to support each other's judgement.

Merely to place five of these commissioners under a different name—or for that matter in a different building—would, in our opinion, do little to destroy the "Spirit of the Fraternity" which, commendable as it may be from the viewpoint of solidarity, is not conducive to an independent review at the appellate stages.

The Chairman: Is this the conclusion of your submission?

Mr. Lundberg: That was the conclusion of that particular part. I have only one more subject to bring up under the original brief.

The Chairman: Are there questions that members of the Committee want to raise at this point? Mr. Turner and then Mr. Bigg.

Mr. Turner (London East): Mr. Chairman and Mr. Lundberg, I quite agree with your philosophy on this. As you know, I have been greatly involved with the labour movement in the last 28 years, I think your philosophy is that if you have 10 and then you have the other 5 in the same building naturally there is a tendency to discuss things over coffee. Who would you suggest be on this independent board? I know you think that

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they should be in a separate building. Who would you suggest should comprise the members of this strictly independent board outside the Canadian Pension Commission?

Mr. Lundberg: I do not really think, sir, that we would have any objection to the people provided there were not a majority of the same people who are on there at the present time.

Mr. Turner (London East): You understand that we were led to believe that the same man would not judge the same case twice.

Mr. Lundberg: Now this is quite true but, here again, the spirit of the fraternity will still exist. Say, at the present time there are 15 men and you break them up and say that 10 will tour the country and so on and the other five will be based in Ottawa. But you still have the same group, the same consoli-

[*Interprétation*]

de la Commission des pensions entraîne ce qu'on pourrait appeler une «consolidation de pensée». Il en découle, chez les commissaires, une tendance à penser d'une même manière et à appuyer réciproquement leur jugement.

En plaçant cinq de ces commissaires dans un groupe doté d'un nom différent—voire logé dans un bâtiment distinct—on ne contribuerait guère, à notre avis, à l'élimination de l'«esprit de fraternité» qui, tout louable qu'il soit du point de vue de la solidarité, n'est pas propice à une étude indépendante des diverses étapes des appels.

Le président: Est-ce la conclusion de votre déposition?

M. Lundberg: C'était la conclusion de cette partie en particulier. Je n'ai plus qu'un sujet à aborder, d'après l'exposé original.

Le président: Y a-t-il des questions que les membres du Comité voudraient poser maintenant? Monsieur Turner, puis monsieur Bigg.

M. Turner (London East): Monsieur le président et monsieur Lundberg, je suis tout à fait d'accord avec votre manière de penser à ce sujet. Comme vous le savez, je me suis beaucoup occupé du mouvement ouvrier au cours des 28 dernières années. Je pense que votre philosophie pourrait bien se présenter sous cette forme: si vous avez deux groupes dans un même édifice, l'un de 10 et l'autre de 5, ils seront portés à discuter en prenant le café. Qui proposez-vous pour cette commission indépendante? Je sais que vous croyez que ses membres devraient siéger dans un autre édifice. Qui devrait à votre avis, faire partie de cette commission strictement indépendante, en dehors des membres de la Commission canadienne des pensions?

M. Lundberg: Je ne pense pas vraiment, Monsieur, que nous ayons une objection quelconque à l'égard des personnes proposées, pourvu que la majorité ne soit pas composée de membres actuels.

M. Turner (London East): Vous comprenez que nous avons été amenés à croire que les mêmes personnes ne devraient pas juger deux fois le même cas.

M. Lundberg: C'est tout à fait exact, mais ici encore l'esprit de corps persistera. Supposons que vous ayez quinze personnes ensemble, vous les séparez et décidez que 10 vont parcourir le pays et que les 5 autres resteront de façon permanente à Ottawa. Mais ce sera toujours le même groupe, la même unité de

[*Text*]

dation of thought from being connected with the Commission all these years, and we believe that some of these men should be changed. I know this is up to the Minister but we feel that there should not be a majority of those that are there at the present time. We feel that perhaps some new thinking should be brought in...

The Chairman: At the appeal stage.

Mr. Lundberg: ...at the appeal stage. We stated yesterday, and I reiterate our thoughts on that: we are not concerned with the initial stage, we are concerned that justice seems to have been done in the final stage. We are so happy that we are finally getting the pension advocates at a separate stage because in preparing appeal cases we have seen the pension advocate go into the coffee shop with the three people who were there and the chap will look over and say, "Now look, they are deciding what they are going to do with me."

He walks out of there with a complete feeling of non-confidence in the Department of Veterans Affairs or the Commission.

Mr. Turner (London East): Is this the general thought now of the average veteran going before this Appeal Board?

Mr. Lundberg: Of course.

Mr. Turner (London East): And you would like this cloud lifted.

Mr. Lundberg: We would like that man to be able to go through the machinery presently available to him and if he fails in those first two approaches, then he can say that he knows that his case is going before a separate and distinct body of men who have nothing to do with this other group and that he shall receive a fair hearing at the hands of these men because they have never seen him before.

The Chairman: But you do not want the appeal to go to the courts.

Mr. Lundberg: No. It has been suggested that it go to the Supreme Court. But you know how the Supreme Courts are today, cases remain on the docket for five years and this would be the same situation. We feel that such cases would pile up in the courts, that the men; perhaps for four or five years, would not get their case on the docket of the Supreme Court and it would be a waste of time, unless a separate court were set up which would be expensive.

[*Interpretation*]

pensée, provenant du fait qu'ils ont été membres de la Commission pendant tant d'années, et nous croyons que certains de ces hommes devraient être remplacés par d'autres. Je sais que cela dépend du Ministre, mais notre pensée est que dans le comité de cinq hommes, il ne devrait pas y avoir une majorité composée d'hommes déjà là actuellement. Nous pensons qu'il y aurait lieu d'approfondir la question...

Le président: Au stade de l'appel.

M. Lundberg: ...au stade de l'appel. Je l'ai déclaré hier et je redis aujourd'hui ma pensée à ce sujet: le premier stade ne nous préoccupe pas, ce qui nous intéresse, c'est qu'on ait l'impression au stade final que justice a été rendue. Nous sommes tellement satisfaits que les avocats des pensions interviendront dorénavant à un autre palier parce que lors de la préparation des cas d'appel, nous les avons souvent vus se rendre au café avec les trois hommes qui étaient là, et le plaignant a sûrement dû penser: «Voilà, ils sont en train de décider ce qu'ils vont faire de moi». Il sort de là avec un sentiment de défiance complète à l'égard du ministère des Affaires des anciens combattants et de la Commission.

M. Turner (London East): Est-ce actuellement l'opinion la plus répandue parmi les anciens combattants qui se présentent devant la Commission d'appel?

M. Lundberg: Naturellement.

M. Turner (London East): Et vous voudriez dissiper ce malaise.

M. Lundberg: Nous voudrions que l'intéressé puisse utiliser tout ce qui est maintenant à sa disposition, et s'il échoue dans ses deux premières tentatives, il faut qu'il puisse se dire qu'il est sûr que son cas va être porté devant un groupe différent, d'hommes qui n'ont rien à voir avec l'autre groupe, et qu'il sera entendu avec impartialité par ces hommes qui ne l'ont jamais vu auparavant.

Le président: Mais vous ne voulez pas que le cas aille devant les tribunaux.

M. Lundberg: Non. On a suggéré que l'appel aille devant la Cour suprême. Mais vous savez ce qu'il en est avec la Cour suprême aujourd'hui. Les cas restent sur le rôle pendant cinq ans, et c'est ce qui arriverait. Nous croyons que des cas de ce genre s'entasseraient dans les tribunaux, que les personnes concernées attendraient quatre ou cinq ans pour voir leur cas passer devant la Cour suprême et ce serait une perte de temps, à moins d'instituer un tribunal spécial, ce qui serait onéreux.

[*Texte*]

Mr. Turner (London East): Thank you very much.

The Chairman: Mr. Bigg has been waiting.

Mr. Bigg: I understand what you are getting at. However, in our system of government we do not have a separation of powers, we are run by Cabinet and Treasury Board, and perhaps the only safeguard we have is that people who sit on the first appeal, that is at the entitlement level, should not sit on the final appeal board. On the other hand, it has been my experience in public life in Canada that sometimes you have people sitting on this first appeal board who are very valuable public servants. However, I presume that these people who sit at the final stage would be senior and, because of their seniority, they would draw a larger salary.

Now then, to follow this up, you are going to deny a very valuable man sitting at the first level of appeal the right to become part of this final group of five which I would like to see him in if he has, in fact, at the first level been a man of the calibre that we are looking for at such a level. I would like to put forward a suggestion. Suppose, before these men were appointed, a slate of pro-

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spective people were put forward to the national groups involved, like your own. Say of these ten men, could you help us nominate the five which are acceptable? There are some people that are not acceptable. They have already shown themselves as wooden or arbitrary or unacceptable.

The best perhaps we could hope for is that they are going to be done anyway with unless a very good Minister and a very good administration is going along. They appear to be going along. They are willing to change the whole structure, so perhaps the answer might be that the only hope the veteran has is if you are consulted as to the personnel of these five people. You are going to do a satesmanlike job as well and not turn them down because they are not all for the veteran sort of thing arbitrarily against the taxpayer but men of great quality and great stability then. It seems to me that five good men no matter what you call them are going to do a better job for the people of Canada and the

[*Interprétation*]

M. Turner (London East): Je vous remercie beaucoup.

Le président: Monsieur Bigg attend toujours.

M. Bigg: Je vois bien où vous voulez en venir. Néanmoins, dans notre système de gouvernement, nous n'avons pas la séparation des pouvoirs, nous sommes sous la coupe du Cabinet et du Conseil du Trésor, et peut-être que l'unique sauvegarde que nous ayons est que les personnes qui ont siégé lors du premier appel, c'est-à-dire, au stade de l'admissibilité ne devraient pas siéger à la dernière commission d'appel. D'un autre côté, comme je l'ai expérimenté dans la vie publique au Canada, il arrive que l'on trouve des personnes siégeant pour le premier appel, qui sont des fonctionnaires de haute valeur.

Je suppose, toutefois, qu'à ce dernier stade ces gens auraient beaucoup d'années de service, de sorte qu'ils retireraient un traitement intéressant.

Maintenant, selon cet ordre d'idées, on ne permettrait pas aux gens de grande valeur qui siègent au premier bureau d'appel, de faire partie de ce dernier bureau des cinq; or, je trouve qu'ils devraient pouvoir y être nommé, surtout s'ils ont fait preuve au premier niveau de la compétence qu'on attendait d'eux. J'aimerais formuler une proposition. Supposons qu'avant de nommer ces per-

sonnes, on dresse une liste de candidats qui serait transmise aux associations nationales, telles que la vôtre? Disons que l'on vous soumettrait dix noms, et vous choisissiez les cinq qui vous semblent les plus acceptables. Il y a des gens qui ne feraient pas l'affaire, qui peuvent s'être révélés froids, partiaux ou inacceptables dans le passé.

Le mieux auquel on puisse s'attendre, peut-être, c'est que les personnes indésirables seront éliminées de ces postes, pourvu qu'un excellent ministre et une excellente administration soient en place. On semble être imprégné de cette idée, car on veut modifier les structures de fond en comble. La réponse pourrait donc être ceci: le seul espoir que puisse entretenir l'ancien combattant, c'est que vous soyez consultés quant à la composition du bureau des cinq. Vous assumeriez sérieusement vos responsabilités; vous ne rejetteriez pas une candidature du seul fait qu'une personne ne prend pas toujours parti pour l'ancien combattant, quoi qu'il en soit, aux dépens du contribuable; vous choisiriez

[*Text*]

veterans than merely calling them something else or putting them in a different category. Do you follow my thinking?

Mr. Lundberg: I follow your thinking, yes.

Mr. Bigg: Would such a suggestion be worth thinking about?

Mr. Lundberg: In appeal court when we have lost a case, we would rather see those three men disappear. Then the next time you go back on a case and you win with the same three men on a different case. You say, "Well, now there are three very fine fellows." It would be difficult to place us in the position where we would have any part of picking these men.

Mr. Chadderton: I would like to point out that in the brief which was circulated by the nationally chartered veterans' organizations I believe in February, we dealt with the question of an appeal board and stated universally that veterans' organizations were in support of the recommendation of the Woods Committee in this respect. I would just point out that in regard to appointments to any proposed appeal board Mr. Justice Woods and his colleagues felt that some members of the present Pension Commission could certainly serve on any new appellate body. They saw no objection to that at all.

Mr. Bigg: It seems to me we are not getting that today. Do I misunderstand? I sort of suggested we wanted a new bunch and they are not to be in the rut of old decisions and so on.

Mr. Chadderton: No. We are not proposing that in today's brief.

Mr. Bigg: It seems to me that if we did that we would lose perhaps 25 years in some cases, 20 years of experience in veterans' affairs. I think we might very well get men who...

Mr. Chadderton: I would also point out Mr. Chairman that in the Woods Committee recommendation concerning the methods which should be used regarding the appointment, Mr. Justice Woods and his colleagues again suggested that the government might call upon persons with experience in veterans matters. I think they mentioned specifically people who had been employed with the Department of Veterans Affairs and in some cases with veterans' organizations. Incidentally, I do not know anyone in this room

[*Interpretation*]

des gens de haute intégrité et stabilité. Il me semble que cinq bons hommes, quelle que soit leur désignation, feront plus pour les Canadiens et les anciens combattants que s'ils portent une autre appellation et tombent dans une catégorie différente. Vous me suivez?

M. Lundberg: Oui, certes.

M. Bigg: Selon vous, une telle proposition mériterait-elle d'être étudiée?

M. Lundberg: Au bureau d'appel, lorsqu'on perd sa cause, on aimerait bien ne plus jamais voir ces trois juges. La fois suivante, lorsque ces trois mêmes personnes se prononcent en votre faveur dans une autre cause, vous vous dites: «Voilà trois braves types.» Des difficultés pourraient surgir si nous avions notre mot à dire dans la composition de ce bureau.

M. Chadderton: Une chose que j'aimerais signaler: je crois que dans le mémoire diffusé en février dernier par les associations nationales d'anciens combattants, il est fait mention du bureau d'appel, et à ce propos, toutes les associations en cause ont confirmé ce qu'en a dit le comité Woods. Je tiens à dire qu'en ce qui concerne les nominations au bureau d'appel proposé, le juge Woods et ses collègues ont affirmé que certains membres de l'actuelle Commission des pensions auraient la compétence voulue pour siéger à un tel bureau. Ils n'y voient aucun inconvénient.

M. Bigg: Il n'en a pas été fait mention aujourd'hui, si je ne m'abuse. J'ai proposé que ce soit d'autres gens qui ne se sentiraient pas liés par les jugements antérieurs, enfin.

M. Chadderton: En effet, notre mémoire d'aujourd'hui ne renferme pas pareille proposition.

M. Bigg: En l'occurrence, on éliminerait peut-être des gens qui ont 20 ou 25 années d'expérience dans ce domaine. Peut-être aboutirions-nous avec des gens qui...

M. Chadderton: Une autre chose que je tiens à signaler, monsieur le président, c'est que dans la recommandation du comité Woods au sujet des modalités de nomination, le juge Woods et ses collègues ont réaffirmé que le gouvernement pourrait à bon escient faire appel à des personnes expérimentées dans les affaires des anciens combattants. Plus précisément, ils ont parlé d'ex-fonctionnaires du ministère des Affaires des anciens combattants et aussi parfois, d'anciens employés des organisations d'anciens combat-

[*Texte*]

who is interested in appointment to that Board if that is what anybody is thinking about. We are not saying that we necessarily have anyone in mind but these were the principles and we feel that they are very good principles and consideration should be given to them.

Another thing is that the Woods Committee recommendation concerning a proposed appeal board stated that any member should be appointed in accordance with the same principles Mr. Justice Woods and his colleagues saw as being the guidelines for appointment to members of the Commission. So it would be necessary to go to that particular recommendation in the Woods Committee, but what they were suggesting was that a chairman should be appointed and once he was appointed, that chairman should be in the position to make recommendations as to who goes on his board. This would give him an opportunity to scout around and look at the qualifications of various people and perhaps even convince certain people that from a career viewpoint it would be good opportunity to come onto the Appeal Board. This, of course, was getting completely away from the system of political appointment or something of that nature. It was a question of the man having to have the experience and having to qualify for the job. I am certain that that is the position of the veterans' organizations in Canada today regarding the type of personnel who should be appointed.

What we are differing with Mr. Chairman and gentlemen is—again our understanding is only what we can pick up from the White Paper—but we are differing with the principle as we understand it in the White Paper that the final level of appeal will be an appeal division within any new pension commission.

• 1135

I just want to take one moment to underscore something that was mentioned yesterday and I refer, Mr. Chairman, to the Woods Report, Volume 1, Page 85, wherein Mr. Justice Woods and his colleagues said this:

> Apart from the merits or demerits of the activities of the Pension Commission, your Committee feels that the circumstances of the same body sitting in appeals from what in effect are its own decisions demands alteration of the present procedure...

and these are the important words—

> ...to repose the ultimate authority in a body outside the Pension Commission.

[*Interprétation*]

tants. Soit dit en passant, au cas où l'on y aurait songé, je ne connais personne parmi nous qui soit intéressé à siéger à ce bureau d'appel. Ce n'est pas que nous ayons des candidats en vue, mais nous avons posé certains principes, que nous estimons valables et, à ce titre, dignes d'être pris en considération.

En outre, au sujet du futur bureau d'appel, le comité Woods préconise que les nominations se fassent suivant les mêmes principes qui ont régi, aux yeux du juge Woods et de ses collègues, les nominations au sein de la Commission. Il faudrait donc relire cette recommandation; de toute façon, il est proposé que l'on nomme le président, puis que ce dernier ait son mot à dire dans la composition du reste du bureau. Il aurait ainsi l'occasion de chercher des candidats, d'en faire l'appréciation et même d'en convaincre certains qu'il est dans leur intérêt professionnel d'accepter de siéger au bureau d'appel. On s'éloigne, bien entendu, du régime de nomination par voie politique ou d'un régime analogue. Il faudrait que les candidats établissent leurs états de service et leur compétence. Je suis sûr que c'est là la pensée des associations canadiennes d'anciens combattants quant au mode de nomination dont nous discutons.

Là où nous différons d'avis, monsieur le président, messieurs, c'est que selon nous, et nous nous référons uniquement au Livre blanc, le principe stipulé, sauf erreur, dans ce document, est que le dernier stade d'appel réside dans une Division d'appel formée au sein de la nouvelle Commission des pensions.

Je vous prie de m'accorder quelques instants pour reprendre à mon compte un passage cité hier, monsieur le président, et qui est tiré du rapport Woods, volume 1, page 100. Selon le juge Woods et ses collègues:

> Mis à part les avantages et les inconvénients des méthodes de la Commission des pensions, votre Comité estime que la situation selon laquelle un organisme juge en appel des décisions qu'il a lui-même rendues demande qu'on modifie la procédure actuelle...

et voici le passage important:

> ...et qu'on confère l'autorité finale à un organisme indépendant de la Commission des pensions.

[*Text*]

Mr. Chairman, we do not see this recommendation in the White Paper as reposing the ultimate authority in a body outside the Pension Commission. We submit that the White Paper completely and beautifully misses the whole point.

Mr. Bigg: Personally, I am still worried though about the idea of drawing up wooden guidelines to say that if certain people sit at one level of adjudication that disqualifies them from sitting at another level and whether you people would be satisfied if we put this final board of appeal under the Department of Justice or under the Secretary of State or under some other branch of the government. Surely it is the quality of decision we are worried about rather than the position in the government hierarchy or so forth because if you get the wrong personnel on the Board it would not matter where you...

The Chairman: I think you would have some reservation if it was put in the Department of Justice, for example, following Mr. Bigg's comment, and composed exclusively of people with that background.

Mr. Bigg: You have to put it, Mr. Chairman, in some government department. You cannot have them in a vacuum and you would not be put under Defence or somewhere else. I presume you would have to be under one of the semi-legal branches unless you put it under the Prime Minister or under the Treasury Board directly like one of the Crown Corporations or something like that.

Mr. Lundberg: Mr. Bigg you are saying this person on the first instance we are talking of now...

Mr. Bigg: We are talking about the ten as opposed to the five.

Mr. Lundberg: Are we to understand there will be no transferring back and forth of this individual. Once he is taken from the Entitlement Board or the Directorate and is put on the Appeal Division, he is not then free to go back and forth from each committee.

Mr. Bigg: We have been assured of that already. As I have tried to simplify the thinking, they are going to try and have a horizontal separation. So if you are ever promoted from one branch of the service into this final Appeal Board you would not be going back to making decisions at the lower level or be interchangeable in any way. However, I am afraid of saying, for instance,

[*Interpretation*]

Monsieur le président, nous estimons qu'il n'est pas envisagé, dans le Livre blanc, de conférer l'autorité dernière à un organisme indépendant de la Commission des pensions. Nous soutenons que le Livre blanc n'a nullement conçu la chose dans cette optique.

M. Bigg: Pour ma part, il me reste quelque appréhension à l'égard de l'idée de formuler des directives bien tranchées, comme interdire à une même personne de siéger à deux différentes étapes de l'arbitrage, ou de rechercher votre avis sur la question de faire relever le dernier bureau d'appel soit du ministère de la Justice, soit du Secrétariat d'État ou de quelque autre service administratif. C'est sûrement le bien fondé des décisions rendues, non la position hiérarchique au sein de l'Administration, qui doit nous préoccuper, car si le bureau se compose de gens inaptes, peu importe si...

Le président: Des réserves s'imposent, à mon sens, quant à le faire relever du ministère de la Justice, par exemple, si, comme l'a mentionné M. Bigg, il n'est constitué que de gens tirés des cadres ministériels.

M. Bigg: Il faut tout de même le situer dans un ministère, monsieur le président. On ne peut le rattacher à rien ou au ministère de la Défense nationale, mettons. Il faudrait qu'il relève d'un de ces organismes semi-juridiques, ou encore du premier ministre ou directement du Conseil du Trésor, à l'égal des sociétés de la Couronne, par exemple.

M. Lundberg: Monsieur Bigg, est-ce à dire qu'une personne siégeant au bureau de première instance, dont nous discutons présentement...

M. Bigg: Nous parlons du bureau des dix, par opposition au bureau des cinq.

M. Lundberg: Si je comprends bien, une personne ne pourrait passer d'un organisme à l'autre. Si un membre du bureau d'admissibilité ou de la Direction était nommé à la Division d'appel, il ne lui serait pas loisible, n'est-ce pas, de passer d'un organisme à l'autre?

M. Bigg: On nous en a déjà donné l'assurance. Pour simplifier ma pensée, je dirais qu'il n'y aurait pas de mutations horizontales. Un membre promu d'un service ministériel quelconque au dernier bureau d'appel ne pourrait plus rendre de jugements à un niveau inférieur; ses fonctions ne seraient pas interchangeables. Je crains d'avoir à affirmer. qu'un poste à un niveau inférieur interdit

[*Texte*]

that if you served on the lower level you would be disqualified for the higher level. Surely we do not want that.

An hon. Member: No.

Mr. Bigg: This is only my own opinion, but the important thing is the quality of man and the quality of the decision he is going to make. I think if we could put in some way to ensure that rather than the technical name of the body or even the department in which they sat, it would be more important. I am quite happy to ask for this separation completely, to put it from one department to the other. Again, my knowledge of public affairs is that if they want to get together over coffee and discuss the little affair, it will be done if that is the quality of people you are dealing with. There is nothing to stop them getting on the telephone and saying, "By the way, we have a sticky case from Alberta. We do not want to give the man his pension. Shall we turn him down?" If people are going to do that sort of thing, they will do it and whether they are in the Department of Justice, the Defence and so forth or whether it goes through the best-meaning Minister in the world.

The Chairman: I think Mr. Weatherhead had some comment and Mr. Stanley Knowles.

Mr. Weatherhead: Mr. Chairman, following up Mr. Bigg's comments I think I am still not entirely clear of the position of the witnesses here. Do I gather that they really want at least a majority of brand new men on an appeal on Appeal Division, and they are willing, if they have a majority of brand new men, to take the chance that these brand new men will still have all the sympathy and experience and everything else that you feel rightly so are necessary to make an excellent appeal commissioner?

It seems to me you are trying to have naturally, the best of both worlds but you want to have all the sympathy and the experience of the old commissioners and you want brand new one at the same time. Now, can you reconcile these two positions?

• 1140

Mr. Chadderton: No, Mr. Chairman, again, we have to refer back to the recommendation of the Woods Committee which is the one which has our endorsation. I think it was quite clear that recommendation stated that appointments to any proposed appeal board could be made from among present commissioners so long as there was no majority.

[*Interprétation*]

l'accès aux bureaux supérieurs. Celà, nous n'en voulons sûrement pas.

Une voix: Non.

M. Bigg: Ce qui compte, à mon sens, c'est la compétence d'un homme et celle des décisions qu'il va rendre. Il importe plus de se préoccuper de ces choses que de détails matériels, comme l'appellation de l'organisme ou même le ministère de qui il doit relever. Je suis ravi de demander une telle séparation complète, le passage d'un ministère à l'autre. D'après ce que je sais des affaires publiques, si les membres sont prêts à discuter d'un cas en prenant le café, les choses se passeront ainsi, avec des gens de cette sorte. On ne peut empêcher quelqu'un de dire, au téléphone: "Soit dit en passant, le cas du type de l'Alberta nous met dans l'embarras. Nous ne voulions pas lui donner sa pension. Devrions-nous rejeter sa demande?» Si des gens ont cette attitude, peu importe qu'ils soient au ministère de la Justice, à celui de la Défense ou ailleurs, peu importe qu'ils relèvent du ministre le mieux intentionné qui soit, rien ne les empêchera d'agir ainsi.

Le président: M. Weatherhead, ainsi que M. Stanley Knowles, ont demandé à prendre la parole.

M. Weatherhead: Monsieur le président, à la suite des commentaires de M. Bigg, je n'ai pas encore une idée nette de la pensée des témoins. Si je comprends bien, ils voudraient que la majorité, au moins, du bureau d'appel se compose de nouveaux membres et ils accepteraient le risque que ceux-ci puissent ne pas avoir la sympathie, l'expérience et tout ce qu'il faut, selon leurs désirs légitimes, pour exceller dans leurs tâches.

Il me semble que vous voulez ainsi l'argent et le beurre, à la fois la sympathie et l'expérience des anciens commissaires, ainsi que du sang nouveau. Comment peut-on faire concorder ces deux choses?

M. Chadderton: Non, monsieur le président, nous devons vous renvoyer de nouveau à la recommandation formulée par le comité Woods, celle que nous endossons. Il y est dit très clairement, je pense, que les nominations au futur bureau d'appel pourraient se faire parmi les commissaires actuels, pourvu que ces derniers n'y détiennent pas la majo-

[*Text*]

In other words, if it is going to be a five-man appeal board, you could not have more than two from the present Commission. Also, to clarify another point, we have been discussing here this morning this question of whether a Commissioner should sit on an appeal in which he has been involved in the previous adjudication. Again I refer you to the Woods Committee recommendation Number 17, where Mr. Justice Woods and his colleagues saw nothing particularly wrong with that.

Again we ourselves feel that that is our position. We do not see anything particularly wrong with the way it was at that time, with an appeal board moving around and with a commissioner who has been involved in previous adjudication again adjudicating, so long as the veteran gives his consent. And that proper protection was in the Act.

I think Mr. Justice Woods stated that if there is to be sufficient moving around of these people and hearing of cases across Canada, you have to expect, as you would with your entitlement board, 10 men. You could not expect that you are going to get a different three-man entitlement board on every case. Mathematics would dictate that that is not possible, but again I just want to refer to the fact that Mr. Justice Woods and his colleagues saw nothing wrong with a commissioner re-adjudicating on an application; and that is our position here.

Mr. Weatherhead: Mr. Chairman, getting back to the first point, your position then is that in in any event you want at least three brand-new men on an Appeal Division and that you are willing to take the chance that they might not be as experienced and sympathetic as some of the present ones.

Mr. Lundberg: That is right.

Mr. Bigg: You are not insisting that they be put under a different department or anything? You talked about their being in the same building as if the coffee break were really significant.

The Chairman: Mr. Knowles.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, what I wanted to say is on this very point that Mr. Bigg has brought up again. I think I agree with Mr. Bigg's basic concern that we support the idea of a completely independent appeal board. At the same time we do not want to lose experience. I do not think it is necessary, if I may say

[*Interpretation*]

rité. Autrement dit, s'il s'agit d'un bureau d'appel de cinq membres, au plus deux commissaires actuels pourraient en faire partie. Un autre point que j'aimerais élucider: nous nous sommes demandés ce matin si un commissaire du bureau d'appel devrait juger d'une cause qu'il a déjà tranchée à un stade inférieur. Je vous renvoie, en l'occurrence, à la recommandation n° 17 du comité Woods, dans laquelle le juge Woods et ses collègues affirment n'y voir aucun inconvénient important.

Je le répète, c'est aussi notre pensée. Rien de particulièrement répréhensible ne nous frappe dans la pratique antérieure, alors que le bureau d'appel se déplaçait et pouvait comporter un commissaire ayant déjà porté un jugement sur le litige, à condition que l'ancien combattant en cause y consente, protection que lui accordait la Loi.

Le juge Woods a déclaré, sauf erreur, que si les déplacements des commissaires et le nombre de causes par tout le Canada le justifient, il faudrait prévoir un bureau de dix membres, tout comme le bureau d'admissibilité. On ne peut s'attendre que chaque cause déférée au bureau d'admissibilité soit jugée par trois membres différents. La chose est mathématiquement impossible; d'ailleurs, je tiens à le répéter, le juge Woods et ses collègues ne voient aucun inconvénient à ce qu'un commissaire entende la même chose plus d'une fois; nous sommes aussi de cet avis.

M. Weatherhead: Pour en revenir à la première question, monsieur le président, vous voudriez, n'est-ce pas, que la Division des appels, de toute façon, comprenne trois nouveaux membres, et vous accepteriez le risque qu'ils ne soient pas aussi expérimentés, aussi pleins de sympathie que certains des titulaires actuels?

M. Lundberg: C'est exact.

M. Bigg: Vous ne tenez pas à ce que la Division relève d'un autre ministère, mettons. Vous parlez de membres installés dans le même bâtiment comme si la pause-café était chose réellement importante.

Le président: M. Knowles.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, mes remarques s'appliquent à la question même que M. Bigg a de nouveau soulevée. Je partage son point de vue, soit qu'il est essentiel que nous nous prononcions en faveur d'un bureau d'appel entièrement autonome. Néanmoins, il ne faut pas laisser échapper les avantages de l'expérience. Il me

[*Texte*]

so, to talk about this separate appeal board having to be in some other department. You are right, Mr. Chairman; you frighten us if you talk about putting it in the Justice Department or Treasury or Finance—God help us.

The Chairman: It did seem to me that would have to be thought through.

Mr. Knowles (Winnipeg North Centre): That is not necessary. The hierarchy is full of boards and bodies that report through certain ministers but are separate. The Canadian Transport Commission reports to the Minister but is not responsible to the Deputy Minister. The Canada Labour Relations Board is not responsible to the Deputy Minister of Labour. The Public Service Staff Relations Board is another one. It is in a bit of trouble right now, but at any rate, there it is. There is also the Canadian Radio-Television Commission and so on. We are full of boards. There are advisory boards of which you have been a member, Mr. Chairman, which report to the minister but are not part of the departmental set-up in the same way that the Bureau of Pension Advocates is going to come directly under the Minister rather than under the Deputy Minister.

It seems to me that it is quite possible to avoid going into another department and yet having this appeal board completely separate. I must say, Mr. Chairman, that despite my tendency to be critical of anything the government proposes, when the White Paper first came in I thought there was some sense to this compromise of separating the first level, putting it in the department and having the other two together but the more these organizations have made their case, the more I think they have made it very strongly that the final decision should be by a body which is completely on its own. It seems to me that that is even more important than the actual personnel who make it up. I hope the Committee will give pretty serious consideration to it.

• 1145

The Chairman: I am sorry to interrupt at this point, but I am concerned about time and I do know that there is one other point which Mr. Lundberg wants to make today. I wonder if it would be in order to proceed now.

[*Interprétation*]

semble inutile, si je puis dire, de parler d'un bureau d'appel distinct qui devrait se trouver dans quelque autre ministère. Vous avez raison, monsieur le président; vous nous faites peur lorsque vous parlez de le situer au ministère de la Justice, au Conseil du Trésor ou aux Finances. Dieu nous en préserve!

Le président: Il m'a semblé que cette question exige qu'on y réfléchisse bien.

M. Knowles (Winnipeg-Nord-Centre): Ce n'est pas nécessaire. La hiérarchie est remplie de commissions et d'organismes qui font rapport à certains ministres tout en restant indépendants. La Commission canadienne des transports fait rapport au ministre, mais ne relève pas du sous-ministre. Le Conseil canadien des relations ouvrières ne relève pas du sous-ministre du travail. La Commission des relations de travail dans la fonction publique en est une autre. Elle rencontre actuellement quelques difficultés, mais, de toutes façons, elle en est une. A ceux-ci se joignent le Conseil de la radio-télévision canadienne et d'autres organismes. Nous sommes envahis par les commissions. Il y a des commissions consultatives, dont vous avez fait partie, monsieur le président, qui font rapport au ministre, mais qui n'appartiennent pas à la structure du ministère au même titre que le Bureau des avocats des pensions qui relèvera directement du ministre plutôt que du sous-ministre.

Il me semble qu'on peut facilement éviter d'aller jusqu'à le confier à un autre ministère, tout en conservant à ce bureau d'appel son autonomie complète. Je dois dire, monsieur le président, que malgré ma tendance à critiquer toutes les propositions du gouvernement, dès que le Livre blanc a paru, j'ai pensé qu'on avait raison de séparer le premier niveau, de le placer dans le ministère et d'unir les deux autres; mais à mesure que ces organisations ont exposé leur cas, elles ont bien démontré que la décision finale devrait être laissée à un organisme complètement indépendant. A mon sens, cet aspect est encore plus important que le personnel même qui le compose. J'espère que le Comité examinera très attentivement ce point.

Le président: Je m'excuse de vous interrompre, mais je me préoccupe du temps et je sais que M. Lundberg désire exposer une autre question aujourd'hui. Je me demande s'il est réglementaire de passer à cette autre maintenant.

[*Text*]

Mr. Bigg: Have we completed this point?

The Chairman: Mr. Chadderton is going to be back in another capacity next week and it seems to me that there will be a number of opportunities to review this point.

Mr. Knowles (Winnipeg North Centre): This is going to come up every time.

The Chairman: Yes. Again I am trying to think of the time of the members today and the schedule that we have announced. I do not wish to restrain you, Mr. Bigg.

Mr. Chadderton: If I might just read into the record one reference, Mr. Chairman. That is the Woods Committee Report, Volume 1, page 82, Recommendation No. (14) (z), which states:

> ... Accomodation shall be provided in a building other than that occupied by the Canadian Pension Commission.

The same reference, Recommendation No. (14) (AA) states that:

> The Chairman of the Pension Appeal Board, ... should make a report on the proceedings of his Board to the Minister of Veterans Affairs ...

And that is our position. I wanted to make that clear.

The Chairman: That is fine.

Mr. Bigg: That is the exact point I was trying to make. I do not like working in a vacuum. If they are solid recommendations, I suggested Justice only—perhaps I have a limited memory of the number of ministries that we have—but if we are not going to have it all in the same one, I would like to know what department the veterans would like.

The Chairman: Thank you, Mr. Bigg.

Mr. Knowles (Winnipeg North Centre): A separate building and a separate coffee shop and another telephone.

The Chairman: Mr. Lundberg.

Mr. Lundberg: Gentlemen, I would ask you to go to the November 26 brief and on page 2, paragraph 1:

1. *The Basic Rate of Pension* (Woods Committee Recommendation No. 63)

> The cornerstone of the Pension Act is the principle that pensions are paid on the basis of disability, measured in terms of the amount of disqualification in the unskilled labour market. The Woods

[*Interpretation*]

M. Bigg: Avons-nous terminé ce point?

Le président: M. Chadderton reviendra la semaine prochaine, mais à un autre titre, et il me semble que nous aurons encore bien des occasions de revoir ce point.

M. Knowles (Winnipeg-Nord-Centre): Ce sujet reviendra toujours sur le tapis.

Le président: Oui. A nouveau, j'essaie de penser au temps alloué aux membres aujourd'hui et au programme que nous avons annoncé. Je ne veux pas vous restreindre, monsieur Bigg.

M. Chadderton: Permettez-moi, monsieur le président, de lire une référence dans le dossier. C'est le rapport du comité Woods, volume 1, page 82, recommandation 14 (Z) qui stipule:

> ...Le Bureau d'appel des pensions sera logé dans un immeuble différent de celui de la Commission des pensions.

La même référence, recommandation 14 (AA) stipule que:

> ...le président du Bureau d'appel des pensions devra faire rapport des délibérations du Bureau au ministère des Affaires des anciens combattants...

Et voilà notre position. Je voulais l'indiquer clairement.

Le président: C'est bien.

M. Bigg: C'est exactement le point que je voulais exposer. Je n'aime pas travailler dans le vide. Si ce sont de solides recommandations, je suggère le ministère de la Justice seulement; j'ai peut-être la mémoire trop courte pour me rappeler le nombre de nos ministères, mais si nous ne pouvons pas nous entendre, j'aimerais savoir quel ministère les anciens combattants préféreraient.

Le président: Merci, monsieur Bigg.

M. Knowles (Winnipeg-Nord-Centre): Un édifice à part, une cafétéria distincte et un autre téléphone.

Le président: Monsieur Lundberg.

M. Lundberg: Messieurs, je vous demanderais d'ouvrir le mémoire du 26 novembre à la page 2, paragraphe 1:

1. *Le taux de base des pensions* (Recommandation 63 du comité Woods)

> La pierre-angulaire de la Loi sur les pensions est le principe suivant lequel le paiement des pensions est en fonction du degré d'invalidité, c'est-à-dire l'incapacité sur le marché du travail non

[*Texte*]

Committee recommends that this formula be retained—and provides some excellent and compelling reasons for doing so. The National Council is aware that some Ministerial Advisors have, over the past few years, advocated that this formula should be replaced by some newer yardstick. We submit that any such change would be wrong for the reason that the unskilled labour market has been the common denominator on which pension has been based since 1919. This is consistent with the principle as laid down in section 17 of the Pension Act that

> "The occupation or income or condition in life of a person previous to his becoming a member of the forces does not in any way affect the amount of pension awarded to or in respect of him."

This formula is important in that it assesses physical disability in terms of the value of physical work. It does not bar the pensioner from earning a living with whatever other abilities he has left. Accordingly, there has been a great incentive for the disabled war casualty to rehabilitate himself, safe in the knowledge that any income he can earn "with what he has left" will in no way affect his pension.

Hand in hand with this is the guarantee to him that FOR THE AMOUNT OF HIS DISABILITY WHICH DOES DISQUALIFY HIM IN THE UNSKILLED LABOUR MARKET he will be paid, at the 100% disability rate, the wage of an untrained labourer—that is $4,152 a year, for an eight hour day, in accordance with current wages in the Public Service of Canada.

Over the years the basic rate of war disability pension has fallen very considerably behind earnings in the unskilled labour market. We suggest that the adoption of a new formula could produce a ready-made means of covering up this deficiency. For example, a new formula might be devised to offer more pension only to certain of the disability classifications which should be rated at greater than 100 per cent. This solution would not be acceptable. As we have already stated, the unskilled labour market formula is the bedrock principle of the Pension Act. Where a disability can legitimately be rated as greater than 100 per cent (i.e. the multiple disability case) there is ample justification for additional

[*Interprétation*]

spécialisé. Le comité Woods recommande de retenir cette formule, et pour ce faire fournit des raisons excellentes et indiscutables. Le Conseil national a été informé que, ces dernières années, certains conseillers ministériels ont préconisé de remplacer cette formule par quelque autre mesure plus nouvelle. A notre avis, toute modification de ce genre serait erronée, car, depuis 1919, la main-d'œuvre non spécialisée a servi de dénominateur commun à l'évaluation des pensions. Cela est conforme au principe énoncé dans l'article 17 de la Loi sur les pensions qui stipule que:

> «L'occupation ou le revenu ou l'état de vie d'une personne avant qu'elle soit devenue membre des forces ne doivent en aucune manière influer sur le montant de la pension qui lui est accordée ou est accordée à son sujet».

Cette formule est importante, parce qu'elle évalue l'invalidité physique en fonction de la valeur du travail physique. Elle n'empêche pas le pensionné de gagner sa vie avec les autres capacités qui lui restent. Ainsi, l'invalide de guerre a ressenti un vif encouragement à se réadapter, sachant que tout le revenu acquis «avec ce qui lui reste» ne nuira certes pas à sa pension.

On lui a également fourni l'assurance que POUR LE DEGRÉ D'INVALIDITÉ QUI L'EMPÊCHE D'ŒUVRER DANS LA MAIN-D'ŒUVRE NON SPÉCIALISÉE, il recevra, à 100 p. 100 de son degré d'invalidité, le salaire d'un ouvrier non spécialisé, soit $4,152 par an, pour une journée de huit heures, conformément aux salaires en cours dans la Fonction publique du Canada.

Au cours des années, le taux de base de la pension des invalides de guerre est devenu considérablement inférieur aux salaires de la main-d'œuvre non spécialisée. Nous sommes d'avis que l'adoption d'une nouvelle formule pourrait fournir un moyen apte à corriger cette lacune. Par exemple, on pourrait élaborer une nouvelle formule qui n'offrirait une pension plus élevée qu'à certaines catégories d'invalidité qu'on estimerait dépasser 100 p. 100. Cette solution ne semble pas acceptable. Comme nous l'avons indiqué plus haut, la formule de la main-d'œuvre non spécialisée constitue le principe fondamental de la Loi sur les pensions. Lorsqu'on peut estimer légitimement que l'invalidité dépasse les 100 p. 100 (comme

[*Text*]

pension over and above the 100 per cent figure, as has been suggested by the Woods Committee.

There is more than money involved in the basic rate. The unskilled labour market formula preserves for the pensioner the age-old concept of pension as of right". In effect, this formula guarantees that pension will be paid to him on the basis of the amount of his disqualification in the unskilled labour market. This was the recommendation of the Woods Committee, as we understand it, and any deviation from this principle would amount to a betrayal of the rights of the pensioner.

The Minister of Veterans Affairs in his appearance before the Parliamentary Committee on October 29th made a statement to the effect that the basic rate of pension was not included in the Terms of Reference of the Woods Committee.

We understand that there was a limitation that the Committee should not make recommendations regarding the actual amount of monies which should be paid under the Act, but that it was free to enquire into and report on anything else, including the structure of the basic rate. The Committee did this—pointing out that it was not possible to make recommendations regarding the compensation for multiple disabilities and several other important aspects of pension administration without first establishing a firm base upon which the calculation of the amount of pension could be established.

In concluding the views of this Council on this matter, may we point out that the basic rate of pension must necessarily be based upon the amount required to compensate a single man for his disabilities. Comparisons on the basis of the married rate of pension cannot be justified. Originally Parliament intended that the basic rate should be "the earning power of a man in the class of untrained labour" which means the amount the man can earn in untrained labour, regardless of whether he has a wife and children to support. Where dependents do exist, the Pension Act recognizes this, and makes provision for additional pension to meet this added responsibility.

[*Interpretation*]

dans le cas des infirmités multiples), selon la proposition du comité Woods, on pourrait amplement justifier une pension supplémentaire basée sur un pourcentage supérieur au 100 p. 100.

Il n'y a pas que l'argent impliqué dans le taux de base. La formule de la main-d'œuvre non spécialisée conserve au pensionné la notion séculaire de «pension de droit.» En effet, cette formule garantit que la pension lui sera payée en se basant sur son degré d'incapacité à participer à la main-d'œuvre non spécialisée. Telle était la recommandation du comité Woods, croyons-nous, et toute déviation de ce principe équivaudrait à trahir les droits du pensionné.

Lorsque le ministre des Affaires des anciens combattants a comparu le 29 octobre devant le Comité parlementaire, il a déclaré que le taux de base des pensions n'était pas au nombre des attributions du comité Woods.

Nous avons alors compris qu'une restriction empêchait le comité d'énoncer des recommandations concernant le montant à payer conformément à la loi, mais que le comité était libre de mener une enquête et de faire rapport sur tout autre point, y compris la structure des taux de base. Ce faisant, le comité a indiqué qu'à moins d'établir tout d'abord le calcul du montant des pensions sur une base solide, il était impossible de formuler des recommandations concernant l'indemnisation pour infirmités multiples et plusieurs autres aspects importants de l'administration des pensions.

En terminant d'exposer l'opinion du Conseil à ce sujet, qu'on nous permette de souligner la nécessité d'établir le taux de base des pensions sur le montant requis pour indemniser les célibataires. Il serait injustifiable d'établir des comparaisons en se basant sur le taux de pension des gens mariés. Au début, le Parlement proposait, comme taux de base, «l'aptitude professionnelle d'un individu appartenant à la classe de l'ouvrier non spécialisé»; en d'autres termes, le montant que l'individu peut gagner dans la main-d'œuvre non spécialisée, sans tenir compte du fait qu'il ait une femme et des enfants à charge. Dans le cas où il aurait des personnes à charge, la Loi sur les pensions prévoit une pension supplémentaire pour faire face à cette responsabilité supplémentaire.

[*Texte*]

The Chairman: Have members of the Committee any questions to raise at this point?

Mr. Marshall: Mr. Chairman, by our terms of reference we are not to deal with the basic rate, is that right?

The Chairman: My understanding was that the amount of the basic rate was outside the terms of reference. The Committee may wish to have additional testimony on the basic terms of reference on this point.

Mr. Marshall: But in our report from Committee can we make any impact on the government relative to basic rate?

The Chairman: I point out to the Committee that in relation to that there was a very specific reference in the White Paper and in the Minister's statement in the House of Commons.

Mr. Lundberg: Gentlemen, I say that the Woods Committee Report is before you, and the Woods Committee Report does contain recommendations.

The Chairman: Yes; but whether or not the Woods Committee Report exceeded the scope of its terms of reference is another matter.

Mr. Knowles (Winnipeg North Centre): We were not given the terms of reference of the Woods Committee Report; we were given the Woods Committee Report.

The Chairman: Gentlemen, this is a matter we can hear a good deal more about, but I suggest that the Committee may want to have further testimony on it.

Mr. Bigg: The Committee is not restricted to the Woods Committee Report, is it?

The Chairman: As I understand it, the terms of reference of the Committee—and the clerk can read them to us—are very definitely the Woods Committee Report.

Mr. Bigg: Are we not masters in our own house?

The Chairman: Not according to the rules of the House of Commons. The Committee can deal only with those matters specifically referred to it by the House of Commons, and this is a clearly understood principle.

I will ask the clerk to read the terms of reference. Mr. Levesque?

[*Interprétation*]

Le président: Les membres du Comité ont-ils des questions à poser?

M. Marshall: Monsieur le président, nos attributions ne nous permettent pas de traiter du taux de base, n'est-ce pas?

Le président: Sauf erreur, nos attributions ne s'étendent pas au taux de base. A ce propos, le Comité aimerait peut-être entendre d'autres témoignages concernant les attributions fondamentales.

M. Marshall: Mais dans le rapport du Comité, pouvons-nous influencer la décision du gouvernement au sujet du taux de base?

Le président: Je ferai remarquer au Comité que, sur ce point, il existe une référence très spéciale dans le Livre blanc et dans la déclaration du ministre à la Chambre des communes.

M. Lundberg: Messieurs, je crois que le rapport du comité Woods est soumis à votre examen et qu'il contient des recommandations.

Le président: Oui; mais c'est une autre question que de savoir si le rapport du comité Woods dépasse ses attributions.

M. Knowles (Winnipeg-Nord-Centre): On ne nous a pas exposé le mandat du rapport de la Commission Woods; on nous a donné son rapport.

Le président: Messieurs, c'est une affaire sur laquelle nous pourrions en entendre bien davantage, mais je pense que le Comité pourrait désirer d'autres témoignages dans ce domaine.

M. Bigg: Le Comité n'est pas restreint exclusivement au rapport de la Commission Woods, n'est-ce pas?

Le président: Si j'ai bien compris, le mandat de notre Comité, et le greffier pourrait nous en lire le texte, stipule expressément le rapport de la Commission Woods.

M. Bigg: Ne sommes-nous pas maître chez nous?

Le président: Pas selon le Règlement de la Chambre des communes. Le comité ne peut se pencher que sur les affaires qui lui sont expressément confiées par la Chambre des communes, et c'est là un principe qui ne fait aucun doute.

Je vais demander au greffier de nous lire le texte de l'ordre de renvoi. Monsieur Lévesque?

[*Text*]

Mr. D. E. Levesque (Clerk of the Standing Committee on Veterans Affairs): Terms of reference:

Thursday, June 26, 1969

Ordered,—That the report of the committee appointed September 8, 1965, to survey the organization and work of the Canadian Pension Commission, tabled on March 26, 1968, be referred to the Standing Committee on Veterans Affairs.

ATTEST: ALISTAIR FRASER,
The Clerk of the House of Commons.

Mr. Bigg: On a point of order, Mr. Chairman. It is impossible to consider the Woods Committee Report apart from the financial aspects of the case.

The Chairman: This raises a much broader subject and I question how much further the Committee can go in the time remaining this morning. No doubt we will have further discussions.

Mr. Bigg: Yes; perhaps in the time remaining this morning; but...

Mr. Marshall: May I point out, Mr. Chairman, that so many of the items in the report have a relationship to basic rate that it is a...

Mr. Chadderton: In the Woods Committee Report, which is addressed to the former Minister of Veterans Affairs, Volume 1, Chapter 1, page 2, under the heading "Terms of Reference", Mr. Justice Woods and his colleagues stated this:

> From discussions with you prior to the actual establishment of the Committee, the Chairman understood that you wanted it to be free to enquire into all phases of the operations of the Canadian Pension Commission excepting only actual rates of pension.

There is another reference, Mr. Chairman, on page 3 of the same report, wherein the Treasury Board Minute is quoted in these words:

> the Committee, though not limited in the scope of its report,

and it goes on to say what it is to report on.

[*Interpretation*]

M. D. E. Lévesque (greffier du Comité permanent sur les affaires des anciens combattants): Ordre de renvoi:

Le jeudi 26 juin 1969

Il est ordonné,—Que le rapport du comité d'enquête sur l'organisation et le travail de la Commission canadienne des pensions nommé le 8 septembre 1965, déposé le 26 mars 1968, soit renvoyé au comité permanent des affaires des anciens combattants.

ATTESTÉ:
Le greffier de la Chambre des communes,
ALISTAIR FRASER.

M. Bigg: Je voudrais mentionner un point de l'ordre du jour, monsieur le président. Il est impossible de traiter du rapport du Comité Woods sans tenir compte des aspects financiers de la question.

Le président: Cela élargirait considérablement le sujet, et je me demande ce que le Comité pourrait encore faire pendant le temps qui nous reste ce matin. Nous aurons sans aucun doute d'autres discussions.

M. Bigg: Oui; peut-être pendant le temps qui nous reste ce matin; mais...

M. Marshall: Puis-je faire remarquer, monsieur le président, qu'un si grand nombre de points du rapport concernent le taux de base que c'est un....

M. Chadderton: Dans le rapport du Comité Woods, qui est adressé à l'ancien ministre des Affaires des anciens combattants, au volume 1, chapitre 1, page 2, sous le terme «Attributions», le juge Woods et ses collègues déclaraient ce qui suit:

> A la suite des entretiens qu'il a eus avec vous avant l'établissement effectif du Comité, le président a cru comprendre que vous vouliez que le Comité soit libre de faire enquête sur tous les aspects de l'activité de la Commission canadienne des pensions, à l'exception seulement de ce qui concerne les taux même des pensions.

Il y a encore une autre référence, monsieur le président, à la page 3 du même rapport, dans laquelle le procès-verbal du Conseil du trésor est cité en ces termes:

> Bien que cela ne doive pas restreindre la portée de son rapport...

et il poursuit en disant ce qui fait l'objet du rapport.

[*Texte*]

The Chairman: I think I should caution the Committee that there is additional reference in the Treasury Board Minute which is probably relevant.

• 1155

Mr. Chadderton: Yes, it could be. There is one further reference. In a letter read into the minutes of the Woods Committee Report by Mr. Ken Langford, the Chairman of the National Council of Veterans Associations, he quotes a letter from Mr. Teillet which states that the Committee may report

...as they see fit.

On that basis, Mr. Chairman, for what it is worth, we in the National Council of Veterans Associations in Canada submit that the basic rate of pension is properly before this Committee.

The Chairman: I simply have to caution the Committee that I have been given contrary advice.

Mr. Knowles (Winnipeg North Centre): But you have not ruled yet?

The Chairman: No, I have not. I feel that the Committee will have to hear the other items that will be submitted, which would not be in agreement with the conclusion Mr. Chadderton has drawn.

Mr. Lundberg: I would like to point out, though, Mr. Chairman, that when the last pension increase was received it was stated most emphatically by the then Minister of Veterans Affairs that this was only an interim adjustment until the report was tabled and then the matter could be clarified in its entirety.

The Chairman: Mr. Lundberg, I do not want to get into a dispute on the merits of the basic rate. It seems to me that this is a question in itself.

Certain things have been referred to us, and in particular the White Paper is a priority item which the government has prepared to move with legislation.

If the Committee goes into basic rate now there will be prolonged discussions and certainly a delay before there is legislation incorporating those items in the White Paper which have been accepted. That is a decision that the members of the Committee have to wrestle with.

We have heard your submission and know your point of view and the references that

[*Interprétation*]

Le président: Je crois devoir prévenir le Comité qu'il y a, dans le procès-verbal du Conseil du Trésor, une autre référence, qui est probablement pertinente.

M. Chadderton: Oui, c'est possible. Il y a une autre référence encore. Dans une lettre consignée au procès-verbal du rapport du comité Woods par le président du Conseil national des associations des anciens combattants, M. Ken Langford, il cite une lettre de M. Teillet qui déclare que le comité peut présenter son rapport

comme bon lui semble.

Sur cette base, monsieur le président, et pour ce qu'elle vaut, nous prétendons au sein du Conseil national des associations d'anciens combattants du Canada que le comité est bien saisi de la question des taux de base des pensions.

Le président: Je me bornerai à prévenir le Comité qu'il m'a été précisé le contraire.

M. Knowles (Winnipeg-Nord-Centre): Mais vous n'avez pas encore décidé?

Le président: Non, pas encore. J'estime que le Comité devra entendre les autres points qui lui seront soumis, et qui ne concorderont pas avec la conclusion tirée par M. Chadderton.

M. Lundberg: Je voudrais cependant vous préciser, monsieur le président, que lors de la dernière augmentation des pensions, le ministre des Affaires des anciens combattants de l'époque a souligné avec la plus grande force qu'il s'agissait uniquement d'une solution provisoire en attendant la présentation du rapport, et en ce moment la question pourrait être réglée dans sa totalité.

Le président: Monsieur Lundberg, je ne tiens pas à engager un débat sur la valeur du taux de base. Il me semble que c'est là une question distincte. Certaines choses nous ont été confiées, et le Livre blanc en particulier constitue une priorité que le gouvernement a préparée pour en venir à la législation.

Si le Comité se met à discuter du taux de base maintenant, il y aura des discussions prolongées et, très certainement, un retard avant que nous ayons une loi englobant les points contenus dans le Livre blanc et que nous avons acceptés. C'est là une décision sur laquelle les membres du comité doivent se prononcer. Nous avons entendu votre déclaration et nous connaissons votre point de vue,

[*Text*]

Mr. Chadderton has sought to put in the record. We could go into this for some considerable time, and no doubt will, but I leave to the members of the Committee how far they want to go at this point.

Mr. Knowles (Winnipeg North Centre): Perhaps we had better include the basic rate in the agenda.

The Chairman: If there are no further questions I would like very much, in the name of the Committee, to thank Mr. Lundberg, Mr. Chadderton, Mr. Woodcock, Mr. Clarke, and those who have appeared before the Committee today. I know they have very much appreciated the opportunity of hearing you and asking questions on your submission.

Mr. Lundberg: Mr. Chairman, before I go may I thank the Committee for the very kind interest and attentiveness they have shown and the co-operation they have extended to the National Council of Veteran Associations in Canada and the members that we represent. We appreciate this opportunity of coming before a Committee that so far as I can remember has never had any trouble in arranging for a quorum to be present. On behalf of the Council, I thank you very much, Mr. Chairman.

Mr. Chadderton: May I make one final statement? In our brief we did make the comment at the start that our assessment of the White Paper indicated that less than one-half of the recommendations had been covered in the White Paper. I hope that all present understand that our assessment was based only on the information we had at that time.

The Chairman: We certainly understand that, Mr. Chadderton.

Mr. Chadderton: If, in further analysis, we find that this is not true we certainly will be most pleased to retract it.

The Chairman: I think that every organization appearing before us is in the same position that you are, and the purpose of the hearings, as I said previously, is to expand on the information that is available, in relation as much as possible to the additional recommendations. There is no meeting planned for this afternoon. The next one will be on Monday at 9:30 a.m. in this room. I hope we see you then.

[*Interpretation*]

ainsi que les références que M. Chadderton a cherché à consigner au compte rendu. Nous pourrions nous étendre sur cette question pendant bien longtemps encore et nous le ferons sans aucun doute mais je m'en remets aux membres du Comité de décider jusqu'à quel point ils désirent aller pour l'instant.

M. Knowles (Winnipeg Nord-Centre): Peut-être ferions-nous mieux d'inscrire le taux de base à l'ordre du jour.

Le président: S'il n'y a pas d'autres questions, il me plairait, au nom du comité, de remercier MM. Lundberg, Chadderton, Woodcock, Clarke et tout ceux qui se sont présentés aujourd'hui devant le comité. Je cais que les membres du Comité ont particulièrement apprécié la possibilité d'entendre ces personnes et de poser des questions sur le document qu'ils ont présenté.

M. Lundberg: Monsieur le président, avant de m'en aller, je voudrais remercier le Comité pour l'intérêt et l'attention dont il a fait preuve, et pour l'esprit de coopération avec lequel les députés ont écouté le Conseil national des associations d'anciens combattants du Canada et les membres que nous représentons. Nous sommes très heureux de l'occasion qui nous a été offerte de nous présenter devant un Comité qui, pour autant que je me souvienne, n'a jamais eu aucune difficulté à réunir un quorum. Au nom du Conseil, je vous remercie, monsieur le président.

M. Chadderton: Puis-je faire une seule remarque finale? Dans notre mémoire, nous avons commencé par dire que notre examen du Livre blanc indique que ce dernier ne traite que de la moitié des recommandations. J'espère que toutes les personnes présentes ont bien compris que notre examen était basé uniquement sur les renseignements que nous possédions à l'époque.

Le président: Nous avons parfaitement compris cela, monsieur Chadderton.

M. Chadderton: Si, à la lumière d'une étude plus approfondie, nous constatons que ce n'était pas exact, nous nous ferons un devoir de nous rétracter, soyez-en persuadé.

Le président: Je pense que toute organisation qui comparaît devant nous se trouve dans la même situation et le but de ces auditions, comme je l'ai dit précédemment, est de nous pencher sur les renseignements dont on dispose, en tenant compte, dans la mesure du possible, des recommandations supplémentaires.

Aucune réunion n'est prévue pour cet après-midi. Notre prochaine réunion aura

[*Texte*]

Mr. Woodcock: May I ask you one question, Mr. Chairman?

The Chairman: Yes, Mr. Woodcock.

Mr. Woodcock: The Sir Arthur Pearson Association of War Blinded is due to appear before this Committee. Do I understand we are to confine our comments just to the White Paper?

The Chairman: From the evidence today I think you can draw your own conclusions. It certainly has not been confined to the White Paper. The work of this Committee is to survey the report of the Woods Committee. What you choose to make in your submission will certainly be welcome so long as it is related to the report of the Woods Committee.

Mr. Woodcock: Thank you, sir.

[*Interprétation*]

lieu lundi à 9 h. 30 du matin, dans cette pièce. Nous serons heureux de vous y retrouver.

M. Woodcock: Puis-je vous poser une seule question, monsieur le président?

Le président: Oui, monsieur Woodcock.

M. Woodcock: L'Association Sir Arthur Pearson des aveugles de guerre doit se présenter devant le Comité. Dois-je comprendre que nous devrons restreindre nos commentaires au seul Livre blanc?

Le président: Je pense que les témoignages que nous avons entendus aujourd'hui vous permettront de tirer vos propres conclusions. Il ne fait aucun doute qu'ils ne sont pas limités au Livre blanc. La tâche du Comité est d'étudier le rapport du Comité Woods. Quelle que soit l'attitude que vous adopterez, elle sera certainement bien accueillie, à condition qu'elle concerne le rapport du Comité Woods.

M. Woodcock: Je vous remercie, monsieur.

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STANDING COMMITTEE

ON

VETERANS AFFAIRS

COMITÉ PERMANENT

DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
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MONDAY, SEPTEMBER 22, 1969

LE LUNDI 22 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(*See Minutes of Proceedings*) (*Voir Procès-verbaux*)

STANDING COMMITTEE ON VETERANS AFFAIRS

COMITÉ PERMANENT DES AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

Vice-Chairman Mr. Carl Legault *Vice-président*

and Messrs.

et Messieurs

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—(20).

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

[*Text*]

MINUTES OF PROCEEDINGS

MONDAY, September 22, 1969.
(20)

The Standing Committee on Veterans Affairs met this day at 9.45 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Francis, Guay (*St. Boniface*), Legault, MacRay, Marshall, Turner (*London East*), Weatherhead, Whicher (8).

Other Member present: Mr. Knowles, M.P. (*Winnipeg North Centre*).

Witnesses: From the War Amputations of Canada: Lt. Col. S. E. Lambert, President; Mr. Keith E. Butler, Vice-President; Messrs. Harry Worling; H. C. Chadderton; S. J. Alderdice; A. J. Lemay; Paul Bédard and Mr. Justice K. L. Crowell.

At 12.00 o'clock noon the Committee recessed to 2 p.m.

AFTERNOON SITTING
(21)

The Committee resumed sitting at 2.00 p.m.

Members present: Messrs Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London East*), Weatherhead, Whicher (11).

Other Member present: Mr. Knowles, M.P. (*Winnipeg North Centre*).

Witnesses: Same as this morning's sitting.

The Committee continued the discussion of the presentation of the War Amputations of Canada.

It was agreed, that the "Tabulation of the current proposed disposition of the Woods Committee Recommendations", be

[*Traduction*]

PROCÈS-VERBAUX

Le LUNDI 22 septembre 1969.
(20)

Le Comité permanent des affaires des anciens combattants se réunit ce matin à 9 h. 45, sous la présidence de M. Lloyd Francis, président.

Députés présents: MM. Francis, Guay (*Saint-Boniface*), Legault, MacRae, Marshall, Turner (*London-Est*), Weatherhead, Whicher—(8).

Autre député présent: M. Knowles, député (*Winnipeg-Nord-Centre*).

Témoins: De l'Association des amputés de guerre du Canada: Le lieutenant-colonel S. E. Lambert, président; M. Keith E. Butler, vice-président; MM. Harry Worling, H. C. Chadderton, S. J. Alderdice, A. J. Lemay et Paul Bédard; et le juge K. L. Crowell.

A midi, le Comité lève la séance, pour se réunir de nouveau à 2 h. de l'après-midi.

SÉANCE DE L'APRÈS-MIDI
(21)

Le Comité reprend ses travaux à 2 h. de l'après-midi.

Députés présents: MM. Francis, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London-Est*), Weatherhead, Whicher—(11).

Autre député présent: M. Knowles, (*Winnipeg-Nord-Centre*), député.

Témoins: Les mêmes qu'à la séance du matin.

Le Comité continue à délibérer sur l'exposé de l'Association des amputés de guerre du Canada.

Il est décidé—Que le document intitulé «Décisions actuelles relatives aux recommandations du Comité Woods» soit annexé

20760—1½

appended to this day's evidence. (*See Appendix "D"*).

At 4.40 p.m., the Committee adjourned to Tuesday, September 23, 1969 at 9.30 a.m.

au compte rendu des délibérations de ce jour. (*Voir Appendice «D»*).

A 4 h. 40 de l'après-midi, le Comité lève la séance, pour se réunir de nouveau le mardi 23 septembre 1969, à 9 h. 30 du matin.

Le greffier du Comité,
D. E. Levesque.
Clerk of the Committee.

[*Texte*]

EVIDENCE

(*Recorded by Electronic Apparatus*)

Monday, September 22, 1969.

• 0945

The Chairman: Today we are going to hear a brief from The War Amputations of Canada, and Rev. Sydney Lambert is, I believe, the Dominion President. He will open the presentation. He tells me that other people will speak and he will introduce them in the course of the presentation.

Lt. Col. S. E. Lambert (Dominion President, The War Amputations of Canada): Thank you, Mr. Chairman. Ladies and gentlemen, we, The War Amputations of Canada, first wish to express our very deep appreciation to the Chairman and members of this Committee for their generous acceptance of the proposal that the Committee should meet in advance of the commencement of the regular session of Parliament. We know that this has meant your having to leave your home constituencies where you, no doubt, have a great deal of backlog work.

It is too bad that you have to go back to your constituencies. You should be like me. I have been the president for 50 years and I am the permanent president, and you do not have to get in.

As I said, we know that this has meant your having to leave your home constituencies where you, no doubt, have a great deal of backlog work which has built up during the last session. Also, for some of you, it will have meant giving up your summer vacation.

The Minister of Veterans Affairs announced to the Dominion Convention of the War Amputations of Canada in Montreal a week ago today that some 80 per cent of the Woods Committee recommendations had been implemented, wholly or in part. Our analysis of the White Paper indicates that there are still many areas in which the War Amputations of Canada has a particular interest which have not been covered in the White Paper. This is not to say that we take issue with the statement of the Honourable, the Minister. We do consider it necessary, however, to emphasize that our membership is not at all satisfied that the philosophy and the major recommendations of the Woods Committee have been incorporated into the Government's intentions

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le lundi 22 septembre 1969

Le président: Nous entendrons aujourd'hui la lecture d'un mémoire préparé par l'Association des Amputés de guerre du Canada, dont le Révérend Sydney Lambert est, je crois, le président national, il fera la présentation. Il me dit que d'autres personnes vous adresseront la parole après vous avoir été présentées.

Le lieutenant-colonel S. E. Lambert (président national, Les Amputés de guerre du Canada): Merci, monsieur le président. Mesdames et messieurs, nous membres de l'Association des amputés de guerre du Canada, désirons d'abord exprimer notre profonde gratitude au président et aux membres du Comité pour l'accueil chaleureux qu'ils ont réservé à la proposition de réunir le Comité avant l'ouverture de la session régulière du Parlement. Nous savons qu'il a fallu pour cela que vous quittiez votre circonscription où, sans doute, des tâches importantes s'accumulent.

Il est malheureux que vous ayez à rentrer chez vous. Vous devriez faire comme moi. Je suis président depuis 50 ans, président permanent, et cela sans avoir à lutter.

Nous savons, je le répète, qu'il a fallu que vous quittiez votre circonscription où, sans doute, le travail s'est accumulé au cours de la dernière session. De plus, nous savons que quelques-uns d'entre vous ont été obligés de renoncer à leurs vacances.

Le ministre des Affaires des anciens combattants a annoncé au Congrès national des amputés de guerre du Canada, tenu à Montréal il y a une semaine aujourd'hui, qu'environ 80 p. 100 des recommandations du Comité Woods ont été mises en vigueur, en totalité ou en partie. Notre étude du Livre blanc fait ressortir qu'il y a encore plusieurs domaines auxquels s'intéresse notre association qui ne sont pas mentionnés dans le Livre blanc. Nous ne contestons pas pour autant la déclaration de l'honorable Ministre. Il nous semble cependant nécessaire de souligner que nos membres ne sont pas tous d'accord sur les principes et les principales recommandations que le Comité Woods a exposés dans le Livre blanc comme reflétant les intentions du Gou-

[*Text*]

as set out in the White Paper. Therefore, we hope that this will be borne in mind as we proceed before you today.

The members of our delegation are a very formidable group of veterans. These top-bracket veterans in The War Amputations of Canada know more about pensions than anybody in Canada because nobody has made the study of pensions as we have. You remember Vic Meyer; you remember Eddie Baker. All these were the leading lights in this organization, and when we choose one we always get someone who is good.

Over here on my right is my friend Keith Butler. He comes from Kitchener, Ontario, and he is the Dominion Vice-President, and that is as far as he can get. Dominion Vice-President Keith Butler.

Then we have Mr. A. G. Lemay. Gerry, we are glad you were able to come. He is not well. We are glad to see him; he is the Honorary Dominion Secretary-Treasurer. Then there is Judge K. L. Crowell; he comes from Bridgetown, Nova Scotia. They do not make them any better than they do down in Nova Scotia. Next is Mr. S. J. Alderdice who is from Winnipeg, Manitoba. He is a Westerner.

Then we have a very fine French-speaking fellow from Quebec City, Mr. Paul Bedard. He is always on the job. Next we have a new executive. He was elected last week; he is Mr. H. Worling and he comes from Toronto, Ontario. He studies with me. We come along together because I live in Toronto.

Next we have the top man in Canada, Mr. Cliff Chadderton, the Executive Secretary of The War Amputations of Canada. If you want to know anything about the Woods Committee, ask Cliff.

• 0950

If it meets with your pleasure, Mr. Chairman, we would wish to read the brief. It breaks down into a number of clearly defined sections, and we would wish to halt at the end of each section in order that we may provide clarification, answer questions, and generally discuss the matter dealt with therein.

We are pleased that we have been granted a full day before the Committee. The problems involved in the study of the Woods Report have been at the top of the priority list in the matters of this Association for, in some cases, as long as 40 years. With this background, we can perhaps be pardoned if we wish to take sufficient time to ensure that

[*Interpretation*]

vernement. Nous espérons donc que vous en tiendrez compte au cours de nos délibérations aujourd'hui.

Notre délégation comprend un groupe important d'anciens combattants. Ces anciens combattants en savent plus que quiconque au Canada au sujet des pensions, vous savez que personne n'a étudié la question comme nous. Vous vous souvenez de Vic Meyer et d'Eddie Baker. Ils étaient les porte-bannières de notre association, nous choisissons toujours des hommes compétents.

A ma droite, voici mon ami Keith Butler, de Kitchener, Ontario; il est notre vice-président national, le plus haut poste qu'il puisse atteindre. Notre vice-président national, M. Keith Butler.

Nous avons aussi avec nous M. A. G. Lemay. Gerry, nous sommes heureux que vous ayez pu venir, sa santé nous donne quelques soucis, nous sommes heureux de le revoir; c'est le secrétaire-trésorier national honoraire. Voici ensuite M. le juge K. L. Crowell de Bridgetown, Nouvelle-Écosse. On ne saurait trouver mieux que de ces compatriotes de la Nouvelle-Écosse. Ensuite voici M. S. J. Alderdice de Winnipeg, Manitoba, qui représente l'Ouest du Canada.

Le suivant est un agréable camarade canadien-français, M. Paul Bédard de la ville de Québec. Il est toujours fidèle au poste. Voici ensuite un nouveau directeur. Il a été élu la semaine dernière; c'est M. H. Worling de Toronto, Ontario. Il étudie avec moi. Nous sommes venus ensemble car c'est là que j'habite.

Et voici notre champion, M. Cliff Chadderton, secrétaire administratif des Amputés de guerre du Canada. Si vous voulez des renseignements au sujet du Comité Woods, adressez-vous à Cliff.

Si vous nous le permettez, monsieur le président, nous ferons lecture du mémoire. Il est divisé en chapitres bien définis et, si vous le voulez bien, nous ferons une pause à la fin de chaque chapitre pour fournir des précisions, répondre aux questions et, d'une façon générale, discuter de la question en cours.

Nous sommes heureux qu'on nous ait accordé une journée entière d'audience. Les questions que soulève l'étude du rapport Woods sont celles-là même qui ont priorité auprès de notre Association depuis 40 ans, dans certains cas. Dans ces circonstances, on nous pardonnera sans doute de prendre le temps voulu pour nous assurer que le Comité

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the problems are fully understood by the Committee.

We should have brought a dozen lovely widows—my, I love widows—and they would have made a great impression here, would they not Cliff? We could have brought some widows in? We think more of widows than we do of ourselves.

Mr. Guay (St.Boniface): Well, there would have been more members of the Committee here, too, if they had known that you might have brought some with you.

Lt. Col. Lambert: We muffed that a bit, did we not? There were some nursing sisters too, some war nursing sisters, I married one and I know how good they are, and they would like to have been with us. We had over 500 at the convention in Montreal last week and they all wanted to come. We would have spoilt the whole city if we had brought that crowd, for they certainly wiped up Montreal. We had a wonderful time there. But I am glad to see Mr. James A. McDonald here. Mac I am glad to see you. Is that your wife with you? Oh say, she is nice! I never met her. So glad you came, the quadruple amputation—a lovely fellow.

An hon. Member: A triple.

Lt. Col. Lambert: Yes, I see he is a triple. I am glad to see you were able to come. If you feel well enough, stay with us, stick with us.

Finally, I would be remiss if I did not say that we do appreciate the forward steps being proposed by the government in the White Paper. That is just a word of greeting to you all. We are delighted to be here. The last time I was at a parliamentary committee I said that I would never come again. I said, "This is my last term", but anyway I was 83 last week so it is about time I was quitting.

I do not look 83, do I? But I had my birthday on Friday, and I am 83 years of age. You have to be good to be a Member of Parliament at 83, or even the president of the War Amputations of Canada. And so let us go on with this beautiful thing here. We do it up right, you know.

So, Keith, I think you have the first say. Would you like to hear Keith?

Mr. Keith E. Butler (Dominion Vice-President of the War Amputations of Canada): To the Chairman and Members, Standing Com-

[*Interprétation*]

comprend bien les problèmes dont il est question.

Nous aurions dû nous faire accompagner d'une douzaine de charmantes veuves—j'aime les veuves—elles auraient créé une profonde impression ici, n'est-ce pas, Cliff? Nous aurions pu amener des veuves ici. Nous avons plus d'estime pour les veuves que pour nous-même.

M. Guay (St-Boniface): Les membres du Comité auraient été en plus grand nombre, aussi, s'ils avaient su que vous seriez accompagnés.

Lt-col. Lambert: Nous avons raté notre chance, n'est-ce pas? Il y a aussi les infirmières, les infirmières de guerre, j'en ai épousé une et je connais leur valeur, elles auraient bien voulu venir. Elles étaient plus de 500 au congrès de Montréal la semaine dernière et auraient toutes aimé venir. Mais la ville aurait été submergée si nous avions amené toute cette foule, car elles ont assurément révolutionné Montréal. Nous avons eu du bon temps. Je me réjouis de voir ici M. James A. McDonald. Mac, je suis heureux de vous voir. Avez-vous votre femme à vos côtés? Elle est charmante! Je n'avais jamais eu le plaisir de la rencontrer. Je suis heureux que vous soyez ici, c'est un amputé des quatre membres—un chic gars.

Une voix: Trois membres.

Lt-col. Lambert: Oui, trois membres. Je suis heureux que vous ayez pu venir. Si vous vous sentez assez bien, restez avec nous.

Pour conclure, je ferais preuve d'ingratitude si j'oubliais de dire que nous apprécions à leur valeur les mesures progressives proposées par le gouvernement dans le Livre blanc. Nous sommes enchantés de nous trouver ici. La dernière fois que je me suis présenté devant un comité parlementaire, j'avais dit que je ne reviendrais plus. J'avais dit «C'est mon dernier mandat», mais j'ai atteint mes 83 ans la semaine dernière. Il serait donc temps que je me retire.

Je porte bien mon âge, n'est-ce pas? Mon anniversaire était vendredi, j'ai maintenant 83 ans sonnés. Il faut être solide pour être député à 83, et même président des *Amputés de guerre du Canada*. Passons maintenant à des affaires sérieuses. Nous faisons bien cela, vous savez.

Keith, à vous la parole. Je vous présente Keith.

M. Keith E. Butler (vice-président national de l'Association des amputés de guerre du Canada): Monsieur le président, messieurs les

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mittee of Veterans Affairs, House of Commons, Ottawa, Ontario.

Under date of April 28, 1969 this Association forwarded a submission to members of Parliament, in which the views of our membership concerning the Woods Report on pensions were set out.

Since that time there have been two major developments which affect this submission, as follows:

(1) On April 17, 1969 the Chairman of the Canadian Pension Commission submitted a prepared statement to your committee, commenting upon the action taken by the Commission in respect of certain of the recommendations of the Woods Committee; and
(2) On September 9, 1969 the Minister of Veterans Affairs released a White Paper on Pensions.

We were notified on September 16th, 1969 that our tentative appointment to appear before your Committee on Monday, September 22nd, 1969 had been confirmed. At that time our officials were engaged in a Dominion Convention which concluded in the latter part of that week. Hence, we have had only a very short time to prepare this submission.

Notwithstanding, we do feel that we are able to bring before your Committee today some valid observations with respect to matters arising from the Woods Committee Report.

Before doing so, we would observe that the Pension Act, which covers the payment of pensions for death and disability arising out of military service, has been the subject of controversy since its inception on July 7, 1919. Since that time there have been three major examinations of the Act outside of Parliament. These were:

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1922-24—The Ralston Royal Commission on Pensions and Re-establishment.
1932-33—The special committee on the Pension Act.
1965-68—The Woods Committee.

The reports of these three investigations indicated severe shortcomings in the legislation. In fact, the Woods Committee Report contains 148 recommendations, some of them breaking down into as many as 25 or 30 subrecommendations. It would seem that, if nothing else, this is a strong indication there is a great deal wrong with the Pension Act, and the way it is administered. Some im-

[*Interpretation*]

membres du Comité permanent des Affaires des anciens combattants, Chambre des communes, Ottawa, Ontario.

Le 28 avril 1969, la présente association a fait parvenir aux députés un mémoire afin d'exposer les opinions de ses membres au sujet du Rapport Woods sur les pensions. Depuis cette date, deux nouveaux événements importants qui touchent ce mémoire se sont produits. Ce sont les suivants:

(1) Le 17 avril 1969, le président de la Commission canadienne des pensions a présenté au comité un mémoire contenant des observations sur les mesures prises par la Commission à l'égard de certaines recommandations faites par la Commission Woods; et
(2) Le 9 septembre 1969, le ministre des Affaires des anciens combattants a publié un Livre blanc sur les pensions.

On nous a informés, le 16 septembre 1969, que notre demande aux fins de témoigner devant le Comité le lundi 11 septembre 1969, avait été acceptée. A cette époque, nos directeurs assistaient à un congrès national qui s'est terminé vers la fin de la semaine. Par conséquent, nous ne disposions que de très peu de temps pour présenter ce mémoire. Toutefois, nous croyons être en mesure de transmettre aujourd'hui à votre Comité certaines observations valables en ce qui à trait aux questions soulevées dans le rapport du Comité Woods.

Avant de ce faire, nous désirons rappeler que la Loi sur les pensions, qui prévoit le versement de pensions en cas de décès ou d'invalidité consécutifs au service militaire, a fait l'objet d'une controverse depuis sa mise en vigueur, le 7 juillet 1919. Depuis cette date, on a effectué trois études importantes de cette loi en dehors du Parlement, à savoir:

La Commission royale d'enquête Ralston sur les pensions et le rétablissement, de 1922 à 1924.
Le Comité spécial sur la Loi des pensions, de 1923 à 1933.
Le Comité Woods, de 165 à 1968.

Les rapports de ces trois études ont laissé entendre que la loi présentait de sérieuses lacunes. Au fait, le Rapport du Comité Woods contient 148 recommandations, dont certaines se subdivisent en 25 ou 30 sous-recommandations. Il semblerait tout au moins que c'est là une indication sérieuse que la Loi sur les pensions est très insuffisante et que la façon dont on l'administre laisse beaucoup à désirer.

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provements resulted from the first two reports. The Woods Report is still under consideration by the Government.

We were pleased, indeed, to have a statement from the Honourable Minister of Veterans Affairs, made to the opening of the business sessions of our Dominion Convention on September 16 of this year, to the effect that the White Paper does not necessarily represent the final committment of the government in regard to its intentions in respect of those matters arising out of the Woods Committee Report. As we understand the situation, the government's proposals are open to further consideration and we are pleased indeed to have the assurance that your Comimttee is in a position to recommend changes or improvements in the position as set out in the White Paper.

We wish to make one further observation in our opening statement. We trust that your Committee realizes that the only information we have had to date in respect of the government's intentions is that contained in the White Paper, together with certain oral explanations given to our officials by the Minister. We understand that the Chief Pensions Advocate of the Department of Veterans Affairs has made one or more appearances before your Committee during which appearances he has provided supplementary information in regard to implementation of the Woods Committee recommendations and/or the intentions of the government in this respect. It may be possible, therefore, that our interpretation of certain proposals in the White Paper may be incorrect; also, that some of the recommendations of the Woods Committee which we now believe to have been omitted from the White Paper are, in actual fact, either implemented, or it is proposed that they will be.

With this background of information, we would now desire to proceed to submit the views of our Association in regard to those matters arising out of the Woods Committee Report.

Lt. Col. Lambert: Harry Worling. He is taking the Basic Rate of Pension.

Mr. Harry Worling (Toronto):

Basic Rate of Pension:

It is our understanding that there may be some question as to whether this issue is properly before your Committee. In this regard we submit our belief that the basis or "formula" upon which pension is paid in Canada was within the terms of reference of

[*Interprétation*]

Certaines améliorations ont été apportées à la suite des deux premiers rapports. Le Gouvernement étudie encore le Rapport Woods.

Nous avons été particulièrement heureux de prendre connaissance d'une déclaration de l'honorable ministre des Affaires des anciens combattants, lors de l'ouverture des séances d'étude de notre congrès national, le 16 septembre dernier, à l'effet que le Livre blanc ne représentait pas nécessairement les engagements définitifs du Gouvernement à l'égard des questions soulevées dans le rapport du Comité Woods. Si nous comprenons bien la situation, les propositions du Gouvernement peuvent faire l'objet de nouvelles études, et nous sommes très heureux d'être assurés que votre Comité est en mesure de recommander des changements ou des améliorations aux politiques exposées dans le Livre blanc.

Nous désirons faire une autre observation dans notre préambule. Nous espérons que votre Comité se rend pleinement compte du fait que les seuls renseignements que nous ayons obtenus jusqu'ici sur les intentions du Gouvernement sont ceux contenus dans le Livre blanc, de même que certaines précisions communiquées oralement à nos directeurs par le ministre. Nous croyons comprendre que l'avocat en Chef des pensions du ministère des Affaires des anciens combattants est venu témoigner plus d'une fois devant votre Comité, vous a communiqué des renseignements supplémentaires relatifs à l'application des recommandations du Comité Woods et l'a informé des intentions du Gouvernement à cet égard. Il se peut, par conséquent, que notre interprétation de certaines propositions contenues dans le Livre blanc soit erronée, et que certaines des recommandations du Comité Woods, que nous croyons maintenant avoir été omises dans le Livre blanc sont, en fait, appliquées, ou qu'on se propose de les appliquer. A la lumière de ces renseignements, nous désirons maintenant poursuivre l'exposition des opinions de notre association sur les questions soulevées dans le Rapport du Comité Woods.

Le lieutenant-colonel Lambert: Harry Worling. Il étudie le taux de base des pensions.

M. Harry Worling (Toronto):

Taux de base de la pension:

Nous croyons comprendre qu'il est douteux que votre Comité ait été saisi de ce problème selon les formes. A cet égard, nous sommes d'avis que le problème de la base ou «formule» selon laquelle la pension est versée, au Canada, faisait partie

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the Woods Committee. This belief is predicated on four factors as follows:

(1) In the introduction of the Woods Committee Report—Volume 1, Chapter 1, page 2, under the heading "Terms of Reference"—the following statement is made:

"From discussions with you—The Minister of Veterans Affairs—prior to the actual establishment of the Committee, the Chairman understood that you wanted it to be free to inquire into all phases of the operations of the Canadian Pension Commission excepting only actual rates of pension."

(2) The Department of Veterans Affairs News Release of September 16th, 1965, quoting the Minister of Veterans Affairs, stated:

"The Committee is not limited in the scope of its report, but it has been specifically instructed to study all matters relating thereto; first, the organization, methods and procedures used in the adjudication of disability and other pensions paid under the Pension Act; second, the interpretation by the Canadian Pension Commission of such sections of the Pension Act which it feels should be considered."

(3) Treasury Board Minute 645417 of September 8th, 1965 states as follows:

"The Committee, though not limited in the scope of its report, to study the organization, methods and procedures used in the adjudication of disability and other pensions paid under the provisions of the Pension Act, and to study the interpretation by the Commission of such sections of the Pension Act as it deems should be considered;"

Note: The important words in so far as whether the Woods Committee was entitled to look into the basis of the payment of pension would seem to be those which imply that, in making its report, the Committee was not to be "limited in scope".

(4) The proceedings of Committee Sessions of the Woods Committee, Volume 1, page F4, contain a letter dated January 6, 1966 written to Mr. G. K. Langford,

[*Interpretation*]

des attributions du Comité Woods. Cette conviction est fondée sur les quatre éléments qui suivent:

(1) Dans l'introduction du Rapport du Comité Woods (Volume 1, chapitre 1, page 2, sous le titre «Attributions») il est dit ce qui suit:

«A la suite des entretiens qu'il a eus avec vous (le ministre des Affaires des anciens combattants) avant l'établissement effectif de la Commission, le président a cru comprendre que vous vouliez que celle-ci soit libre de faire enquête sur tous les aspects de l'activité de la Commission canadienne des pensions, à l'exception seulement de ce qui concerne les taux mêmes des pensions.»

(2) Le communiqué de presse du ministère des Affaires des anciens combattants, en date du 16 septembre 1965, citait ces paroles du ministre des Affaires des anciens combattants:

«La portée du Rapport du Comité n'est pas limitée, mais celle-ci a reçu l'instruction précise d'étudier tous les sujets concernant, premièrement l'organisation, les méthodes et la procédure qui gouvernent l'attribution des pensions d'invalidité et autres avantages prévus par la Loi sur les pensions, et, deuxièmement, l'interprétation que la Commission canadienne des pensions donne aux articles de la Loi sur les pensions qu'elle croit devoir être étudiés.»

(3) Le compte rendu des délibérations du Conseil du Trésor nº 645417, en date du 8 septembre 1965, dit ce qui suit:

«Bien que cela ne doive pas restreindre la portée de son rapport, le Comité doit examiner l'organisation, les méthodes et la procédure qui gouvernent l'attribution de pensions d'invalidité et autres avantages prévus par la Loi sur les pensions, ainsi que l'interprétation que la Commission donne aux articles de la Loi sur les pensions que le Comité jugera à propos d'examiner.»

Nota: Les mots importants quant à l'habilité du Comité Woods à examiner l'attribution des pensions sembleraient être ceux qui supposent qu'en rédigeant son rapport le Comité ne doit pas être «limité quant à la portée de ce rapport».

(4) Le compte rendu des délibérations des audiences du Comité Woods, volume 1, page F4, contient une lettre du 6 janvier 1966, adressée à M. G. K. Langford, prési-

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Chairman of the National Council of Veteran Associations in Canada, and signed by the Minister of Veterans Affairs dealing with the terms of reference of the Committee. This letter stated, in part:

> "Since the responsibility for amending the Act particularly if the amendments involve financial expenditures rests entirely with Parliament, the Committee can only submit such recommendations to me, with or without comment, as they see fit."

There is, in our view, still a further reason why it was necessary for the Woods Committee to deal with the basic rate of pension. It is the fact that the Woods Committee stated, in its report,—Volume 2, Chapter 13, page 476— "It would not be pertinent to its inquiry to consider the quantum of pension". The Committee did consider it necessary, however, to deal with the "basis upon which the pension is paid" particularly because of its relationship to pension for multiple disabilities.

We submit that any study of the Pension Act can be made only if consideration is given at the same time to the principle upon which the pension is paid, for the seemingly obvious reason that this principle is germane to many other issues involved in the legislation.

While not wishing to prolong this particular part of our submission, we would wish to suggest one further reason why it is pertinent for your Committee to give broad consideration not to the actual amount of money involved but certainly to the basis or "formula" upon which pension rates are devised.

We refer to the fact that in releasing copies of the White Paper to representatives of veterans organizations on September 9 last, the Minister revealed that he had under consideration a new proposal concerning the principle upon which pension can be paid under the Pension Act. There was no intimation that this matter would be referred to your Committee or that there would be an opportunity for veterans organizations to make known their views thereupon in advance of the actual legislative stages through which the proposal would progress. Perhaps it will be understandable, then, if we ask for the indulgence of your Committee in at least listening to the views of our organization regarding

[*Interprétation*]

dent du Conseil national des associations d'anciens combattants du Canada, signée par le ministre des Affaires des anciens combattants, et qui traite des attributions du Comité. Cette lettre dit, en autres choses:

> «Puisque la responsabilité de modifier la loi, particulièrement s'il s'agit de modifications qui entraînent la dépense de deniers publics, incombe entièrement au Parlement, le Comité peut tout au plus me faire les recommandations, avec ou sans commentaires, qu'il juge opportunes.»

A notre avis, il y a une autre raison pour laquelle le Comité Woods a dû traiter du taux de base des pensions. C'est qu'il a mentionné dans son rapport, (Volume 2, chapitre 13, page 476) qu'«il ne serait pas conforme à notre mandat d'examiner les taux des pensions.» Le Comité a cependant jugé nécessaire d'examiner «la base sur laquelle sont versées les pensions», particulièrement à cause de sa relation avec la pension attribuée pour invalidités multiples.

Nous sommes d'avis que toute étude de la Loi sur les pensions n'est possible que si l'on tient compte également du principe sur lequel les pensions sont basées, pour la raison apparemment évidente que ce principe se rapporte à plusieurs autres problèmes dont il est question dans la loi.

Bien que nous n'entendions pas prolonger cette partie de notre mémoire, nous désirons signaler cependant une autre raison pour laquelle il est nécessaire que votre comité examine minutieusement, non pas le montant réel d'argent en cause, mais bien sûr, la «base» ou formule selon laquelle les taux sont établis.

Nous désirons rappeler qu'en faisant tenir des exemplaires du Livre blanc aux représentants des associations d'anciens combattants, le 9 septembre dernier, le Ministre a fait savoir qu'il étudiait une nouvelle proposition relative au principe selon lequel les pensions peuvent être versées en vertu de la Loi sur les pensions. Il n'a nullement indiqué que cette question serait déférée à votre Comité, ou que les associations d'anciens combattants auraient l'occasion d'exposer leurs vues sur le sujet avant que la proposition n'ait franchi les diverses étapes du projet de loi. On comprendra peut-être, alors que nous demandions l'indulgence de votre Comité, pour qu'il entende au moins à ce sujet les points de vue de notre

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this matter, which is, after all, the cornerstone of pension legislation in Canada.

May we be permitted one further observation. Perhaps the most significant statement in the White Paper, relative to pension rates, is to the effect that "The Government is undertaking an overall assessment of Federal Social Policy and Programmes and this will, of course, include further study of the Pension Act as well as many other kinds of pension plans and other measures".

This statement goes on to say that there have been far-reaching changes in Canada's social and economic environment since the pension programme was first introduced and "in particular, many useful development programmes of various kinds have meanwhile been initiated and numerous plans have evolved individually over the years, and the Government considers that the time has come to examine the entire fabric in order to achieve greater consistency between the various elements, and to eliminate unintended gaps or duplications".

The White Paper goes on to say that when the Government has completed the assessment of this undertaking, it may propose further changes in the pension programme or its administration.

Presumably this means that the Pension Act is being included in the current government studies in regard to the over-all social legislation of Canada. As part of this study, the Pension Act has been referred to the Senate Committee on Poverty.

It can perhaps be safely assumed that the basic rate will have to await the completion of these studies. In the meantime the veterans organizations will necessarily turn to the Standing Committee on Veterans Affairs as the one source available to it, at least for the time being, through which their views can be made known.

Commenting directly upon the current government studies in regard to social legislation, the War Amputations of Canada considers there are legal and moral grounds to object that pension should be included in any social legislation. Pension is paid as of right, in the form of compensation. It can be compared successfully with an insurance settlement, and the recipient's financial means have no bearing on his right to receive pension bene-

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organisation, car cette question constitue, après tout, la pierre angulaire de la législation canadiennes sur les pensions.

On nous permettra de faire une autre observation. La déclaration la plus significative, peut-être, que contient le Livre blanc, et qui a trait aux taux des pensions, dit que: «le gouvernement doit entreprendre une étude d'ensemble de la politique sociale fédérale et des programmes fédéraux, ce qui comprendra, évidemment, un examen approfondi de la Loi sur les pensions, et d'un bon nombre d'autres régimes de pensions et d'autres mesures sociales.»

Cette déclaration fait ensuite remarquer que de profonds changements des conditions sociales et économiques se sont produits au Canada depuis l'établissement du régime des pensions, et «en particulier, bon nombre de programmes de développement de divers genres ont été établis, et de nombreux régimes ont évolué individuellement au cours des années, ainsi le gouvernement est d'avis que le temps est venu d'examiner la situation dans son ensemble, en vue d'assurer plus d'uniformité dans les divers éléments, et de faire disparaître les lacunes et le double emploi.»

Le Livre blanc dit ensuite qu'une fois que le Gouvernement aura terminé l'évaluation de ce problème, il proposera peut-être de nouveaux changements au régime de pensions ou à son administration.

Cela signifie, on peut le présumer, que le Gouvernement inclura la Loi sur les pensions dans l'étude qu'il est en train d'effectuer sur l'ensemble de la législation sociale canadienne. Puisqu'elle fait partie de cette étude, la Loi sur les pensions a été déférée au Comité du Sénat sur la pauvreté.

On peut raisonnablement présumer que pour fixer les taux de base il faudra attendre que ces études soient terminées. Entre-temps, les associations d'anciens combattants s'adresseront nécessairement au Comité permanent des affaires des anciens combattants, seul recours dont elles disposent, au moins à l'heure actuelle, pour faire connaître leurs points de vue: Au cours de ses observations, qui portent directement sur les études que le Gouvernement est actuellement en train de faire sur la législation sociale, l'Association des amputés de guerre du Canada est d'avis qu'il existe des arguments juridiques et moraux contre l'incorporation des pensions dans une quelconque législation sociale. La pension est versée de droit, sous forme d'indemnité. Elle peut être avantageusement com-

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fit. We would earnestly hope that the members of this Committee would see fit to agree with this premise.

The remarkable aspect is that although the three government enquiries (Ralston Commission, the 1932-33 Committee and the Woods Committee) pointed out many other improvements, all three suggested that the basic formula for calculating the payment of pensions should remain that of the unskilled labour market.

It is surprising, therefore, to learn that while continuing to give some consideration to the Woods Committee recommendations, the government is presumably attempting, at this late stage, to develop some new formula on which to base payment of pensions.

The Ralston Committee found a good deal of favour with the unskilled labour market in the early 1920s—and now in the late 1960s the Woods Committee reinforces this conclusion. In effect it says:

> Retain the unskilled labour market formula and tie the basic rate of pension to the lower categories of wages for male help in the Federal Civil Service—and then get on with the business of filling some of the gaping holes in the coverage for veterans and their dependents.

We sincerely believe that much of the difficulty which arises from the use of the unskilled labour market as the common denominator for establishing pension rates arises out of misunderstanding of the principles which led to its adoption. These principles are as valid today as they were in 1919—and they are:

> (1) All war disabled must be treated alike; that is to say, you do not pay a tap dancer who has lost a foot more pension than you would a bookkeeper—although, taking into account his pre-war occupation, the former may be said to have suffered the greater loss.
> (2) There should be no impediment or obstacle placed in the way of a disabled veteran who wishes to improve himself by way of training or other preparation for a peacetime occupation—and any

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parée au versement d'une assurance, et les ressources financières du bénéficiaire n'ont rien à voir avec son droit ouvrant à une pension. Nous souhaitons ardemment que les membres du présent Comité reconnaissent le bien-fondé de ces arguments.

Un fait intéressant à remarquer, c'est que même si les trois enquêtes du Gouvernement (La Commission royale d'enquête Ralston, la Commission de 1932-1933, et le Comité Woods) ont indiqué plusieurs autres améliorations, toutes trois ont exprimé l'avis que la formule de base servant à calculer le montant des pensions devrait demeurer celle du marché des travailleurs non spécialisés.

Il est étonnant, par conséquent, d'apprendre que tout en continuant d'accorder son attention aux recommandations du Comité Woods, on peut présumer que le gouvernement tente, à ce stade, de mettre au point une nouvelle formule devant servir de base à l'établissement du montant des pensions. La Commission Ralston avait trouvé de bonnes raisons en faveur de la formule du marché des travailleurs non spécialisés, au début des années '20—et maintenant, vers la fin des années '60, les conclusions de la Commission Woods viennent corroborer cette conclusion. Elles disent en effet:

> Que l'on maintienne la formule utilisée pour les travailleurs non spécialisés et qu'on ajuste le taux de base des pensions aux salaires des catégories inférieures d'employés masculins de la Fonction publique—puis que l'on comble certaines des lacunes du régime qui s'applique aux dépendants.

Nous croyons sincèrement qu'une bonne partie des difficultés occasionnées par l'utilisation des normes qui s'appliquent aux travailleurs non spécialisés, pour établir les taux de pensions, sont attribuables au fait qu'on a mal compris les principes qui ont motivé cette pratique. Ces principes sont aussi valables aujourd'hui qu'ils l'étaient en 1919. Ce sont les suivants:

> (1) Tous les anciens combattants invalides doivent avoir droit au même traitement; c'est-à-dire que l'on ne versera pas, par exemple, à un danceur à claquettes qui aura perdu un pied une pension supérieure à celle que l'on verserait à un teneur de livres—bien que, si l'on tient compte de la profession qu'exerçait le premier avant la guerre, on puisse dire qu'il a subi une perte plus considérable.
> (2) Aucun obstacle ne devrait empêcher en aucune façon aliéner le droit à la pen-

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moneys he is able to earn with the abilities which have been left to him despite his war service should not in any way affect his right to pension. In other words his pension is paid for disqualification on the *unskilled* labour market. If he is able to earn a living through acquired skills, using what he has left, he should not in any way be penalized therefor.

We have heard the suggestion that the unskilled labour market is no longer a feasible basis, in that Canada's labour force has changed in the past 50 years from primarily one of unskilled labour to one made up of highly technical and well-educated components. We submit that this does *not* change the basic premise, that is that war disability is paid for the loss of earning ability as an *untrained labourer* regardless of the economic or technological conditions which exist in this country.

We believe all war disability pensioners are prepared to accept this basis, provided that war disability pension at the 100 per cent rate for a single man is equivalent to earnings in the unskilled labour market. In this respect the Woods Committee recommended that the pay scales for unskilled labour in the Federal Civil Service should be used as the indicator. This principle is entirely sound and the War Amputations of Canada is in full agreement therewith.

We have heard another objection to the unskilled labour market, to the effect that firstly, it is difficult to determine the amount of money represented by wages in this class of employment and secondly, that this wage index would not lend itself to cyclical review. While it may be true that the wages for unskilled labour may be more difficult to determine than for well-defined trades in the skilled or semi-skilled categories, we suggest that the Woods Committee has provided the answer. Its findings were to the effect that at the outset, the wages for unskilled labour were taken as those of the cleaner and helper in the Public Service of Canada. Although this specific classification no longer exists, the Woods Committee's proposal is to the effect that *this type* of labour still exists in the

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Federal Government and should be used as the basis.

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sion d'un ancien combattant invalide qui désire améliorer son sort par la formation ou quelque autre préparation à un métier de temps de paix—même si celui-ci obtient un revenu quelconque grâce aux capacités qui lui restent, en dépit de son service militaire. En d'autres termes, il touche sa pension en raison de son incapacité à titre de *travailleur non spécialisé*. S'il lui est possible de gagner sa vie grâce à des compétences acquises, et en utilisant les facultés qui lui restent, il ne devrait en aucune façon être pénalisé.

On a suggéré que le marché de la main-d'œuvre non spécialisée ne constitue plus une base appropriée, parce que d'une main-d'œuvre d'abord non spécialisée elle est devenue au cours des 50 dernières années une main-d'œuvre composée d'éléments d'une haute formation technique et bien instruite. Nous soutenons que cela ne change pas le principe de base, c'est-à-dire qu'une indemnité pour invalidité de guerre est payée à l'égard de la perte de l'aptitude à gagner sa vie en tant qu'*ouvrier inexpérimenté*, peu importe les conditions économiques ou technologiques qui existent dans notre pays.

Nous estimons que les titulaires d'une pension d'invalidité de guerre sont près à accepter cette base, à condition que la pension d'invalidité de guerre au taux de 100 p. 100 pour un célibataire soit égale au salaire obtenu sur le marché de la main-d'œuvre non spécialisée. A cet égard, la Commission Woods a recommandé que les échelles de traitement pour la main-d'œuvre non spécialisée dans la Fonction publique servent d'indications. Le principe est tout à fait juste, et l'Association des amputés du Canada y donne son plein accord. Une autre objection a été apportée pour la question du marché de la main-d'œuvre non spécialisée; elle veut que, d'abord, il soit difficile de déterminer le montant que représentent les salaires dans cette catégorie d'emploi et, en second lieu, que cet indice des salaires ne se prête pas à la revue cyclique. Tout en reconnaissant qu'il soit peut-être plus difficile de déterminer les salaires pour la main-d'œuvre que ceux pour les métiers bien définis dans les catégories de la main-d'œuvre spécialisée ou semi-spécialisée, nous estimons que la Commission Woods a fourni la réponse.

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Moreover, through the Pay Classification Branch of the Public Service of Canada, the wages for this class of labour are subject to cyclical review and would therefore lend themselves to increase or decrease in accordance with pay standards throughout Canada. There seems to be no valid argument against the retention of the unskilled labour market. Therefore the War Amputations of Canada has no hesitation in supporting the views of the Woods Committee in this important area.

Although we have no way of knowing for certain, there is a strong suspicion that the desire to abandon the unskilled labour market as the basis for payment of War Disability Pension is being prompted by financial considerations. The 100 per cent pensioner is being "short-changed" at present in the amount of $970 per annum, as illustrated below:

Approximate wages for unskilled labour in the
*Public Service of Canada $4,150. per annum
100 per cent War Disability Pension (single rates) $3,180. per annum
Deficiency $970. per annum
*1967 figures.

The War Amputations of Canada has had this most important matter under advisement, on an escalated basis, since 1965. In our discussions with the former Minister of Veterans Affairs and his officials, we were not given any valid reasons, to our way of thinking at least, for accepting a revised formula for the payment of pensions. The situation seems to be one very largely of economics. Throughout the years, successive governments have allowed the amount for War Disability Pensions to fall very far behind the wages in the unskilled labour market. Now the government of the day is faced with the perhaps unpleasant duty of closing this gap. We sincerely hope that it is not searching for a new formula, merely to circumvent the necessity of paying to Canada's war disabled the full pension to which they are entitled, both by implied contract and tradition. That is to say

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Elle a conclu que, au départ, les salaires pour la main-d'œuvre non spécialisée ont été considérés comme étant ceux des nettoyeurs et aides dans la Fonction publique du Canada. Cette classification particulière n'existe plus, mais la proposition de la Commission Woods indique que *ce genre* de main-d'œuvre existe encore au sein du Gouvernement du Canada,—et devrait servir de base.

D'autre part, par l'intermédiaire de la Direction de la Classification de la paye de la Fonction publique du Canada, les salaires pour cette classe de main-d'œuvre sont assujettis à la revue cyclique et se prêteraient donc à une augmentation ou à une diminution selon les normes de traitement par tout le Canada. Il ne semble y avoir aucun argument valable contre le maintien du marché de la main-d'œuvre non spécialisée. L'Association des amputés du Canada n'hésite donc aucunement à appuyer la Commission Woods dans cet important secteur. Nous ne pouvons en être certains, mais nous soupçonnons fortement que le désir d'abandonner le marché de la main-d'œuvre non spécialisée comme base du paiement de la pension d'invalidité de guerre s'inspire de considérations d'ordre financier. Le pensionné à 100 p. 100 reçoit actuellement un montant en moins de $970 par année, comme il est indiqué ci-dessous:

Salaires approximatifs pour la main-d'œuvre non spécialisée dans la *Fonction publique au Canada $4,150 par année.
Pension d'invalidité de guerre de 100 p. 100 (taux de célibataire) $3,180 par année
Manque $970 par année
*Chiffres de 1967.

Depuis 1965, l'Association des amputés du Canada étudie cette très importante question de façon accélérée. Lors de nos entretiens avec l'ancien ministre des Affaires des anciens combattants et ses fonctionnaires, nous n'avons reçu aucune raison valable, du moins c'est là notre avis, pour accepter une formule modifiée pour le paiement des pensions. La situation est, en grande partie, une question d'ordre économique. Au cours des années, les gouvernements successifs ont accepté que le montant versé pour les pensions d'invalidité de guerre se prenne du retard sur les salaires versés au marché de la main-d'œuvre non spécialisée. Le gouvernement actuel se trouve maintenant devant la tâche peut-être désagréable de supprimer cet écart. Nous espérons sincèrement qu'il ne tente pas de trouver une nouvelle formule dans le but de circonvenir la nécessité de

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the amount of earnings in the unskilled labour market.

In essence, any attempt now to devise a new yardstick would fail to take into account the contract under which members of the Armed Forces exposed themselves to danger during time of war. They were prepared to accept the fact that, if they were killed or disabled, their pension would be based on a common denominator, for example, that of the unskilled worker. Payment of pension now at a rate any less than wages for this type of employment would be breaking faith with those who offered their lives so that this country could continue to prosper in its democratic traditions. Prosper it has, and those who made this prosperity possible should not be denied a just share in the prosperity, because of the fact that their wartime sacrifices have left them with the disabilities they proudly bear.

I will now refer also to appendix "A"—The Pension Crisis 1969—unless there are questions Mr. Chairman.

Lt. Col. Lambert: If it is all right with you sir, we will have Keith Butler read this appendix.

The Chairman: You would like to have the appendix read before questions begin?

Lt. Col. Lambert: Yes.

The Chairman: Fine.

Mr. Butler: The Pension Crisis, 1969 would closely tie in with the submission just read.

The Pension Crisis—1969

The basic rate of pension is now $3,180. per annum for a 100 per cent pensioner. It seems very obvious that this basic rate has been allowed to lag very considerably behind what might be termed earnings in the unskilled labour market.

A history of pension increases shows that in 1919 the amount provided under the Pension Act was $720. a year. This was the equivalent of the amount paid to the Cleaner and Helper in the Federal Civil Service. The amount was increased in 1920 to $900. and no further increase was made until 1948 when the basic rate of pension became $1,128. Subsequent increases were as follows:

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verser aux Canadiens qui sont atteints d'une invalidité de guerre toute la pension à laquelle ils ont droit, tant par contrat tacite que par tradition. C'est-à-dire équivalent au montant des gains dans le marché de la main-d'œuvre non spécialisée.

En fait, toute tentative actuelle en vue de trouver une nouvelle norme ne tient compte du contrat en vertu duquel les membres des Forces armées se sont exposés aux dangers en temps de guerre. Ils étaient prêts à accepter le fait que s'ils étaient tués ou s'ils devenaient invalides, leur pension serait fondée sur un dénominateur commun, soit le salaire de l'ouvrier non spécialisé. Payer une pension maintenant à un taux inférieur au salaire versé pour ce genre d'emploi serait manquer de parole envers ceux qui ont risqué leur vie pour que leur pays puisse propérer, et ceux qui ont rendu cette propérité possible ne devraient pas s'en voir refuser l'accès du fait que leurs sacrifices consentis en temps de guerre les ont laissés avec des invalidités dont ils sont fiers. Prière de se reporter également à l'appendice «A»—La crise des pensions de 1969, sauf s'il y a des questions, monsieur le président.

Le lieutenant-colonel Lambert: Si vous le permettez, monsieur, je demanderais à M. Keith Butler de lire cette annexe.

Le président: Vous préférez qu'on fasse la lecture de l'annexe avant de passer aux questions?

Le lieutenant-colonel Lambert: Oui.

Le président: Bien.

M. Butler: La Crise des pensions, 1969 ferait parfaitement suite au mémoire qu'on vient de lire.

LA CRISE DES PENSIONS

Le taux de base des pensions est présentement de $3,180 par année pour un pensionné dont l'invalidité atteint 100 p. 100. Il semble évident que ce taux de base accuse un retard très considérable sur ce qu'il conviendrait d'appeler la rémunération de la main-d'œuvre non spécialisée sur le marché du travail.

Le chronologie de l'augmentation des pensions fait ressortir qu'en 1919 le montant prévu en vertu de la Loi sur les pensions était de $720 par année. Ce montant était équivalent à ce que recevaient les nettoyeurs et les aides dans la Fonction publique. Le montant a été porté à $900 en 1920 et aucune autre augmentation n'a été accordée jusqu'en 1948 lorsque le taux de base des pensions a été porté à $1,128. Les augmentations subséquentes se lisent comme il suit:

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1951—$1,500.
1957—$1,800.
1961—$2,160.
1964—$2,400.
1966—$2,760.
1967—$3,180.

The Cleaning Serviceman in the Public Service of Canada is, we now believe, rated at approximately $4,152. per annum. Hence, the gap between the original basis of war disability pension and the equivalent being earned by unskilled labour in the Federal Civil Service is $972. per year. The flaw in the existing situation is that a 100 per cent pension should represent accurately the earnings of the unskilled labourer, using the original comparison, that of the Cleaner and Helper in the Federal Civil Service. We understand that this was the recommendation of the Woods Committee and our association supports this fully.

Admittedly this would mean the necessity to bring pensions, at the basic rate, to $4,152 a year—a decision which the government may find difficult to take. This association would point out, however, that this is the penalty which must be paid for not having kept pensions in line, over the years, with the cost of living and other factors which go into the compilation of the earnings of the Cleaner and Helper in the Federal Civil Service.

A series of insufficient pension increases, going back before World War II, brought about the present situation. It can now be rectified in only one way—that is, for the government to stand firm on its promise that 100 per cent pension would be based on the earnings in the unskilled labour market.

This association is aware, of course, that the Prime Minister has announced an "anti-inflation" policy. He did, at the same time, state very clearly that one of the objectives of this policy was to assist the pensioner who must, of necessity, subsist on a fixed income.

It is obvious that anti-inflationary measures will be of benefit to this group of pensioners. However, it is essential, in the first instance, that the pension be brought up to a reasonable level before being subjected to a "freeze". In other words, if the war disability pension could be raised to somewhere near the $4,152 per annum and then "locked in" to be adjusted only in accordance with fluctuations in the cost of living, the anti-inflationary measures would of course assist the pensioner very

[*Interprétation*]

1951—$1,500
1957—1,800
1961—2,160
1964—2,400
1966—2,760
1967—3,180

Les préposés au nettoyage dans la Fonction publique du Canada sont payés, croyons-nous, quelque $4,152 par année. Par conséquent, l'écart entre la base initiale de la pension d'invalidité résultant du service et l'équivalent que gagne un manœuvre non spécialisé dans la Fonction publique du Canada est de $972 par année. Le défaut dans la présente situation est qu'une pension de 100 p. 100 devrait correspondre exactement à la rémunération d'un manœuvre non spécialisé, en utilisant la comparaison initiale, celle d'un nettoyeur et aide dans la Fonction publique. On nous a donné à entendre que c'est ce qu'a recommandé le Comité Woods et notre association lui accorde son appui entier.

Évidemment, cela signifie qu'il faudrait accroître les pensions, au taux de base, à $4,152 par année—une décision que le gouvernement pourra trouver difficile à prendre. Notre association souligne cependant que c'est la sanction pour ne pas avoir maintenu les pensions, au cours des années, au niveau du coût de la vie et d'autres facteurs qui servent à établir la rémunération des nettoyeurs et des aides dans la Fonction publique.

Une série de hausses insuffisantes de pension, qui précèdent la deuxième guerre mondiale, a amené la présente situation. On peut maintenant y remédier d'une seule façon—le gouvernement doit honorer sa promesse et établir la pension d'invalidité de 100 p. 100 sur la rémunération de la main-d'œuvre non spécialisé sur le marché du travail.

Notre association est au courant, assurément, que le premier ministre a annoncé une politique «anti-inflationniste». Il a, par la même occasion, déclaré explicitement qu'un des objectifs de cette politique est d'aider le pensionné qui doit, par nécessité, subsister à même un revenu fixe.

Il est évident que les mesures anti-inflationnistes seront à l'avantage de ce groupe de pensionnés. Cependant, il faut, au premier chef, que la pension soit portée à un niveau raisonnable avant d'être «gelée». En d'autres termes, si la pension d'invalidité résultant du service pouvait être haussée à environ $4,152 par année et, par la suite, soumise à des rectifications seulement en fonction des fluctuations du coût de la vie, les mesures anti-inflationnistes aideraient alors considérablement le

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greatly. If, however, the anti-inflationary measures are applied as a means of preventing an increase in pension to the $4,152 level (where it should have been since 1967, in comparison with the Cleaning Serviceman) the war disability pensioner is being severely penalized. These anti-inflationary measures would be fair, only if they were applied to all categories of income in a standard or uniform way. However, where because of circumstances, the amount of war disability pension was considerably below where it should have been at the date that the anti-inflationary measures were announced, there is only one equitable means of dealing with the situation. That is, to bring pensions to reasonable levels AND THEN freeze them in their proper bracket in comparison with earnings in the unskilled labour market.

The Chairman: Lt. Col. Lambert, I have not interrupted but I do feel obliged at this point to put a caution on the record. The Terms of Reference of this Committee, in my opinion, certainly do not cover those matters in the appendix that you have read here today. We will have to have advice on the points that you have raised. This is not the first time these points have been raised. However, there is certainly a considerable doubt in my mind how far the Committee can go in dealing with the question of the basic rate of pension, and I think the problem of relating this to current anti-inflationary measures is clearly beyond the possibility of the Committee making recommendations.

Mr. Guay (St. Boniface): I am not so sure, Mr. Chairman, what you mean. Is it because this is not included in the Woods Report, or are you suggesting that this does not fall within what we are supposed to be considering at the moment? Could we not consider part of their representation?

The Chairman: I have not excluded anything, I have simply cautioned the people presenting the brief before us in terms of what their expectation might be of what this Committee could do.

I am simply putting a caution on the record as clearly as I know how because I think there is good reason to believe that if we had a report dealing at any length with the issues,

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particularly those raised in the appendix here, there would be a question of order

[*Interpretation*]

pensionné. Cependant, si les mesures anti-inflationnistes sont mises en vigueur comme moyen d'empêcher une hausse des pensions à $4,152, (niveau qu'elles auraient dû atteindre en 1967, comparaison faite avec les nettoyeurs) le pensionné souffrant d'invalidité de service se trouve gravement pénalisé. Ces mesures anti-inflationnistes ne seraient équitables que si elles s'appliquaient à toutes les catégories de revenus d'une façon uniforme. Cependant, si, à cause des circonstances, le montant de la pension d'invalidité est très inférieur à ce qu'il aurait dû être le jour où les mesures anti-inflationnistes ont été annoncées, il n'y a qu'un moyen équitable de régler la situation. C'est-à-dire, porter les pensions à un niveau raisonnable ET ALORS les geler à leur palier approprié en regard de la rémunération sur le marché de la main-d'œuvre non-spécialisée.

Le président: Je n'ai pas voulu vous interrompre, M. Lambert, mais je crois qu'il est de mon devoir de faire une mise en garde. Je suis d'avis que le mandat de notre Comité n'englobe définitivement pas les questions soulevées dans l'appendice dont vous nous avez donné lecture aujourd'hui. Il nous faudra nous renseigner sur les points dont vous avez parlé. Ce n'est pas la première fois que ces questions sont soulevées. Il existe toutefois un grand doute dans mon esprit et je me demande jusqu'où le Comité peut pousser l'étude de la question des taux de base des pensions. Je crois que vouloir lier cette question aux mesures anti-inflationnistes présentement mises en application n'entre pas dans le cadre des recommandation que pourrait faire le Comité.

M. Guay (St-Boniface): Monsieur le président, je ne suis pas trop sûr du sens de vos paroles. Est-ce parce que le Rapport Woods n'en fait pas mention ou parce que vous êtes d'avis que ces choses n'entrent pas dans le cadre de la question qui nous occupe présentement? Ne pourrions-nous pas étudier une partie de leur représentation?

Le président: Je n'ai pas voulu exclure quoi que ce soit. J'ai simplement prévenu les gens qui ont présenté le mémoire de ce à quoi ils peuvent s'attendre de la part de notre Comité.

Je tiens simplement à faire une mise en garde aussi claire que possible, parce que, à mon sens, nous avons toutes les raisons de croire que, si nous soumettons un rapport

traitant d'une manière assez élaborée de questions comme celles que contient l'appendice,

[*Texte*]

raised because the Terms of Reference of the Committee are delegated to us by Parliament and we cannot go beyond them.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, the other day you made it clear that you had not yet given a ruling.

The Chairman: I feel obliged, however, to put a caution in the record as I did the other day, Mr. Knowles. I think you recall I did the same thing.

Mr. Knowles (Winnipeg North Centre): I think you may have merit on your side when you refer to what this Committee can recommend. It seems to me that in view of the references in the Woods Report itself to the basic rates, and in view of the references made by the Minister, our witnesses should not be precluded from making references. As I say, you may be privileged...

The Chairman: Mr. Knowles, I have not precluded anyone from making references, nor did I prevent them.

Mr. Knowles (Winnipeg North Centre): As long as they do not feel that you have, I am satisfied.

The Chairman: How could I possibly? They have read the whole section into the transcript of the proceedings. But I do feel obliged, in good faith, to put a caution on the record in terms of what they might reasonably expect us to do at this point.

Mr. Guay (St. Boniface): You are trying to convey to us that we are restricted in this particular regard, and I feel the whole punch line of their report this far is to bring that particular point to our attention. This puts me somewhat ill at ease, because I think they have a very good point.

The Chairman: There is no disputing the merits of that.

Mr. Guay (St. Boniface): Because of the restriction placed by the Prime Minister at the moment.

The Chairman: I think that the Committee will have to have further guidance on this point, and we will have to ask for a very specific interpretation as to what we can do.

Mr. Guay (St. Boniface): Well, even with the point that you have raised, Mr. Chairman,

[*Interprétation*]

on en appellera au règlement car le mandat du Comité nous est confié par le Parlement et nous ne pouvons l'outrepasser.

M. Knowles (Winnipeg-Nord-Centre): Vous avez nettement déclaré l'autre jour, monsieur le président, que vous n'aviez pas encore rendu votre décision.

Le président: Je crois toutefois qu'il est de mon devoir de faire une mise en garde, tout comme je l'ai fait l'autre jour. Je crois, M. Knowles, que vous vous en rappelez.

M. Knowles (Winnipeg-Nord-Centre): Je crois que vous avez droit à nos éloges quand vous rappelez les recommandations que peut faire notre Comité. Il me semble que, vu les rappels au sujet des taux de base que l'on fait dans le Rapport Woods lui-même, et étant donné les déclarations faites par le ministre, nos témoins ne devraient pas être empêchés de traiter de ces questions. Comme je l'ai dit, vous avez le privilège...

Le président: Je n'ai ni écarté ni empêché qui que ce soit de faire des déclarations, M. Knowles.

M. Knowles (Winnipeg-Nord-Centre): Aussi longtemps qu'on croira la chose, ça me va.

Le président: Comment la chose se pourrait-elle? On a pu lire la section complète dans le compte rendu des délibérations. Je me crois cependant obligé de bonne foi de faire une mise en garde relativement à ce dont on peut raisonnablement s'attendre de la part du Comité sur ce point.

M. Guay (St-Boniface): Vous essayez de nous convaincre que nous sommes limités quant à ce point. Pour moi, je crois que toute la force de frappe du rapport jusqu'à maintenant a été de porter ce point particulier à notre attention. Cela me met en quelque sorte mal à l'aise, parce que, à mon avis, les témoins apportent un très bon point.

Le président: Il n'est pas question d'en disputer les mérites.

M. Guay (St-Boniface): Étant donné les restrictions imposées actuellement par le premier ministre...

Le président: Je crois que le Comité aura besoin de nouvelles directives à ce sujet. Il nous faudra une interprétation claire des attributions qui sont les nôtres.

M. Guay (St-Boniface): Même en tenant compte du point que vous avez soulevé, mon-

[*Text*]

I think that we should proceed anyway to hear them.

The Chairman: There were some questions. Mr. MacRae had one or two questions.

Mr. Guay (St. Boniface): Go ahead Mr. MacRae.

Mr. MacRae: It was an observation perhaps, Mr. Chairman, more than a question. But I come back to page 3 which Mr. Butler read. May I say before I go on that I am sure the Committee would concur completely. This is a magnificently written brief. There is no question of that. We hear many briefs, or read many briefs, and this is an excellent one.

Coming back to page 3 which Mr. Butler read, he touched on a point that I raised the other day and I want to come back to that point that I raised as to what is being implemented or what is the government's intention to implement. Mr. Butler brought this up, and he says:

> We understand that the Chief Pensions advocate of the Department of Veterans Affairs had made one or more appearances before your Committee, during which he has provided supplementary information in regard to implementation of the Woods committee recommendations and/or the intentions of the Government in this respect.

As you recall, Mr. Chairman, Mr. Ward at that point said that he would prepare a document in which he would number the recommendations of the Woods Report, one to 148, and beside each one he would indicate whether or not it was accepted or rejected, or accepted in part and so on. And of course, what that document will reveal is that it is very different from the White Paper as such because the White Paper touched on certain points and then other points were not touched at all. So especially in the document presented by the Canadian Legion, they rightly said there is no reference in the White Paper to, say, Recommendation No. 80, which is one that I picked out. I am saying all of this perhaps for the benefit of these gentlemen who were not here to hear the evidence, and we do not yet have our transcript. But we are getting it in a day or two and then it will be very helpful.

The point I wanted to raise is this. Mr. Ward indicated that the government was accepting, in whole or in part, certain recom-

[*Interpretation*]

sieur le président, je suis d'avis que nous devons tout de même aller de l'avant et entendre les témoins.

Le président: Les membres auraient-ils des questions à poser? M. MacRae avait une ou deux questions.

M. Guay (St-Boniface): Allez-y, M. MacRae.

M. MacRae: Il s'agit peut-être plus d'une observation, monsieur le président, que d'une question. En ce qui a trait à la page 3 du mémoire dont M. Butler nous a donné lecture, puis-je dire tout de suite que le Comité lui accordera certes tout son appui. Il s'agit ici d'un mémoire très bien conçu, la chose ne fait aucun doute. On nous a présenté bien des mémoires. Nous en avons lu plusieurs; celui-ci est un excellent document.

Pour revenir à la page 3 du mémoire de M. Butler, on y traite d'un point que j'ai soulevé l'autre jour et je tiens à y revenir pour savoir ce qui a été fait dans ce domaine et quelles sont les intentions futures du Gouvernement à cet égard. M. Butler a abordé la question quand il a déclaré:

> «Nous comprenons que l'avocat en chef des pensions du ministère des Affaires des anciens combattants a témoigné une fois ou deux devant notre Comité et il nous a donné des renseignements supplémentaires touchant la mise en vigueur des recommandations du Comité Woods et des intentions du Gouvernement à cet égard.

Vous vous rappelez, monsieur le président, que M. Ward a déclaré à ce sujet qu'il préparerait un document relatif aux 148 recommandations du Rapport Woods, et qu'il indiquerait, en regard de chacune d'elles, si oui ou non, elle avait été acceptée ou rejetée, ou encore acceptée en partie et ainsi de suite. La teneur du document, la chose va de soi, sera très différente de celle du Livre blanc comme tel, car ce dernier touche certains points et en laisse certains autres complètement dans l'ombre. Tout particulièrement, le document présenté par la Légion canadienne, déclare à juste titre que le Livre blanc ne fait aucune mention de la recommandation n° 80, et c'est de celle-là que je veux parler. Je dis ces choses pour le bénéfice de ces messieurs qui n'étaient pas ici pour entendre les témoignages. Nous n'avons pas encore notre exemplaire, mais nous l'aurons dans un jour ou deux et il nous aidera grandement.

Le point que je tiens à souligner est celui-ci: M. Ward a fait observer que le gouvernement acceptait en tout ou en partie cer-

[*Texte*]

mendations. Mr. Chairman, I say to you we do not doubt Mr. Ward's ability or his position, which is that of Acting Chief Pensions Advocate. Can we rest assured, can all of these veterans rest assured, and can we as a Committee, every one of us—because we are all interested, that is why we are here, we are all deeply interested—be assured that when Mr. Ward said Recommendation No. 80 is accepted, then it is accepted and that we can count that at this session, preferably of this highest legislative body in our nation, that recommendation will be translated into legislation? I hope I have made myself clear.

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The Chairman: The only comment I would like to make is that we are free to call witnesses at the discretion of the Committee, including the Deputy Minister who has appeared. The Minister himself would come back if it was the wish of the Committee. The testimony of witnesses should certainly be taken at face value.

The witnesses are being called in their official capacity and I do not think there is any question, or any reason to believe otherwise, that the statements which are made before us represent the policy of the Department. But if there is any question or doubt in the mind of any member of the Committee, I suggest we make a note of it and there will be opportunities before we conclude our deliberations to put further questions to members of the Department.

Mr. MacRae: I was just perhaps following that point, and I do not want to belabour it. Mr. Ward's position is, as you know of course, Acting Chief Pensions Advocate. He is now Chief Pensions Advocate, the Clerk of the Committee tells me. I presume that Mr. Ward is speaking with the full authority of the government of this country when he tells us that a recommendation is accepted.

The Chairman: That is quite a responsibility to put on Mr. Ward's shoulders. Generally speaking, as the Deputy Minister indicated, Mr. Ward would be prepared to present testimony in this area. Mr. Ward may want to add perhaps to what he has said, but generally speaking the testimony of official witnesses called before the Committee should be taken at face value, for what it is. When a witness indicates that this is policy, I believe, to the best of my knowledge, that this is policy.

[*Interprétation*]

taines recommandations. Je dois dire, monsieur le président, que nous avons confiance en la compétence de M. Ward, titulaire du poste d'avocat en chef suppléant des pensions. Les membres du Comité, comme les anciens combattants d'ailleurs, peuvent-ils compter, nous sommes tous intéressés à cette question car c'est la raison pour laquelle nous sommes ici—il n'y a aucun doute—que, lorsque M. Ward dit que la recommandation n° 80 est acceptée, il n'y a plus à en douter? Nous pouvons donc être assurés qu'au cours de la prochaine session du parlement, la plus haute autorité du pays, la recommandation prendra forme de loi. La chose est claire, du moins, je l'espère.

Le président: Le seul commentaire que j'aimerais formuler c'est qu'il est loisible au Comité de convoquer les témoins qu'il veut entendre y compris le sous-ministre qui a déjà témoigné. Le ministre lui-même pourrait revenir devant le Comité, si celui-ci le veut. Les déclarations doivent certes être prises au pied de la lettre.

Les témoins sont convoqués en tant que titulaires du poste qui est le leur, la chose ne fait aucun doute. Nous avons toutes les raisons de croire que les déclarations faites devant le Comité représentent la politique du ministère. S'il existe des points d'interrogation ou des doutes chez les membres du Comité, je vous invite à noter la chose et vous aurez l'occasion de poser d'autres questions aux représentants du ministère avant que ne prennent fin les délibérations.

M. MacRae: C'était là justement le point que je voulais souligner, je n'élaborerais pas davantage. Le poste qu'occupait M. Ward était celui d'avocat en chef suppléant des pensions . . . le secrétaire du Comité me fait observer qu'il est maintenant avocat en chef des pensions. Je présume que M. Ward est autorisé à parler au nom du Gouvernement de notre pays quand il nous dit qu'une recommandation est acceptée.

Le président: C'est toute une responsabilité que vous placez sur les épaules de M. Ward. Comme l'a souligné le sous-ministre, M. Ward serait prêt à témoigner à ce sujet. Peut-être voudrait-il ajouter quelque chose à sa déposition. En règle générale, les dépositions des témoins officiels que le Comité convoque doivent être prises au pied de la lettre. Quand un témoin déclare que c'est là la politique suivie, je crois qu'il faut ajouter fois à son témoignage.

[*Text*]

Mr. MacRae: Thank you, Mr. Chairman. That will be satisfactory for the moment at least. I may be pursuing that at a future time, but I do thank you for your explanation.

Mr. Knowles (Winnipeg North Centre): I think we have to assume that until the Bill is placed before Parliament. If the Bill does not include the things that Mr. Ward said would be there, then you would have something to say.

The Chairman: And not everything calls for legislation, either. Part of it is only a matter of administrative interpretation in many cases. Mr. Whicher.

Mr. Whicher: I certainly agree with, I think, all of what has been read this morning and I am not sure that perhaps this question should be asked, but I think it has to be asked—the cost. Could the people who presented the brief tell us what it would cost to bring the basic rate from $3,180 to the figure of $4,152 that they suggest for the whole of Canada, to bring this figure to that one?

The Chairman: Mr. Chadderton.

Mr. Chadderton: I would assume, Mr. Chairman, that it would be approximately 30 per cent of the present pension bill, assuming that this would apply across the board. But I would point out that we felt it was necessary to touch upon rates here, although it is not the chief matter at issue at the moment with us. The chief matter is the formula on which pensions are paid.

Having said that, if the government accepts the unskilled labour market formula and uses 1967 figures of $4,150, it would work out at approximately 30 per cent of the present pension bill. I prefer not to say, as somebody else would know the exact figure more than I would, but it is a healthy amount. And this is why, Mr. Chairman, we thought today that we had to bring before you the formula rather than the amount of money. We read the appendix on the crisis in pensions into the record because we felt it was ancillary to what we were saying, but it is not the main point.

The Chairman: Mr. Whicher, if you wanted an answer, Mr. Anderson is here, and Mr. Anderson I am sure would be perhaps the best qualified person in this room to answer that question. Do you want to ask him later, or do you want to have it now?

[*Interpretation*]

M. MacRae: Merci, monsieur le président. Ce sera suffisant, pour le moment du moins. Il se peut que je revienne plus tard sur le sujet. Je vous remercie de votre explication.

M. Knowles (Winnipeg-Nord-Centre): Je crois que nous devons assumer qu'il en est ainsi tant que le projet de loi ne sera pas déposé devant le Parlement. S'il arrivait qu'il ne renferme pas les choses qu'a indiquées M. Ward, vous auriez alors quelque chose à dire.

Le président: Tout n'est pas matière à législation. Dans bien des cas, il arrive qu'une partie ne soit qu'une question d'interprétation administrative. M. Whicher.

M. Whicher: Je suis certes d'accord avec tout ce qu'on a dit ce matin. Je ne suis pas certain si je devrais poser ma question, mais je crois qu'elle s'impose. Il s'agit du coût. Est-ce que ceux qui ont présenté le mémoire pourraient nous dire combien il en coûterait si le taux de base était porté de $3,180 à $4,152, et que ce taux soit applicable à travers tout le Canada?

Le président: M. Chadderton.

M. Chadderton: Je suis d'avis, messieur le président, que les déboursés actuels pour la pension seraient majorés de 30 p. 100, à supposer que le taux proposé s'applique dans tout le Canada. J'aimerais souligner que nous avons cru nécessaire de mentionner le taux, bien que ce ne soit pas, à notre avis, la question présentement en litige. Ce qui importe en premier lieu, c'est la formule de paiement des pensions.

Ceci dit, si le gouvernement accepte la formule du marché de la main-d'œuvre non spécialisée et emprunte les données de 1967, soit $4,150, cela équivaudrait approximativement à une hausse de 30 p. 100 des déboursés actuels pour les pensions. Je préfère ne pas en dire un mot. Quelqu'un d'autre pourrait être plus au courant que moi du chiffre exact, mais je sais qu'il s'agit d'une somme fort imposante. Voilà pourquoi nous avons cru, monsieur le président, devoir mentionner la formule plutôt que le montant d'argent en cause. Nous avons lu dans l'annexe l'exposé officiel de la dispute présente touchant la question de la pension, parce que nous estimons la chose accessoire à la question débattue, mais ce n'est pas le point principal.

Le président: Si vous désirez obtenir une réponse, M. Whicher, M. Anderson, ici présent est, j'en suis sûr, la personne toute désignée pour vous répondre. Voulez-vous le questionner plus tard ou aimeriez-vous le faire tout de suite?

[*Texte*]

Mr. Whicher: I would like to have an answer, but I wanted the witness to answer one thing more. Up to the moment you were referring strictly to pensions. We have not discussed war veterans allowance, for example. This is strictly a suggestion that it be 30 per cent of the pension paid. Is that right?

The Chairman: Mr. Chadderton.

Mr. Chadderton: My figure would be approximately $55 million per annum to tag

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30 per cent on to your present pension bill. I stand to be corrected by the experts, but that is...

Mr. Whicher: But this does not include any additional for war veterans allowance at all.

Mr. Chadderton: Oh, no. We are dealing only, Mr. Chairman, with pensions in this hearing.

Mr. Whicher: I thought that was true, but I wanted to clarify it.

The Chairman: Mr. Turner and Mr. Guay had their hands up.

Mr. Turner (London East): The veterans associations of Canada would be satisfied if this was done, a 30 per cent raise.

Mr. Chadderton: I can say this, Mr. Turner, that the veterans associations of Canada have met jointly on four occasions and they have endorsed the Woods Committee proposal. The only thing that might affect this is that we were using the 1967 figures. However, I am not going to back off. Speaking personally, and I think on behalf of our delegation, I would say that the War Amputations of Canada would certainly accept it.

Mr. Turner (London East): There is a hospital in my riding and I know what the veterans went through; I have talked to many of them. I have always believed that all pensions should have a cost-of-living bonus tied to them, so if the cost-of-living goes up automatically the pension goes up. Thank you.

Mr. Guay (St. Boniface): My question is to ask the delegation if this particular matter is basically the most important and you did answer Mr. Whicher, I believe that it was not. Could you give me priorities? I know we have

[*Interprétation*]

M. Whicher: J'aimerais avoir une réponse, mais je désirerais poser une autre question au témoin. Jusqu'à maintenant, nous nous en sommes tenus exclusivement à la question de la pension. Nous n'avons pas parlé, entre autres, des allocations aux anciens combattants. En ce qui a trait à la hausse de 30 p. 100 du coût des pensions, est-ce que la chose est exacte?

Le président: Monsieur Chadderton.

M. Chadderton: J'ai calculé qu'il faudrait dépenser 55 millions de dollars par année pour ajouter 30 p. 100 à votre facture actuelle des pensions. Que les spécialistes me corrigent si je fais erreur, mais c'est...

M. Whicher: Mais ce chiffre ne comprend aucun supplément pour les allocations aux anciens combattants.

M. Chadderton: Certes non. Monsieur le président, à la présente séance nous nous occupons uniquement de pensions.

M. Whicher: C'est ce que je pensais, mais je voulais le confirmer.

Le président: Messieurs Turner et Guay ont levé la main.

M. Turner (London-est): Une augmentation de 30 p. 100, voilà qui contenterait les associations canadiennes d'anciens combattants, si elle était adoptée

M. Chadderton: Je puis vous dire, monsieur Turner, que les associations canadiennes des anciens combattants se sont toutes réunies à quatre reprises et ont approuvé la proposition du Comité Woods. Le seul élément qui puisse changer le tableau est que nous utilisons les chiffres de 1967. Néanmoins, je ne vais pas faire machine arrière. Parlant en mon nom et en celui de notre délégation, je dirai que les Amputés de guerre accepteraient volontiers cette augmentation.

M. Turner (London-est): Il y a un hôpital dans mon comté et je sais ce qu'ont pu traverser les anciens combattants en fait d'épreuves. J'ai causé avec plusieurs d'entre eux. J'ai toujours cru que toutes les pensions devraient être accompagnées d'une indemnité de vie chère de sorte que si l'indice monte, automatiquement la pension monte. Merci.

M. Guay (St-Boniface): Je demandais à la délégation si cette question est essentiellement la plus importante et vous avez répondu, monsieur Whicher, sauf erreur, que ce ne l'était pas. Veuillez m'énumérer vos

[*Text*]

not finished your brief but what is the most important one you would have? Let us say, if you were on priorities, if we were to give you those priorities, let us say one every week, which one would you say is the most important?

Mr. Chadderton: Mr. Chairman, I think the most important one to our particular organization would have to be the one dealing with multiple disabilities, but again there is no quick answer. We have a man in Montreal, for instance, who was shot down in a training accident in an aircraft. He reaches age 55 this month and I am sure the most important recommendation in the Woods Committee Report to him is automatic age increase. We have the case of a widow who remarried and she did not come within the present five year limitation of the Act. I am sure the most important recommendation in the Woods Committee to her is that compassionate pension should be broadened to apply in her case. It is a very difficult question for anyone to answer at the moment, I think, but to put my finger on one I would say multiple disabilities.

Mr. Knowles (Winnipeg North Centre): Mr. Kohaly, who was here the other day was asked for priorities and he gave three. I think I remember the order or at least the three were the basic rate, the multiple disabilities and the procedures.

Mr. Chadderton: The appeal board, sir.

Mr. Knowles (Winnipeg North Centre): Yes. I think he was in a sense speaking for all of the veterans' organizations.

Mr. Chadderton: Yes, I think if I were speaking for all veterans' organizations today I would agree. With regard to the War Amputations of Canada we have some specific problems that our people are specifically interested in. Also we have endorsed the whole report and anything that Mr. Kohaly said he was speaking for us, sir.

Mr. Whicher: I have another supplementary. Some of these things are most difficult and certainly as far as I am concerned I am completely on the veterans' side. However, I feel, Mr. Chairman, that when it is pointed out the basic rate is now $3,180 and when we

[*Interpretation*]

premiers objectifs. Je sais que nous n'avons pas épuisé votre exposé, mais quelle est votre objectif le plus prioritaire? Supposons que nous discutions de cette question; si nous vous donnions ces objectifs, disons un par semaine, lequel jugeriez-vous le plus important?

M. Chadderton: Monsieur le président, je crois que le plus important pour notre association en particulier serait celui qui a trait aux invalidités multiples, mais nous savons que la réponse ne se donne pas rapidement. Ainsi, nous avons à Montréal un homme qui s'est fait descendre d'un avion par une arme à feu durant un exercice. Il aura 55 ans ce mois-ci, et je sais que la plus importante recommandation que contienne pour lui le rapport du Comité Woods est l'augmentation automatique de la pension avec l'âge. Il y a le cas de la veuve qui s'est remariée et qui ne jouit pas de l'actuelle limite de cinq ans prévue par la loi. Je suis sûr que pour elle la recommandation la plus importante du Comité Woods est l'élargissement, dans son cas, de la pension de commisération. La réponse à votre question n'est pas facile, mais je pense que s'il fallait mentionner un objectif de première importance, je citerais les invalidités multiples.

M. Knowles (Winnipeg-Nord-Centre): Monsieur Kohaly, qui était parmi nous l'autre jour, a parlé de trois objectifs prioritaires lorsque la question lui fut posée. Si je ne me souviens pas dans quel ordre il les a nommés, je dirais tout de même qu'il a parlé des taux de pension, des invalidités multiples et des procédures.

M. Chadderton: Le Bureau d'appel, monsieur.

M. Knowles (Winnipeg-Nord-Centre): Oui, dans un certain sens, je crois qu'il parlait pour toutes les organisations d'anciens combattants.

M. Chadderton: Oui, si je parlais au nom de toutes les organisations d'anciens combattants aujourd'hui, je serais de cet avis. Quant aux Amputés de guerre du Canada, nous avons des problèmes particuliers qui intéressent spécifiquement nos gens. De plus, nous avons donné notre appui au rapport tout entier et tout ce qu'a dit monsieur Kohaly reflète notre propre pensée, monsieur.

M. Whicher: J'ai une autre question supplémentaire. Certaines de ces choses présentent de très grandes difficultés et quant à moi, vous pouvez être assuré que je suis tout acquis à la cause des anciens combattants. Toutefois, monsieur le président, lorsqu'on

[*Texte*]

ask for $4,152 somewhere along the line we must point out that there is no income tax on this. No one suggests, please—I am not—that there should be any; however, I think it must be pointed out that this is one advantage. If it were brought up to the respectable figure of $4,152 as suggested in this brief whereas the unskilled labour making this amount pays tax on it the veteran does not. I think we have to keep this somewhere in the back of our mind.

Mr. Guay (St. Boniface): Mr. Chairman, I must interject that the amount of $3,180 would not be affected too greatly by income tax anyway, particularly if the man was married. If that same veteran had a child or two, he would not be paying much income tax anyway.

Mr. Whicher: Fair enough, no.

Mr. Chadderton: Mr. Chairman, in balancing off the fact that there is no income tax on

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pensions I think it is fair to consider that the cleaner and helper, for example, in the federal civil service with an income which is now far above $4,150 also receives a number of fringe benefits which the pensioner does not get. I am referring to such things as sick leave, as an example, and holidays with pay and this type of thing.

The Chairman: The pensioner does get medical care though.

Mr. Chadderton: He gets medical care, Mr. Chairman, only for his pensionable disability. He is required out of that income to cover himself and his family for medical insurance the same as any other employee. However, I know we do not want to get into a debate today on the merits of this thing.

The Chairman: I am sure this is outside the scope of the Woods Report to go into the details of comparison of fringe benefits of pensioners under one program against another government program.

Mr. Chadderton: I think that is right, Mr. Chairman.

The Chairman: I think I have been tolerant in letting the questions go in fairness to everybody concerned.

Mr. Chadderton: I must say, Mr. Chairman, it is the formula we wish to discuss. As you

[*Interprétation*]

dira que le taux de base est maintenant de $3,180 et que nous demanderons $4,152, il nous faudra à un moment quelconque faire remarquer que ce montant n'est pas imposable. Comprenez-moi bien, je ne dis pas qu'il devrait y en avoir, mais il faut dire, je pense, que c'est là un avantage. Si le montant était porté au chiffre appréciable de $4,152, comme il est proposé dans cet exposé, il ne faudrait pas oublier que le manœuvre qui gagne ce montant paye l'impôt alors que l'ancien combattant ne paie rien.

M. Guay (St-Boniface): Monsieur le président, il faut dire ici que le montant de $3,180 ne serait pas très frappé par l'impôt sur le revenu de toute façon, surtout si l'homme est marié. Si ce même ancien combattant avait un enfant ou deux, il n'aurait pas grand impôt à payer.

M. Whicher: C'est juste, non?

M. Chadderton: Monsieur le président, tenant compte du fait que les pensions ne sont pas imposables, il est juste de dire que le nettoyeur et l'aide par exemple, qui travaille pour la Fonction publique du Canada, au salaire de $4,150 reçoit également un certain nombre d'avantages sociaux que ne reçoit pas le pensionné. Je veux parler de choses comme les congés de maladie, les vacances payées et ainsi de suite.

Le président: Il faut dire que le pensionné reçoit les soins médicaux.

M. Chadderton: Les soins médicaux qu'il reçoit sont réservés à son invalidité ouvrant le droit à la pension. A même ce montant de pension, il doit protéger sa famille et lui-même par une assurance médicale, comme tout autre employé. Mais j'ajoute que nul ici ne veut ouvrir un débat aujourd'hui sur cette question.

Le président: Je suis sûr que le Rapport Woods ne prévoit pas que l'on entre dans les détails d'une comparaison entre les avantages sociaux que reçoivent les pensionnés dans le cadre d'un programme, par opposition aux avantages offerts par un autre programme du gouvernement.

M. Chadderton: Vous avez raison, monsieur le président.

Le président: Je crois que j'ai été tolérant en permettant que chacun puisse poser ses questions.

M. Chadderton: Je dois dire, monsieur le président, que c'est la formule que nous vou-

[*Text*]

can see we are very much against changing this formula of the unskilled labour market for some reasons which we suggest are pretty cogent. We have brought them out for the Committee because we feel that whether it is within your terms of reference or not this is the Standing Committee on Veterans Affairs and it is going to be placed squarely in front of you in one way or another. Our fear is that if the Department and the Minister happen to be working on some type of formula which is different, we have no assurance that we will ever get an opportunity to be consulted on it or to discuss it. So we felt today we had to put our views in front of you.

Mr. Weatherhead: Mr. Chairman, with respect to the formula, which is coming up in every brief and probably rightly so, it seems that when the Pension Act was first legislated in 1919 it was tied to the basic unskilled labour rate principle, but from 1920 to 1948 I gather there was no change in the pension paid at all, although obviously the wages that unskilled labour could bring in the market would probably have increased, at a guess, two or three times anyway. During all these years were your respective associations pushing for the continuance of this unskilled labour rate principle? If so, why did nothing at all happen for 28 years? Did the formula lapse in the meantime and was brought back in later years?

Mr. Chadderton: Mr. Chairman, I think the answer is that there was no increase in the basic rate from 1924 until 1948 and certainly veterans' organizations—my study of their activities—veterans' organizations were very active until the depression years in attempting to get the government to increase pensions in accordance with a general increase in wages or increase in cost of living or whatever it was called in those days. Certainly there were no strong proposals for an increase in pensions during the thirties for good and obvious reasons. It just was not the time to ask for it and things were going down if anything.

I find that there were also no requests for increases in pensions during the war years and I ascribe this to the patriotic motives of the veterans' organizations. They were saying, "Let us get on with the war" and Padre Lambert can probably tell us more about it because he was in command during those

[*Interpretation*]

lons examiner. Vous voyez donc que nous sommes fermement opposés à tout changement à la formule du marché de la main-d'œuvre non spécialisée et cela pour des raisons faciles à comprendre. Nous les avons exposées au Comité parce qu'à notre avis, que ce soit dans les limites de votre mandat ou non, nous sommes ici devant le Comité permanent des Affaires des anciens combattants et le problème va nous être présenté d'une façon ou d'une autre. Nous craignons que si le Ministère et le ministre s'occupent actuellement d'élaborer quelque formule différente, nous n'ayons aucune chance d'en être consultés ou d'en discuter. C'est pourquoi nous avons pensé qu'aujourd'hui il nous faudrait vous exposer nos vues.

M. Weatherhead: Monsieur le président, en ce qui concerne la formule dont on parle, avec raison, dans chaque exposé, il me semble qu'en 1919, lorsque la Loi sur les pensions a été adoptée, le montant se rattachait au taux de base applicable à la main-d'œuvre non spécialisée, mais de 1920 à 1948 je crois comprendre qu'aucun changement n'a été apporté au montant de la pension, bien que, naturellement, les gages que la main-d'œuvre pouvait apporter sur le marché aient peut-être doublé ou triplé. Durant toutes ces années, est-ce que vos associations respectives préconisaient le maintien du principe du taux de base payé à la main-d'œuvre non spécialisée? Dans le cas de l'affirmative, pourquoi ne s'est-il rien produit pendant 28 ans? Est-ce que la formule est devenue désuète dans l'intervalle pour être reprise plus tard?

M. Chadderton: Monsieur le président, il est vrai que le taux de base des pensions n'a pas monté entre 1924 et 1948, mais je puis vous dire, moi qui suis au courant de l'histoire des organisations d'anciens combattants, que celles-ci ont été très actives jusqu'aux années de la crise économique lorsqu'elles ont tenté de convaincre le gouvernement d'augmenter les pensions conformément à une augmentation générale des salaires ou à l'accroissement du coût de la vie, si c'est ainsi qu'on désignait alors la chose. Certes, il n'y a pas eu de propositions insistantes pour faire augmenter les pensions durant les années trente et cela pour une excellente raison. Le temps n'était simplement pas propice à une telle demande alors que tout baissait.

Je note aussi qu'on n'a pas demandé d'augmentation des pensions durant les années de guerre et j'en attribue la cause au sens patriotique des organisations d'anciens combattants. On disait alors: «Occupons-nous d'abord de la guerre» et l'aumônier Lambert pourrait en dire long là-dessus puisqu'il était

[*Texte*]

days. However, immediately after the war in 1946 the veterans' organizations started in again and the first increase came in 1948. So there were two reasons why there was no great outcry for increases in the thirties. Of course, you had a depression and in the early forties you had a war, sir.

Mr. Weatherhead: Yes, now, in recent years, since 1948 say, in your opinion has any federal government agreed to this unskilled labour concept? When they were, for instance, making the many increases that have been made since 1951 by both governments in power since then, have they referred to this concept at all or have they ever admitted to it?

Mr. Chadderton: I would have to say they have not referred directly to it, but by the same token I know of no announcements from any government since 1946 which would indi-

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cate that the government has abandoned the unskilled labour market. Consequently, we in the veterans organizations have been going on the understanding that the basis of payment of pensions remains that of the unskilled labour market, and if the government came along with a 15 per cent increase—we were asking for 30 and our 30 per cent was always based on what we assumed to the wages in the unskilled labour market. I guess the answer is that so long as it was on the books, and it has been on the books since 1924 and earlier, we had every right to assume that it was still there because no government had ever repudiated it.

Mr. Weatherhead: Mr. Chadderton, you speak of it being on the books, but did the government in those days, 1920 to 1924, refer specifically to this unskilled labour concept at the time they were initiating the first award of pension, which I believe was $720, and then there was an increase or two since that time to 1924?

Mr. Chadderton: Yes, Mr. Chairman, there was a report by a 1919 parliamentary committee which included a reference to the unskilled labour market—it is quoted in here, I cannot quote it offhand—being sufficient to allow a man to have the enjoyment of life in terms of what he could earn as an unskilled labourer. That was again confirmed by the Ralston Committee in 1922-23, and its report

[*Interprétation*]

commandant durant ces années-là. Néanmoins, aussitôt après la guerre, en 1946, les organisations d'anciens combattants reprirent leurs revendications et la première augmentation fut accordée en 1948. Il y avait donc deux raisons pour lesquelles on ne criait pas très fort pour avoir des augmentations dans les années '30. Bien sûr, il y a eu la crise économique, puis la guerre dans les années '40.

M. Weatherhead: Oui. Maintenant, si nous examinons les années plus récentes, depuis 1948, par exemple, savez-vous si le gouvernement fédéral, quel que soit le parti au pouvoir, a accepté ce concept de la main-d'œuvre non spécialisée? Par exemple, lorsque les deux gouvernements au pouvoir ont consenti ces nombreuses augmentations depuis 1951, ont-ils fait quelque mention de ce concept ou en ont-il admis le bien-fondé?

M. Chadderton: Je dirais qu'ils n'y ont pas fait allusion directement, mais je m'empresse d'ajouter qu'aucun gouvernement depuis 1946 n'a fait de déclaration à l'effet qu'il avait abandonné le marché de la main-d'œuvre non spécialisée. En conséquence, à titre de membres des organisations d'anciens combattants, nous n'avons jamais cessé de croire que la base des paiements des pensions demeure celle du marché de la main-d'œuvre non spécialisée, et si le gouvernement proposait une augmentation de 15 p. 100, nous demandions 30 pour 100, pourcentage fondé sur ce qu'on supposait être le salaire sur le marché de la main-d'œuvre non spécialisée. Je crois que si ce critère existait depuis 1924 et n'a pas été rayé depuis même avant cela, nous étions pleinement en droit de supposer qu'il était encore en vigueur, aucun gouvernement l'ayant répudié.

M. Weatherhead: Monsieur Chadderton, vous dites que c'était la formule acceptée, mais durant ces années-là est-ce que le gouvernement,—de 1920 à 1924,—mentionnait spécifiquement ce concept de la main-d'œuvre non spécialisée à l'époque où il accordait la pension pour la première fois, au montant de $720, sauf erreur, après quoi il y eut une augmentation ou deux jusqu'à 1924?

M. Chadderton: Oui, monsieur le président, en 1924, un Comité parlementaire publiait un rapport dans lequel il était question du marché de la main-d'œuvre non spécialisée,—on le reprend actuellement ici, mais je ne puis le citer de mémoire. On y dit que ce montant suffit pour qu'un homme puisse jouir de la vie dans la mesure permise par son salaire comme travailleur non spécialisé. Le Comité

[*Text*]

was tabled and accepted in Parliament. I think these are the two main references: the 1919 parliamentary committee and the 1924 royal commission, whose report was accepted in Parliament. As a matter of fact, pensions were increased as a result of the report of the 1924 committee. However, I must say it is one of those things that almost by rote it appears to have been accepted and no one has ever denied it and it has never been repudiated.

Mr. Weatherhead: I am quite new at this business, you know, but it seems to me that the reports might have been accepted by Parliament as such without the government of the day—unless they specifically referred to it in some legislation, or something—actually being committed to the principle. This was fifty-odd years or so ago. I am not unsympathetic to it, you understand, but you must remember that as we are going to have to be dealing with this in every brief that we hear, and I say rightly so, to get some sort of a background, I was going back to try to get some idea if the government of the day ever did commit itself, because it seems to me that having the report tabled in Parliament and being accepted in some sort of a general way perhaps would not tie the government of the day right down to it.

Mr. Chadderton: I really think the answer, Mr. Chairman, will be found in the Woods Report. In my opinion the Woods Committee did an exhaustive amount of research on the history and background of the basic rate, and that will be found in Volume II, Chapter 13, and particularly in the opening statement on page 475 and again in the comments on page 494. I would also like to point out to the Committee, if I may, that all the references which the Woods Committee used are tabled at the end of that section. I do not think there is time to deal with this this morning, it is a very exhaustive study, and all I can say is that Mr. Justice Woods and his colleagues felt quite assured of themselves when they suggested in the Report that the official formula for the basic rate was that of the unskilled labour market, as tied to the cleaner and helper in the federal government service, and this was certainly the original intent and it has never been changed.

Mr. Weatherhead: Thank you, Mr. Chairman.

Mr. Marshall: Mr. Chairman, I notice in the progressive list of basic rates given by Mr. Butler that they have increased over the years. For exemple, for 1961 it was $2,160; in 1964 it was $2,400, and so on in 1966 and

[*Interpretation*]

Ralston, en 1922-1923, a de nouveau confirmé la chose et son rapport a été déposé au Parlement puis adopté. A mon sens, ce sont là les deux principales références: le Comité parlementaire de 1919 et la Commission royale d'enquête de 1924, dont le rapport a été accepté par le Parlement. Néanmoins, je dois dire que c'est là quelque chose que l'on sait par cœur, comme ayant été accepté; personne n'y a opposé de démenti ni ne l'a répudié.

M. Weatherhead: Je suis assez nouveau ici, mais il me paraît possible que le Parlement ait accepté les rapports comme tels sans que le gouvernement de l'époque,—à moins de l'avoir stipulé dans quelque mesure législative ou autre,—se soit engagé à respecter ce principe. Cela date de plus de cinquante ans. Comprenez-moi bien, je ne suis pas opposé à ce principe, mais n'oubliez pas qu'il va nous falloir traiter de cette question pour tous les exposés que nous allons entendre. Je crois avoir raison d'insister pour que l'on obtienne une certaine documentation et que l'on tâche de savoir si le gouvernement de l'époque s'est déjà engagé, car il me paraît que le simple fait de faire accepter de façon générale des rapports par le Parlement n'est pas un moyen d'engager le gouvernement à se conformer à la demande.

M. Chadderton: Je suis convaincu, monsieur le président, que la réponse se trouve dans le Rapport Woods. A mon avis, ce Rapport contient une étude exhaustive des antécédents et de l'historique de la question, et vous le trouverez au chapitre 13, du Volume II et surtout dans la déclaration préliminaire en page 550 et encore dans les commentaires à la page 572. Je veux également faire remarquer au Comité, si je le puis, que toutes les références utilisées par le Comité Woods figurent à la fin de cette section. Je crois que nous n'avons pas le temps d'examiner cela ce matin; c'est une étude très complète et tout ce que je puis dire, c'est que monsieur le juge Woods et ses collègues ont affirmé avec beaucoup d'assurance dans leur rapport que la formule officielle pour établir le taux de base était le marché de la main-d'œuvre non spécialisée, donnant comme exemple l'emploi de nettoyeur et de l'aide dans la Fonction publique du Canada, et ce fut certes là l'intention première et cela n'a jamais changé.

M. Weatherhead: Merci, monsieur le président.

M. Marshall: Monsieur le président, je remarque que dans la liste de base les taux donnés par monsieur Butler ont augmenté avec les années. Par exemple, le montant était de $2,160 en 1961; $2,400 en 1964 et il y

[*Texte*]

1967, and it shows a trend to an increase of from 10 to 12 or 13 per cent over the years. Suppose we were lucky enough to have an impact on the government to recommend a further increase, keeping in mind that we asked for an increase of 30 per cent, which would amount to $55 million but it was not acceptable. How was this trend received by veterans' organizations over the years from 1961 to 1967, for example?

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Mr. Butler: If I might answer that as I see it, I think the veterans' associations all through the piece have felt that half a loaf was better than none. In other words, if an increase is granted we are grateful for the size of the increase even though it is not what we asked for, if that answers your question, sir.

Mr. Marshall: Yes, for the time being.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I was merely going to comment on the point raised by Mr. Weatherhead and I would like to say, relying solely on my memory, which is rather long around here, that I have heard a good many Ministers of Veterans Affairs refer to the basic rate principle. Perhaps it is like Calvin Coolidge's preacher being against sin and for motherhood, but certainly Mr. Chadderton is right that no Minister of Veterans affairs has ever repudiated the principle, and in my memory there have been sufficient favourable references to it that I think it would have to be said that the government at least has not moved away from it.

The Chairman: If there are no further questions, I think this would be a good time for a five-minute break, after which we will resume on the next point, which is another section of your brief.

RECESS.

(AFTER RECESS)

The Chairman: May we resume, please? I ask members of the Committee to take their seats.

The next section of the Report deals with multiple disabilities.

Lt. Col. Lambert: Yes; and Sam Alderdice of Winnipeg is going to read this. He is a good reader.

[*Interprétation*]

a eu des augmentations en 1966 et 1967, et la tendance indique une augmentation de 10 à 12 ou 13 p. 100 au cours des années. Supposons que nous réussissions à amener le gouvernement à recommander une nouvelle augmentation, n'oubliant pas que nous avons demandé une augmentation de 30 p. 100, ce qui équivaudrait à 55 millions de dollars, mais la demande a été refusée. De quelle façon cette tendance a-t-elle été acceptée par les organisations d'anciens combattants au cours des années, de 1961 à 1967 par exemple?

M. Butler: J'aimerais répondre à cette question comme je la comprends. Je pense que les associations des anciens combattants durant tout ce temps ont cru qu'un demi pain valait mieux qu'aucun pain. Autrement dit, si l'on accorde une augmentation, nous sommes reconnaissants à ceux qui la donnent, quel que soit l'ordre de grandeur de cette augmentation, et même si ce n'est pas ce que nous avions demandé. Cela répond-il à votre question, monsieur?

M. Marshall: Oui, pour le moment.

M. Knowles (Winnipeg Nord-centre): Monsieur le président, j'avais seulement un commentaire à faire au sujet du point soulevé par monsieur Weatherhead. Je dirai donc, en me fiant seulement à ma mémoire, qui remonte assez loin en arrière dans ces comités, que j'ai entendu bon nombre de ministres des Affaires des anciens combattants parler du principe du taux de base. Cela fait peut-être penser au prédicateur de Calvin Coolidge qui était contre le péché, mais favorable à la maternité. De toute façon, monsieur Chadderton a raison de dire qu'aucun ministre des Affaires des anciens combattants n'a jamais répudié ce principe et, autant que je me souvienne, on en a assez souvent parlé favorablement pour soutenir que le gouvernement au moins ne s'en est pas écarté.

Le président: S'il n'y a pas d'autres questions, ce serait un bon moment je crois, pour faire une pause de cinq minutes, après quoi nous aborderons le point suivant, une autre section de votre mémoire.

PAUSE.

APRÈS LA REPRISE

Le président: Messieurs, pouvons-nous reprendre? Je demande aux membres du comité de bien vouloir reprendre leurs places.

Le chapitre suivant du rapport traite des invalidités multiples.

Le lieutenant-colonel Lambert: Oui et monsieur Sam Alderdice de Winnipeg va nous le lire. C'est un bon lecteur.

[*Text*]

Mr. S. J. Alderdice (War Amputations of Canada, Winnipeg, Man.): Gentlemen, we are on page 14 , Multiple Disabilities.

Multiple Disabilities:

Squeezed at the top!!! This is possibly the most apt expression to describe the situation of the multilpe-disability casualty. It may be surprising for those who are not familiar with the Pension Act to learn a very significant fact. It is that, under the Table of Disabilities approved by the assessment for a war casualty can conceivably reach 320, using the following example of a quadruple amputee:

Left arm above the elbow—80
Right arm above the elbow—80
Left leg—upper mid thigh—80
Right leg—upper mid thigh—80
Total—320

Notwithstanding the maximum pension paid by the Pension Commission in a case of this nature is limited to 100%. This is what we, in the War Amputations of Canada, call the application of an "artificial ceiling". The anomaly of the situation is illustrated even more forcibly by the fact that an amputee who has suffered the loss of his right leg above the knee and part of his left foot would receive exactly the same pension as an amputee who has suffered the loss of all four of his extremities. This is demonstrated in Appendix "B" hereto.

If you turn to the back of the book you will note that in Appendix B we have a man with a mid-thigh amputation and one with a Chopart's and Syme's, and he gets 100 per cent pension. We also have a quadruple amp. a man with two arms off and two legs off—80 per cent, 80 per cent, 80 per cent, 80 per cent, for all disabilities, for a total of 320 per cent. Because of the 100 per cent ceiling both amputees receive the same pension.

We go back to page 15:

The disparity brought about by the application of this 100% ceiling is brought out further in Appendix "C" hereto. This shows the pension payment, together with attendance allowance for three amputees.

This Appendix C referred to is a picture—a wonderful picture, we think. It was taken in Winnipeg. Here is a man who is a quadruple

[*Interpretation*]

M. S. J. Alderdice (Amputés de guerre du Canada, Winnipeg, Man.): Messieurs, nous sommes à la page 14, invalidités multiples.

Invalidités multiples:

Congé au sommet! C'est peut-être l'expression qui décrit le mieux la situation d'une personne atteinte d'infirmités multiples. Ceux qui ne sont pas familiers avec la Loi sur les pensions seront peut-être surpris d'apprendre un fait assez significatif. C'est que, selon le Tableau des invalidités approuvées par la Commission canadienne des pensions, l'appréciation de l'invalidité d'un blessé de guerre peut bien atteindre 320 p. 100, si l'on prend en exemple une personne qui a subi quatre amputations:

Bras gauche, sous le coude—80%
Bras droit, au-dessus du coude—80%
Jambe gauche—au-dessus de la moitié de la cuisse—80%
Jambe droite—au-dessous de la motié de la cuisse—80%
Total—320%

Cependant, la pension maximale versée par la Commission des pensions dans un cas semblable ne peut dépasser 100 p. 100. C'est ce que nous, de l'Association des amputés du Canada, appelons l'application d'un «maximum artificiel». Ce qui nous démontre l'état anormal de la situation, c'est qu'une personne qui a subi l'amputation de la jambe droite au-dessus du genou et d'une partie du pied gauche recevrait exactement la même pension qu'une autre qui a subi l'amputation des quatre membres. Cela est démontré à l'appendice «B» ci-joint.

Si vous voulez bien vous reportez à la fin du livre, vous verrez qu'à l'appendice B il est question d'un homme avec une amputation à mi-cuisse et un autre avec un Chopart et un Syme, qui est pensionné à 100 pour 100. Nous avons aussi un homme qui a les quatre membres amputés, chaque amputation étant évaluée à 80 p. 100, soit un total de 320 p. 100. A cause du planfond de 100 p. 100, les deux amputés reçoivent la même pension.

Revenons maintenant à la page 15:

La disparité causée par l'application de ce maximum de 100 p. 100 est démontrée davantage par l'appendice «C» ci-joint. Le paiement de pension y est indiqué plus l'allocation de soins à l'égard de trois amputés.

Cette annexe C à laquelle nous avons fait allusion est une photo, et nous dirions même une merveilleuse photo. Elle a été prise à

[*Texte*]

amputee, a man with a leg off above the knee and one below the knee and one man with his leg off above the knee. It looks as though he is a double amp here, but he is not; he has a right foot. But the quadruple amp is assessed at 220 per cent pension, and he receives a pension at the rate of 100 per cent, $265. A double leg amp is assessed at $130 per cent and he receives the same pension, $265 per month. The single leg amp is assessed at 80 per cent, but because of the 100 per cent limitation he receives $212 per month, which is $53 less than the quadruple amp, the man with the four limbs off.

We go back to page 15, and I read:

> It may be argued that the Pension Commission can award Attendance Allowance multiple-disability casualty over and above the pension paid for 100 disability. This Attendance Allowance, however, is in effect an expense allowance paid to a pensioner to help offset the added costs of personal services required because of his disability. It is encumbered income and not to be confused with compensation for the disability itself.

> This assertion would appear to have been proved, beyond shadow of doubt, by the findings of the Woods Committee. The actual recommendation in the Woods Report is to the effect the first 100 percent of disability should be paid on the basis of loss of earnings in the unskilled labour market, and that where other factors exist in a substantial degree, the Canadian Pension should indemnify the multiple disability casualty accordingly. These factors include anatomical loss, scarring and disfigurement, loss of enjoyment of life, pain and discomfort and shortening of the life span.

> Under this proposal, pension could be paid in excess of the mythical 100 percent ceiling and an illustration would be as follows:

Pension for one leg—above mid-thigh—80%

Pension for a second leg—above mid-thigh —80%

[*Interprétation*]

Winnipeg. Voici donc un homme quatre fois amputé, un homme avec une jambe coupée au-dessus de genou et une au-dessous du genou et un homme dont la jambe est amputée au-dessus du genou. On pourrait croire qu'il s'agit ici d'un amputé double, mais ce n'est pas le cas; il a son pied droit. Mais la pension de l'amputé des quatre membres a été évaluée à 220 p. 100, et il touche une pension au taux de 100 p. 100, soit $265. Un amputé des deux jambes est estimé pensionnable à 130 pour cent, et il touche une pension de $265 par mois. La pension de l'amputé d'une seule jambe est estimée à 80 pour cent, mais du fait du plafond de 100 p. 100, il touche $212 par mois, soit $53 de moins que l'amputé des quatre membres.

Nous revenons à la page 15, où je lis:

> On peut prétendre que la Commission des pensions peut accorder l'allocation de soins comme moyen d'indemniser la personne atteinte d'infirmités multiples en plus et au-delà de la pension payée pour une invalidité de 100 p. 100. De fait, l'allocation de soins est une allocation de dépenses payée à un pensionné afin de l'aider à compenser les frais supplémentaires pour les services personnels dont il a besoin en raison de son invalidité. C'est un gain grevé, et il faut le distinguer de l'indemnisation pour l'invalidité elle-même.

> Il semble que cette affirmation ait été prouvée, sans le moindre doute, par les constatations de la Commission Woods. Le rapport Woods recommande que les premiers 100 p. 100 d'invalidité soient payés selon la perte de salaire sur le marché de la main-d'œuvre non spécialisée et, lorsqu'il existe d'autres facteurs importants, que la Commission des pensions indemnise en conséquence la personne atteinte d'infirmités multiples. Ces facteurs englobent, entre autres, la perte des membres, les cicatrices et la défiguration, la perte de la joie de vivre, la douleur et les malaises et la réduction de l'espérance de vie.

> En vertu de ce projet, la pension pourrait être payée au-dessus du maximum mythique de 100 p. 100 et calculée comme suit:

Pension pour une jambe—au-dessus de la mi-cuisse 80%

Pension pour la seconde jambe—au-dessus de la mi-cuisse 80%

[*Text*]

Pension for loss of paired organs*—25%

Total 185%

* The paired organ assessment is based on the principle that the actual loss to the amputee of paired organs is greater than *double* the loss of any single organ.

This assessment, as illustrated above, would be made up presumably as follows:

Loss of earning capacity 100%

Anatomical loss 25%

Scarring and disfigurement 25%

Loss of enjoyment of life 15%

Pain and discomfort 10%

Expected shortening of life span 10%

Total 185%

The recommendation of the Woods Report in regard to multiple disability casualties has been heralded among veterans' organizations as both unique and outstanding. For many years pension experts have attempted to devise a formula which would take into account not only loss of earnings, but the several other factors which affect the well-being of a severely disabled person, many of whom carry their disabilities 24 hours a day.

The Woods Committee studied the pension provisions in some other countries, noting that in a very many of them, special assessments were paid beyond the 100 percent rate for total disablement. It is the view of the War Amputations of Canada, however, that the formula now proposed in the Woods Committee Report is the most practical that can be devised under the circumstances. We urge its early implementation.

Assessment for the War Blinded: The War Amputations of Canada has some members who have lost total eyesight through war service. We have conducted a comprehensive study of their pension problems and conclude that the disability of blindness has been under-assessed by the Canadian Pension Commission for many years.

[*Interpretation*]

Pension pour la perte d'organes pairs* 25%

Total 185%.

* L'appréciation de la perte d'organes pairs se fonde sur le principe que la perte effective, pour l'amputé, d'organes pairs est plus grande que *deux fois* la perte de tout organe seul.

Cette appréciation, de la façon indiquée ci-haut, se décomposerait ainsi:

Perte de l'aptitude à gagner un salaire 100 p. 100

Perte d'un membre 25 p. 100

Cicatrices et défiguration 25 p. 100

Perte de la joie de vivre 15 p. 100

Douleur et malaises 10 p. 100

Réduction éventuelle de l'espérance de vie 10 p. 100

Total 185 p. 100

La recommandation du rapport Woods relative aux personnes atteintes d'infirmités multiples a été accueillie par les organisations d'anciens combattants comme étant unique et remarquable à la fois. Pendant nombre d'années les spécialistes en matière de pension ont tenté de trouver une formule qui tiendrait compte non seulement de la perte de gain mais aussi des autres facteurs qui influent sur le bien-être d'une personne atteinte d'invalidité grave; dans bien des cas, les personnes souffrent de leurs infirmités 24 heures sur 24. La Commission Woods a étudié les dispositions relatives aux pensions dans d'autres pays et a noté que dans un grand nombre d'entre eux, des montants spéciaux ont été versés au-delà du taux de 100 p. 100 pour l'invalidité totale. L'Association des amputés du Canada est cependant d'avis que la formule proposée actuellement dans le rapport de la Commission Woods est la plus pratique qui puisse être appliquée dans les circonstances. Nous proposons qu'elle soit mise en application le plus tôt possible.

Appréciation à l'égard des aveugles de guerre:—L'Association des amputés du Canada compte certains membres qui ont perdu complètement la vue à la suite de leurs services en temps de guerre. Nous avons procédé à une étude exhaustive de leurs problèmes en matière de pension et nous en venons à la conclusion que l'invalidité relative à la cécité a fait l'objet d'une appréciation insuffisante par la Commission canadienne des pensions pendant bon nombre d'années. La Com-

[*Texte*]

The Woods Committee has recommended an assessment for total blindness of 250 percent made up as follows:

Loss of earning capacity 100%
Anatomical Loss %
Scarring and disfigurement 50%
Loss of enjoyment of life 25%
Pain and discomfort 15%
Expected shortening of the life span 10%
Total 250%

In the view of the War Amputations of Canada, this is little enough assessment for the severe disability represented by loss of sight, with its many related problems such as impairment of locomotion and communication, dependence upon family members and friends, nervous proposed assessment of 250 percent would go a long way towards adequate compensation for this disability, and it should be borne in mind that, as with all other disabilities, the payment is coming many years too late, bearing in mind that the disabled persons have lived with their disabilities, in some cases, for more than 50 years.

The War Amputations of Canada is pleased indeed to note that the White Paper proposes recognition of factors other than the loss of earning power in the unskilled labour market, in regard to assessment for pension purposes. The White Paper includes, in particular:

To relieve pain and discomfort;
To increase the enjoyment of life; and
To provide the essential will to live.

We prefer not to comment upon the latter factor, as we believe that there are few multiple disability casualties, if any, who relate financial compensation to the "essential will to live".

We do suggest, however, that there are other factorw to which reference was made in the Woods Report which are not included in the White Paper. These are:

Scarring and disfigurement: and
Loss of life expectancy.

It seems to me that the principle put forth in the Woods Committee Recommendations is both sound and practical. It does not interfere with the existing basis of paying pension up to 100 on loss of earning power. It does, however, recognize—and clearly delineate—the other

[*Interprétation*]

mission Woods a recommandé que l'appréciation relative à la cécité totale soit de 250 p. 100 et qu'elle se définisse ainsi:

Perte de l'aptitude à gagner un salaire—100 p. 100
Perte de membre—50 p. 100
Balafres et défiguration—50 p. 100
Perte de la joie de vivre—25 p. 100
Douleur et malaises—15 p. 100
Réduction prévue de la durée de vie—10 p. 100
Total 250 p. 100

Selon l'Association des amputés du Canada, cette appréciation est insuffisante pour l'infirmité grave que représente la perte de la vue et les nombreux problèmes connexes tels que la difficulté de se déplacer et de communiquer, le fait d'être à la charge de sa famille et de ses amis, la tension nerveuse, la douleur et les malaises ressentis. L'évaluation proposée de 250 p. 100 contribuerait largement au versement d'une indemnité appropriée au sujet de cette infirmité, et nous devons nous rappeler que, comme dans le cas des autres invalidités, le paiement est en retard de plusieurs années si l'on pense que dans certains cas les personnes invalides ont vécu avec leurs infirmités pendant plus de 50 ans. L'Association des amputés du Canada note avec plaisir que le Livre blanc propose de reconnaître l'existence de facteurs autres que la perte de salaire sur le marché de la main-d'œuvre non spécialisée, en ce qui regarde l'appréciation aux fins de pension. Le Livre blanc recommande notamment:

De soulager la douleur et les malaises;
D'accentuer la joie de vivre; et
De fournir le désir essentiel de vivre.

Nous préférons ne faire aucun commentaire au sujet du dernier facteur, étant donné qu'à notre avis peu de personnes atteintes d'infirmités multiples, s'il en est, établissent un rapport entre la compensation financière et «le désir essentiel de vivre». Nous soutenons, cependant, qu'il y a d'autres facteurs auxquels a fait allusion le rapport Woods et qui ne figurent pas dans le Livre blanc. Ce sont:

Les balafres et la défiguration; et
La réduction de l'espérance de vie.

Il nous semble que les principes qui ressortent des recommandations de la Commission Woods sont à la fois justes et pratiques. Ils ne touchent pas à la formule actuelle de verser une pension jusqu'à concurrence de 100 p. 100 à l'égard de la perte du pouvoir de gagner sa vie.

[*Text*]

factors involved in a multiple disability, for which no provisions is made under the present Pension Act. We have prepared a simple chart which attempts to show the relationship between the additional factors of a disability as proposed by the Woods Committee, and the existing factor of lost earning power.

This is the last sheet in your book. Now we refer to Appendix "D". This is the last sheet in your brief and you will note here for a double amputee, reading from the bottom to the top: loss of earning power, 100 per cent pension; loss of life expectancy, 10 per cent; pain and discomfort, 10 per cent; loss of enjoyment of life, 15 per cent; scarring and disfigurement, 25 per cent; anatomical loss, 25 per cent. This totals 185 per cent.

In the case of a triple amp, we say loss of life expectancy, 20 per cent; pain and discomfort, 20 per cent; loss of enjoyment of life, 35 per cent; scarring and disfigurement, 40 per cent; anatomical loss, 50 per cent—for a total of 265 per cent.

Now you will note that for the quad amp we have a total here of 350 per cent; the blind, 250 per cent; and the paraplegic, 350 per cent. Now these

Assessments for Multiple Disability Casualties, based on Woods Committee Recommendations No. 64-65 (Vol. II, C. 14 P. 538)

I think we can go on now.

It should be noted that this system lends itself to flexibility in regard to the relation between the assessment above 100 per cent and the monetary value which the government may be prepared to place upon that assessment. We shall be placing before you today—and you have it here—a copy of the "Multiple Disability Casualties" brief submitted to the Woods Committee by the organizations representing seriously disabled veterans of Canada. This brief is dated November 3, 1965. I would like you to turn to page 11, if you will, of this brief. You may wish to note, on page 11, that in the submission, the organizations involved suggested that compensation above the 100 per cent assessment should be paid at the half rate. Their proposal was not exactly similar to that of the Woods Committee in regard to the method of arriving at

[*Interpretation*]

Cependant, ils reconnaissent—et nous font voir clairement—les autres facteurs en question dans les cas d'infirmités multiples pour lesquels aucune disposition n'est prévue dans la Loi sur les pensions actuelle. Nous avons dressé un tableau où nous essayons de démontrer les rapports qui existent entre tous les facteurs supplémentaires relatifs à une infirmité, tel que proposé par la Commission Woods, et le facteur existant de la perte de l'aptitude à gagner sa vie.

C'est la dernière page de votre livre. Passons maintenant à l'annexe «D». C'est la dernière page de votre mémoire, et vous noterez ici pour un amputé double, en lisant de bas en haut: perte de la possibilité de gagner sa vie, pension à 100 p. 100; réduction prévue de la durée de la vie, 10 p. 100; souffrances et malaise, 10 p. 100; perte de la jouissance normale de la vie, 15 p. 100; cicatrices et défiguration, 25 p. 100; perte anatomique, 25 p. 100. Cela nous donne un total de 185 p. 100.

Dans le cas d'un amputé triple, nous disons perte de la longévité probable, 20 p. 100; souffrances et incommodité, 20 p. 100; perte de l'aptitude à jouir de la vie, 35 p. 100; cicatrices et défiguration, 40 p. 100; perte anatomique, 50 p. 100, ce qui nous donne un total de 265 p. 100.

Vous noterez maintenant que pour l'amputé des quatre membres, nous avons ici un total de 350 p. 100; pour l'aveugle, 250 p. 100; pour le paraplégique, 350 p. 100, or, ces

Évaluation de l'invalidité dans les cas d'amputations multiples, d'après les recommandations nos GH et GS du Rapport du Comité Woods (vol. II, c. 14, p. 643)

Je pense que nous pouvons poursuivre maintenant. Il y aurait lieu de noter que ce système se prête à la souplesse en ce qui concerne le rapport existant entre l'appréciation au-dessus de 100 p. 100 et la valeur monétaire que le gouvernement peut être en mesure de donner à cette appréciation. Nous vous remettrons aujourd'hui un exemplaire de l'exposé sur les «Personnes atteintes d'infirmités multiples» qui a été présenté à la Commission Woods par les organisations des anciens combattants du Canada qui souffrent d'invalidités graves. Cet exposé est daté du 3 novembre 1965. Vous pourrez noter, à la page 11 de l'exposé, que, dans leur présentation, les organisations en cause ont proposé qu'une indemnité au-dessus de l'appréciation de 100 p. 100 soit versée à raison de la moitié du taux. Leur proposition ne ressemblait pas exactement à celle de la Commission Woods,

[*Texte*]

assessment. This may be taken as an indication, however, that the organizations representing the multiple disability casualties might be prepared to accept some reasonable compromise in regard to the dollar amounts involved, so long as the principles were retained; that is, that statutory provision be made under which pensions would be paid for additional assessment for multiple disability cases, as part of the regular monthly pension payment.

I think we have already covered Appendix "D". I just wanted you to make the comparison here in the Multiple Disability Casualties brief on page 11 with that which we have on Appendix "D". I think we can go on now. On page 20, the second paragraph and last paragraph.

The total cost of implementing this recommendation for 174 amputations—broken down this is 169 double; 4 triple; 1 quadruple; 40 totally blinded, 125 paraplegics and 10 quadraplegics—would, we estimate, be about $1.4 million a year.

• 1115

The Chairman: Is this cost estimate based on a $3,180 basis of pension or is it based on the increases that are suggested?

Mr. Chadderton: It is based, Mr. Chairman, on the existing rate of pension.

The Chairman: So if the increases in the basic rate that you suggest were implemented, there would be 30 per cent additional.

Mr. Chadderton: That is right, sir.

The Chairman: Thank you.

Mr. Lemay: *Attendance Allowance:*

We welcome the proposal in the White Paper to the effect that the Act be amended to state that attendance allowance is, unequivocally, not part of any pension paid for any disability. This clarification is important chiefly because it paves the way for consideration of an additional payment by way of pension for multiple disability casualties.

Up to this time, it has been possible for the government to point to attendance allowance as a means of additional compensation for multiple disability cases. The veterans' organizations have long contended that, to the contrary, the original intent of the legislation made it clear that this allowance was

[*Interprétation*]

pour ce qui est de la méthode de calculer l'appréciation. Cela peut, cependant, servir à indiquer que les organisations représentant les personnes atteintes d'infirmités multiples pourraient être disposées à accepter un certain compromis raisonnable en ce qui concerne les montants en cause, dans la mesure où les principes sont maintenus, c'est-à-dire si la loi prévoyait qu'une pension soit versée en guise d'appréciation supplémentaire à l'égard des cas d'infirmités multiples, et que ce montant soit compris dans le paiement mensuel régulier de la pension.

Je pense que nous avons déjà traité de l'annexe «D». Je voulais seulement que vous fassiez ici la comparaison entre ce que nous avons à la page 11 du mémoire sur les invalidités multiples et ce que nous avons ici à l'annexe «D». Je pense que nous pouvons poursuivre maintenant. A la page 20, le deuxième et dernier paragraphe.

> Nous estimons qu'il en coûtera au total environ $1,400,000 par année pour mettre en pratique cette recommandation à l'égard de 174 amputés: (169 doubles; 4 triples; 1 quadruple); 40, atteints de cécité totale, 125 paraplégiques et 10 quadraplégiques.

Le président: Cette estimation du coût se fonde-t-elle sur une pension de base de $3,180 ou sur les augmentations proposées?

M. Chadderton: Sur le taux de pension actuelle, monsieur le président.

Le président: Par conséquent, si l'on appliquait au taux de base l'augmentation que vous proposez, il faudrait ajouter ici 30 p. 100.

M. Chadderton: C'est exact, monsieur.

Le président: Je vous remercie.

M. Lemay: *Allocation de soins:* Nous réservons bon accueil à la proposition figurant dans le Livre blanc voulant que la Loi soit modifiée de façon à préciser spécifiquement que l'allocation de soins ne fait aucunement partie de toute pension versée pour n'importe quelle invalidité. Il importe de clarifier cette question, principalement parce qu'elle prépare le terrain en vue d'étudier la possibilité de verser une somme supplémentaire, sous forme de pension, à l'égard des personnes atteintes d'infirmités multiples.

Jusqu'à présent, le gouvernement a pu définir l'allocation de soins comme étant un moyen de verser une indemnité supplémentaire dans les cas d'infirmités multiples. Les organisations d'anciens combattants soutiennent depuis longtemps que, au contraire, l'intention première du législateur laissait voir

[*Text*]

primarily based on the need for services and attendance. It came into being at a time when World War I veterans were being transferred from hospitals to their homes and the attendance allowance was paid specifically for the purpose of providing additional income which would be available to the family members who looked after the disabled veteran in lieu of the government's having to keep him in an institution. This contention was not always acceptable and when veterans' organizations pointed out the need to pay additional pension for multiple disabilities, the requests were sometimes refuted with the explanation that the multiple disability case received attendance allowance. Presumably we can assume that the White Paper sets the record straight. Attendance allowance is not part of pension. Therefore the need to pay additional pension for the severe case should be no longer in doubt.

Symes Amputees:

The Woods Committee recommended (volume 2, chapter 17, page 662, recommendation 84) that for the purpose of attendance allowance the Symes amputation be considered the same as a below-the-knee amputation. The rate for the Symes is now $600 per annum, whereas a double below-the-knee amputee receives an attendance allowance of $1,500 per annum.

Notwithstanding, the assessment by the Canadian Pension Commission for a Symes amputation and a below-the-knee amputation is exactly the same, i.e., 50 per cent. Their pension is the same.

They are both rated the same, as disability assessments. The Pension Commission, late in 1964, approved an increase in the standard assessment for the Symes amputation from 40 per cent to 50 per cent, presumably on the understanding that this amputation was at least as disabling as the below-the-knee amputation. Representations had been made to the Commission to this effect, quoting a great deal of factual information obtained from other countries, most of which provide the same assessment for a Symes as a below-the-knee amputation.

Referring to the Table of Disabilities, which is the guideline for assessment of attendance allowance (Table of Disabilities, page 21) a

[*Interpretation*]

clairement que cette allocation était principalement fondée sur le besoin de services et de soins.

Son origine remonte à une époque où les anciens combattants de la Première Guerre mondiale étaient transférés de l'hôpital à la maison; l'allocation de soins visait précisément à assurer un revenu supplémentaire aux membres de la famille qui prenaient soin de l'invalide et déchargeaient ainsi l'État de l'obligation de le garder dans une institution. Mais cet argument n'a pas toujours été accepté et quand les associations d'anciens combattants ont réclamé des pensions supplémentaires dans les cas d'infirmités multiples, ils se sont vu parfois opposer une fin de non-recevoir, car, disait-on, il était versé une allocation de soins dans ces cas-là. Nous pouvons donc présumer que le Livre blanc fait le point là-dessus. L'allocation de soins ne fait pas partie de la pension. Il ne devrait donc subsister aucun doute quant à la nécessité d'une pension supplémentaire dans les cas graves.

Amputés de Syme:

Le Comité Woods recommandait (volume 2, chapitre 17, page 757, recommandation 84) que l'amputation de Syme soit considérée comme une amputation au-dessous du genou aux fins de l'allocation de soins. Un amputé de Syme reçoit présentement une allocation de soins de $600 par année, tandis que celui qui a perdu deux jambes au-dessous du genou en touche une de $1,500 par année.

Néanmoins, l'évaluation de la Commission canadienne des pensions est exactement la même pour un amputé de Syme que pour un amputé au-dessous du genou, soit 50 p. 100. Ces deux genres d'amputations font l'objet de la même évaluation à titre d'invalidité.

A la fin de 1964, la Commission des pensions acceptait que l'évaluation uniforme pour une amputation de Syme soit portée de 40 p. 100 à 50 p. 100, supposément parce qu'elle jugeait que cette amputation rendait aussi invalide qu'une amputation au-dessous du genou. La Commission avait été saisie d'instances en ce sens et avait pris connaissance d'une foule de données provenant d'autres pays, dont la plupart considéraient l'amputation de Syme comme étant aussi grave que l'amputation au-dessous du genou.

Au sujet du Tableau des infirmités, qui sert de guide pour l'évaluation de l'allocation de soins (Tableau des infirmités, à la page 21), la

[*Texte*]

number of "necessities" are accepted by the Commission as placing a pensioner in need of attendance. These necessities include:

• 1120

(a) Dressing and undressing
(b) Feeding oneself
(c) Attending the wants of nature
(d) Ability to get outdoors and take sufficient exercise to maintain normal health and
(e) Protection from danger incident to ordinary environment.

In our opinion, a bilateral Symes amputee would be in relatively the same position as a below-the-knee amputee in regard to these necessities. The fact that the Commission approves the same assessment for both types of amputation would seem to be ample verification of this fact. We cannot, therefore, understand the justification for the non-acceptance of the recommendation of the Woods Report to the effect that attendance allowance for the Symes Amputation should be the same as for a below-knee amputation. Our records indicate that there are not more than 15 bilateral Symes Amputees in Canada. Hence the total cost to the Government to implement this recommendation would be $13,500 per annum, at current rates.

Attendance Allowance while in Hospital: Maximum Category:

The Woods Committee made a specific recommendation (volume 2, chapter 17, page 662, recommendation 85) to the effect that the existing provisions of the Pension Act as stated in Section 33 (3) thereof be extended for all pensioners in receipt of attendance allowance at the maximum rate.

This would seem to be a most logical recommendation. This provision is already in existence for the War Blinded, despite the fact that they do not receive the maximum rate (i.e., $2,750 per annum compared with the maximum rate of $3,000 per annum). Despite this provision for the War Blinded, there is no provision in the Pension Act to pay attendance allowance while in hospital for treatment for a paraplegic, although he is covered for two months in regard to payment of attendance allowance, under the Treatment Regulations of the Department of Veterans Affairs.

Consider then the case of the triple amputee. He is awarded the maximum attendance allowance of $3,000 per annum, but if he is required to go into hospital for treatment for his pensionable disability his attendance allowance ceases forthwith.

[*Interprétation*]

Commission reconnaît un certain nombre de «nécessités» selon lesquelles un pensionné ne peut se passer de soins. On y compte:

a) Se vêtir et se dévêtir
b) Se nourrir
c) Satisfaire les besoins naturels
d) Aller dehors et prendre suffisamment d'exercice pour conserver un état de santé normal
e) Se protéger contre les dangers du milieu normal.

A notre avis, un amputé de Syme serait à peu près dans la même situation qu'un amputé au-dessous du genou, pour ce qui est de ces «nécessités». Cela semble se vérifier amplement par le fait que la Commission approuve la même évaluation pour les deux genres d'amputation. Par conséquent, nous ne parvenons pas à nous expliquer le rejet de la recommandation du Comité Woods, voulant que l'amputation de Syme et l'amputation au-dessous du genou, fassent l'objet de la même allocation.

Selon nos dossiers, il n'y a pas plus de 15 cas d'amputations bilatérales de Syme au Canada. Par conséquent, aux taux courants la mise en application de cette recommandation ne coûterait que $13,500 par année au gouvernement.

Allocations de soins pendant l'hospitalisation: Catégorie maximum:

Le Comité Woods recommandait nommément (volume 2, chapitre 17, page 757, recommandation 85) que les dispositions actuelles de l'article 33(3) de la Loi sur les pensions soient appliquées à tous les pensionnés bénéficiaires d'une allocation de soins au taux maximum.

Cette recommandation semblerait des plus logiques. Les aveugles de guerre y trouvent déjà leur profit, sans toutefois, il est vrai, toucher le taux maximum, c'est-à-dire $2,750 par année à comparer au maximum de $3,000. Malgré cette disposition pour les aveugles de guerre, la Loi sur les pensions ne prévoit rien pour le versement d'une allocation de soins à un paraplégique hospitalisé; mais il faut dire qu'aux termes du Règlement sur le traitement du ministère des Affaires des anciens combattants, l'allocation de soins est maintenue pendant deux mois dans ce cas-là. Voyons ce qui se passe dans le cas d'une triple amputation. Le pensionné reçoit le maximum de l'allocation de soins, soit $3,000 par année, mais s'il doit aller se faire traiter à l'hôpital pour l'infirmité qui lui ouvre droit à sa pension, il perd par le fait même son allocation de soins.

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It is suggested that the Woods Committee Report contains much sensible argument in support of the recommendation. Perhaps, however, a specific case might make the matter more clear. We refer to a triple amputee whose total income under the Pension Act is $524. per month. Out of this he must maintain a home, purchase and operate an automobile, pay someone to maintain his house and grounds, etc. In addition his wife is required to be on hand to assist him, to feed, clothe and generally care for him 24 hour a day.

When he goes into hospital the expenses and upkeep of his home and automobile carry on. Moreover his wife, who is normally prevented from taking outside employment because of her need to be available to assist her husband, must necessarily remain out of the labour market. She could not be expected to secure a job on short notice. It should be borne in mind, also, that she would necessarily lack experience. In other words all of the circumstances which obtain for this man while he is at home, continue in exactly the same way while he is in hospital. Since we are speaking specifically about money, the family outlay would be approximately the same but, in that no provision is made to carry on attendance allowance for this category of amputee, the income would be reduced by the amount of the attendance allowance, i.e., $250.

In this particular instance, this man has, over the past years, required medical treatment arising out of his pensionable disability on at least three occasions, and possibly many more. He has refused to go into hospital, as he cannot afford to take the reduction of $250. per month in income.

• 1125

Perhaps we may be pardoned if we are critical of the proposed amendment which would extend to this type of pensioner the concession that his attendance allowance could carry on for one month only without his having to undergo a means test. In this particular case we would hope that the ground rules would be sufficiently generous that he could qualify for a continuation beyond the proposed one-month cutoff date. However, with no guarantee of this (in the same way as the War Blinded Pensioner has a guarantee through Section 33 (3) of the Act) it is perhaps understandable that he would still have some qualms about entering hospital, knowing that continuation of his atten-

[*Interpretation*]

Nous exprimons l'avis que le Rapport du Comité Woods contient un plaidoyer très sensé en faveur de la recommendation. Mais il y aurait peut-être lieu de citer un cas précis en guise d'exemple. Prenons le cas d'un pensionné qui a perdu trois membres et dont le revenu global aux termes de la Loi sur les pensions est de $524 par mois. Sur ce revenu, il doit entretenir un foyer, s'acheter et faire fonctionner une automobile, payer quelqu'un pour entretenir sa propriété et ainsi de suite. En outre, sa femme doit être à ses côtés 24 heures par jour pour l'aider, le nourrir, le vêtir et prendre soin de lui de façon générale.

Advenant son hospitalisation, ses dépenses et les frais d'entretien de son foyer et de son automobile ne cessent pas pour autant. Par ailleurs, sa femme, qui ne travaille ordinairement pas à l'extérieur parce qu'elle est obligée de prendre soin de son mari à la maison doit nécessairement rester hors du marché du travail. On ne saurait donc s'attendre à ce qu'elle trouve un emploi en peu de temps. Il faut se souvenir aussi qu'elle manque forcément d'expérience. En d'autres termes, que le pensionné soit chez lui ou à l'hôpital, les circonstances restent exactement les mêmes. A propos d'argent, les dépenses de la famille seraient à peu près les mêmes, mais vu que les amputés de cette catégorie doivent renoncer à leur allocation de soins, leur revenu se trouve réduit de $250, c'est-à-dire du montant de l'allocation de soins.

Dans ce cas précis, notre homme a eu besoin de soins médicaux au moins trois fois et peut-être bien davantage au cours des années à cause de son invalidité. Il a refusé l'hospitalisation, ne pouvant se permettre une baisse de revenu de $250 par mois.

Peut-être nous pardonnera-t-on de critiquer le projet de modification qui permettrait dans ces cas de maintenir l'allocation de soins pour un mois seulement, sans justification des besoins. En l'occurence, nous souhaiterions qu'au départ le règlement soit assez large pour permettre au pensionné de continuer à toucher son allocation après la date limite proposée d'un mois. Mais comme le pensionné n'en a pas la moindre garantie, comme celle dont jouit l'aveugle de guerre pensionné, en vertu de l'article 33 (3) de la loi, on comprendra peut-être qu'il hésite encore à se faire hospitaliser, sachant que la continuation de son allocation de soins après la limite d'un mois sera laissée à la discrétion des administrateurs des pensions.

[*Texte*]

dance allowance beyond the one-month period was at the discretion of the pension administrators.

This leads to another major objection—we refer to the imposition of a possible "means test" in regard to the extension of attendance allowance. To the best of our knowledge, attendance allowance has never been subject to financial need hence the proposal in the White Paper appears to introduce a completely new principle. Up until now, if a pension investigation indicated that there was a *need for attendance* as spelled out in the Table of Disabilities, the attendance allowance could be put into payment. It seems now however, that *financial need* may also become a factor—a situation about which we must express profound regret.

Attendance Allowance: Below Maximum Rate:

We are pleased to note that the recommendation in the White Paper to continue attendance allowance for a period of one month goes a very long way in meeting the requirement as seen in the Woods Report for those in receipt of attendance allowance below the maximum rate. It is suggested, however, that the same rationale applies to this group as to the maximum-rated group. That is to say, the additional costs of the disability carry on while the pensioner is in hospital; the only difference being one of degree. Mr. Justice Woods in his comments concluded that, because the need for attendance in the lower categories was not as great as for the maximum-rated group, the provision to carry on attendance allowance while in hospital could justifiably be held to two months. We see no quarrel with this. We do, however, find that the one month proposal in the White Paper simply would not provide sufficient time for the family to make the necessary financial adjustment.

The cost factor of implementing the Woods Committee recommendation in regard to the continuation of attendance allowance, on a permanent basis for pensioners undergoing treatment for a pensionable disability (without restriction for the maximum rate and for two months at those below the maximum rate) could not be too large. There are approximately 2,000 attendance allowance awards in force at this time in Canada.

[*Interprétation*]

Cela nous amène à une autre objection de force. Nous voulons parler de l'imposition possible d'une «justification des moyens» préalable à l'allocation de soins. Pour autant que nous sachions, l'allocation de soins n'a jamais été, fonction du besoin financier. Par conséquent, la proposition du Livre blanc semble poser un principe tout à fait nouveau. A l'heure actuelle, l'allocation de soins peut être payée s'il ressort de l'enquête que *des soins sont nécessaires,* suivant le Tableau des infirmités. Il semble, toutefois, que le besoin financier peut aussi entrer en ligne de compte, ce que nous déplorons profondément.

Allocation de soins: au-dessous du taux maximum:

Nous sommes heureux de constater que la recommandation du Libre blanc suivant laquelle l'allocation de soins serait maintenue pour une période d'un mois reconnaît dans une très large mesure les besoins, explicités dans le Rapport Woods, des bénéficiaires d'une allocation de soins à un taux moindre que le maximum. Nous sommes d'avis, par contre, qu'il faut appliquer à ce groupe le même raisonnement qu'au groupe qui reçoit le maximum; les frais supplémentaires qu'entraîne l'invalidité ne cessent pas du simple fait de l'hospitalisation du pensionné; la seule différence est qu'ils ne sont pas aussi élevés pour les deux groupes. Monsieur le juge Woods concluait ses observations en disant que le besoin de soins n'étant pas aussi aigu dans la deuxième catégorie que dans la première, il serait justifié de limiter à deux mois le maintien de l'allocation de soins pendant l'hospitalisation du pensionné. Nous ne trouvons rien à redire à cela. Nous trouvons, cependant, que la limite d'un mois proposée dans le Livre blanc n'est tout simplement pas suffisante pour permettre à la famille de s'adapter financièrement à une situation nouvelle.

L'adoption de la recommandation du Comité Woods relativement au maintien de l'allocation de soins pour les pensionnés en traitement, sans restriction pour ceux qui touchent le maximum et pendant deux mois pour les autres ne saurait entraîner des déboursés trop considérables. Il y a quelque 2,000 bénéficiaires d'allocations de soins à l'heure actuelle.

[Text]

Attendance Allowance for War Blinded:

The Woods Committee suggested that attendance allowance for the War Blinded should be $3,000 per annum instead of the existing $2,750. No recommendation to this effect was included in the White Paper.

It would appear that the Woods Committee gave a great deal of attention to this particular matter. In particular, the Woods Committee stated that the "necessities" set out in the Table of Disabilities to describe the qualifications for attendance allowance were satisfactory in regard to those disabilities which involved impairment of mobility, but proposed that a special list of necessities be devised to describe areas which are peculiar to those who have lost their sight. In particular the needs should include such things as companionship, recreation and communication.

In this respect we refer to the Woods Report, volume 2, chapter 17, page 661, recommendation No. 80. We have been given to understand that this recommendation was accepted. This might conceivably mean that the Commission has prepared a special list of "necessities"; however, it seems obvious that

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recommendation 80 was intended to support an *increase* in attendance allowance for the totally blind, as suggested in recommendation 81. If the Commission has, in fact, prepared a new list of "necessities" for the totally blinded—but has rejected the idea of increasing the allowance for this group—surely the intent of Woods Committee recommendation No. 80 has missed its mark.

The total cost of implementing this recommendation could not be very large, bearing in mind that the number of totally blind is less than 40 across Canada.

Revision in Other Categories:

We were pleased to learn in February of 1969 that the Commission had issued a new directive to the effect that the Table of Disabilities was to be considered as a guideline only in the matter of rates of attendance allowance for specific disabilities. It is hoped that we can take this to mean that, where the need to increase attendance allowance in certain categories of multiple amputation is apparent, the Commission would have discretion to award the increase. It is our intention to survey our membership to determine instances where the existing allowance might appear to be insufficient, having regard for the Woods Committee recommendations, fol-

[Interpretation]

Allocation de soins pour les aveugles de guerre:

Le Comité Woods s'est dit d'avis que l'allocation de soins pour les aveugles de guerre devrait être de $3,000 par année plutôt que $2,750 comme à l'heure actuelle. Le Livre blanc ne renferme aucune recommandation en ce sens.

Il semblerait que le Comité Woods s'est longuement penché sur la question. Il affirmait notamment que les «nécessités» figurant dans le Tableau des infirmités comme justification de l'allocation de soins étaient valables dans le cas des infirmités qui réduisent la mobilité du sujet, mais il proposait la création d'une liste spéciale d'infirmités dans le cas des aveugles. Ces besoins doivent comprendre notamment la compagnie d'une autre personne, les activités récréatives et les communications.

Nous nous reportons à cet égard au Rapport Woods, volume 2, chapitre 17, page 756, recommandation n° 80. On nous a donné à entendre que cette recommandation avait été acceptée. Cela pourrait vouloir dire, on le conçoit, que la Commission a dressé une liste spéciale de «nécessités»; toutefois, il apparaît évident que la recommandation n° 80 se voulait en faveur d'une *augmentation* de l'allocation de soins pour les pensionnés atteints de cécité totale, comme le propose la recommandation n° 81. Si la Commission a effectivement dressé une nouvelle liste de «nécessités» pour les pensionnés complètement aveugles, mais qu'elle ait rejeté l'idée d'une augmentation pour ce goupe, on n'a certes pas respecté l'intention de la recommandation n° 80 du Comité Woods.

L'adoption de cette recommandation n'entraînerait pas des déboursés tellement considérables, vu que le nombre de pensionnés complètement aveugles ne dépasse pas 40.

Révision des autres catégories:

Nous avons appris avec satisfaction en février 1969 que la Commission avait donné une nouvelle directive établissant que le Tableau des invalidités n'est qu'un guide devant servir à fixer les taux des allocations de soins pour certaines invalidités données. Cela signifie donc, espérons-nous, que la Commission sera autorisée à augmenter l'allocation de soins dans certaines catégories d'amputations multiples, lorsque cela lui paraîtra nécessaire. Nous avons l'intention de mener une enquête auprès de nos membres pour déterminer les cas où l'allocation actuelle semble insuffisante, compte tenu des recommandations du Comité Woods, après quoi

[*Texte*]

lowing which we would of course suggest that the pensioner make application to the Commission to use its discretionary powers to approve an increase, on the understanding that any limitation which may have applied to date in the Table of Disabilities can be exceeded, as that table is now to be considered as a guideline only.

I will stop at this point for questions.

The Chairman: Have members any questions for Mr. Lemay?

Mr. Weatherhead: Mr. Chairman, earlier on the witness was talking about the Syme's Amputation. I am not familiar with what that is. Could he explain it to me?

The Chairman: Mr. Chadderton?

Mr. Chadderton: Mr. Chairman, a Syme's Amputation is rated the same as a below-knee amputation, but in the Syme's part of his ankle is left. In other words, instead of a four or four-and-a-half inch stump below the knee he has probably eight-and-a-half or nine inches below the knee. He also can make some use of the bottom of his foot for weight-bearing. He normally cannot take all of his weight on it, but some of it he can. That is basically the difference between the Syme's and the below-knee.

Mr. Weatherhead: Mr. Chairman, further there was some discussion about attendance allowances for those receiving less than the maximum rate and for those receiving the maximum rate. I gather that perhaps a difference is proposed between the two, and I am not sure of the difference. Could this be further explained to me?

Mr. Chadderton: Mr. Chairman, the Woods Committee recommended that for those at the maximum rate, if in a hospital for departmental treatment, the attendance allowance should be continued while they were in hospital. This provision is already in effect for the war-blinded and it is in effect in a different way for two months for the paraplegic, but it does not apply to the four triple amputees we have in Canada. If they go into the hospital their attendance allowance is cut off.

So the recommendation in the Woods Committee, which we endorse, is that for the

[*Interprétation*]

nous inviterions évidemment les intéressés à demander à la Commission d'approuver une augmentation en vertu de ses pouvoirs discrétionnaires, étant donné que toute limite applicable jusqu'ici dans le Tableau des infirmités ne doit désormais servir que de guide

Je m'arrêterai ici afin que l'on puisse poser des questions.

Le président: Certains de nos membres ont-ils des questions à poser à M. Lemay?

M. Weatherhead: Monsieur le président, le témoin nous a parlé précédemment de l'amputation Syme. J'ignore ce dont il s'agit. Pourrait-il me l'expliquer?

Le président: Monsieur Chadderton.

M. Chadderton: Monsieur le président, le taux d'invalidité pour une amputation Syme est le même que pour une amputation sous le genou, à cette différence près que dans l'amputation Syme on laisse à l'amputé une partie de la cheville. En d'autres termes, au lieu d'avoir en-dessous du genou un moignon de quatre pouces ou quatre pouces et demi, il aura probablement sous le genou un moignon de huit pouces et demi ou neuf pouces. Il peut également faire quelque usage de la partie arrière du pied pour prendre appui. Normalement, cela ne suffit pas à supporter tout le poids de son corps, mais il peut le faire jusqu'à un certain point. C'est ce qui constitue la différence essentielle entre une Syme et une amputation sous le genou.

M. Weatherhead: Monsieur le président, on a discuté par la suite des subventions de garde pour ceux qui reçoivent moins que le taux maximum et pour ceux qui reçoivent le taux maximum. J'en déduis que l'on envisage peut-être de faire une différence entre les deux, mais je n'ai pas très bien compris cette différence. Pourrait-on me fournir des explications sur ce point?

M. Chadderton: M. le président, la Commission Woods a recommandé que ceux qui sont au taux maximum continuent à percevoir leur subvention de garde pendant qu'ils étaient hospitalisés, si c'était pour un traitement ministériel. Cette clause est déjà appliquée pour les aveugles de guerre et elle l'est également, sous une forme un peu différente pour les paraplégiques depuis deux mois, mais elle n'est pas appliquable aux quatre amputés triples que nous avons au Canada. Lorsqu'ils doivent être hospitalisés, on leur supprime leur subvention de garde.

La recommandation de la Commission Woods, que nous appelions entièrement, est

[*Text*]

maximum rate payment of the attendance allowance should continue while they are in hospital for treatment. For those in receipt of less than the maximum rate the Woods Committee proposed two months' continuation, whereas the White Paper proposes normally one month.

Mr. Weatherhead: And what did the White Paper propose for those receiving the maximum rate?

Mr. Chadderton: The same thing—continuation for one month. And we assume that the provision already in the Act for the war-blinded will not be disturbed, so that the war-blinded would continue to receive it indefinitely.

We have no information on how the paraplegics would be covered, because they are covered under the treatment regulations of the Department. They get two months. But the net result of the White Paper proposal on attendance allowance for those in receipt of the maximum amount would cover exactly four people, as we see it. These are the four triple amputees in Canada, although there may be other people of a disease nature who are receiving the maximum. We do not know about that. But it is the four people who were left out.

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Mr. Weatherhead: I gather there has been some mention of a means test that would perhaps allow more than one month's attendance allowance while in hospital. Do you have any details on that, or is it still pretty vague?

Mr. Chadderton: Mr. Chairman, I do not think it is too vague. As we read the White Paper it states that attendance allowance—and it does not state at what rate; presumably at any rate—could be carried on beyond the period of one month where there is financial hardship. This, to us, would mean the application of a means test, sir.

The Chairman: Only in regard to the extension.

Mr. Chadderton: Yes; the extention beyond one month for attendance allowance.

[*Interpretation*]

que l'on devrait continuer à verser la subvention de garde aux amputés du taux d'invalidité maximum lorsqu'ils sont hospitalisés à des fins de traitement. Pour ceux qui touchent moins que le taux maximum, la Commission Woods a proposé que la subvention soit encore payée pendant deux mois, tandis que le Livre Blanc propose normalement pendant un mois.

M. Weatherhead: Et qu'est-ce que le Livre Blanc a proposé pour ceux qui reçoivent le taux maximum?

M. Chadderton: La même chose, paiement de la subvention de garde pendant un mois. Nous pensons d'ailleurs que la clause déjà comprise dans la loi sur les aveugles de guerre ne sera pas modifiée, de telle sorte qu'ils puissent continuer à la toucher indéfiniment.

Nous n'avons aucune information en ce qui concerne le régime pour les paraplégiques, parce qu'ils tombent sous le coût des règlements de traitement du ministère. Ils obtiennent deux mois. Mais le résultat de la proposition du Livre Blanc au sujet de la subvention de garde pour ceux qui touchent le montant maximum toucherait exactement quatre personnes, si nous comprenons bien. Ce sont les quatre amputés triples du Canada, bien qu'il puisse y avoir d'autre gens qui perçoivent le maximum pour des raisons de maladie. Nous n'en savons rien. Il s'agit de quatre personnes qui avaient été omises.

M. Weatherhead: Il me semble que l'on a également fait mention d'un contrôle de moyen d'existence qui accorderait peut-être plus d'un mois de subvention de garde pendant que l'amputé est hospitalisé. Pouvez-vous nous donner quelques détails sur ce point, ou est-ce encore quelque chose de vague?

M. Chadderton: Je ne pense pas que ce soit encore bien vague, M. le président. Si nous lisons le Livre Blanc nous constatons qu'il mentionne que la subvention de garde (et ne dit pas à quel taux, mais il s'agit vraisemblablement de n'importe quel taux), pourrait être prolongée au-delà de la période d'un mois en cas de difficulté financière. Selon nous, cela signifierait le recours à un contrôle de moyen d'existence, monsieur.

Le président: Simplement en ce qui concerne l'extension.

M. Chadderton: Oui, l'extension de la subvention pour frais de garde au-delà d'un mois.

[*Texte*]

Mr. Weatherhead: Was there any mention of whether it should be a means test relative to income or to assets, or do you have any information on that?

Mr. Chadderton: I believe the words were "financial hardship", or it might have just said "hardship", now that I recall. We did wish to point out—and I think it was referred to the other day—that as recently as February 20, 1969, there was an amendment to the Table of Disabilities of the Canadian Pension Commission in which it was stated:

> The fundamental principle in the award and level of Attendance Allowance is based on the need of attendance and thus there is no means test.

Presumably, Mr. Chairman, this was the policy of the Commission at February 20, 1969.

We submit that the White Paper is deviating from that principle if it suggests that attendance allowance could be continued beyond a month on the basis of financial hardship.

Mr. Weatherhead: Thank you.

The Chairman: Mr. Stanley Knowles had his hand up, and then Mr. Whicher.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I have just a question or two. The witnesses have made it clear—and I think most of us agree with them— that they would like the pension payments to multiple amputees put on a statutory bases—and I am not talking now about the amount but the principle—so that it is a matter of right, not a matter of welfare.

May I ask if the witnesses are asking for the same kind of provision in relation to attendance allowance; that you would like some precise table so that a veteran would know what he is going to get rather than having it at the discretion of the Commission?

I see that Mr. Chadderton is getting ready to answer. Perhaps I might just add one supplementary to it. If you would like to have it precise, does it need to be in the Act or would it be satisfactory if it were precisely covered in the treatment regulations?

Mr. Chadderton: I think, Mr. Chairman, the answer to the first question is that undoubt-

[*Interprétation*]

M. Weatherhead: A-t-on mentionné s'il s'agirait d'un contrôle de moyen d'existence portant sur le revenu ou sur les avoirs, ou avez-vous certains renseignements sur ce sujet?

M. Chadderton: Je crois que les termes utilisés étaient «difficulté financière» à moins qu'il s'agisse simplement de «difficulté», pour autant que je m'en souvienne. Nous avons voulu souligner (et je pense qu'il y a été fait allusion l'autre jour) que tout récemment, c'est-à-dire le 20 février 1969, on a apporté au tableau des invalidités de la Commission canadienne des pensions une modification disant:

> «Le principe fondamental à la base de l'allocation et du montant de l'allocation des soins se fonde sur la nécessité de ceux-ci et n'est aucunement assujetti aux moyens d'existence du pensionné.»

Il semble donc, M. le Président, que telle était la politique de la Commission le 20 février 1969.

Nous prétendons que le Livre Blanc s'éloigne de ce principe s'il propose que la subvention pour frais de garde soit poursuivie au-delà d'un mois du fait de difficultés financières.

M. Weatherhead: Je vous remercie.

Le président: Je donne la parole à M. Stanley Knowles et je viens ensuite à M. Whicher.

M. Knowles (Winnipeg-Nord-Centre): M. le Président, je voudrais poser une ou deux questions. Les témoins ont clairement fait savoir (et je pense que la plupart d'entre nous sont d'accord avec eux) qu'ils aimeraient que les paiements de pension à des amputés multiples soient incorporés dans une loi (je ne parle pas ici du montant, mais simplement du principe) et il s'agit donc d'une question de droit, et non pas d'une question de bien-être.

Je voudrais demander si les témoins souhaitent le même genre de dispositions légales au sujet de la subvention pour frais de garde; l'établissement d'un barême précis de façon à ce que l'ancien combattant sache ce qu'il va obtenir, plutôt que d'être livré à l'arbitraire de la Commission?

Je vois que M. Chadderton s'apprête à me répondre. Qu'il me laisse cependant le temps de poser encore une question supplémentaire. J'aimerais encore que l'on précise s'il serait nécessaire que cela soit incorporé à la loi, ou s'il suffirait au contraire qu'il en soit parlé avec précision dans les règlements en matière de traitement?

M. Chadderton: Je pense, M. le Président, que je puis répondre à la première question

[*Text*]

edly we would like it to be covered in a statutory form of some kind. The reason for that is that a triple amputee facing a trip to the hospital must necessarily sit down with his wife and discuss the finances of the thing. He has no idea how long he is going to be there, so he says, "Well, the pension cheque will come in and it will include an attendance allowance and so much is paid for this, that and the other thing", and that money is budgeted out. But consider his situation when he says, "Well, the minute I go in it will be cut off." The proposal in the White Paper is only putting off the evil day, sir, by 30 days. He says, "Well, I can go into the hospital now, and for 30 days they are going to cover me", but he has no idea whether or not he is going to come out. Therefore, he would say, "Well, if I go in, I must try to get out within 30 days, otherwise we have to reduce our budget again". There is just no protection, sir, unless he is guaranteed the same provision as the government has seen fit to guarantee, for instance, for the war-blinded

Whether it is done in the form of treatment regulations or in the form of the Pension Act, I do not think we would care a whit, sir, as long as it was a guarantee in writing. But at the moment nothing at all is done for him, and the proposal in the White Paper is to place it all on a discretionary basis after 30 days. We submit, sir—and I do not like to use the word—that this is inhumane. There is just no other word for it. If you saw the cases we handle, for that type of situation to arise and the triple amputee having to ask himself the question, "Can I afford to stay in hospital and take this treatment?" is ridiculous.

Mr. Guay (St. Boniface): I have a supplementary, Mr. Chairman. From your experience what happens in many cases where he has to stay in? Surely you must have gone through that experience. Do you have organi-

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zations or somebody who will make an attempt to help the family out? What is actually happening?

[*Interpretation*]

en disant qu'il ne fait aucun doute que nous aimerions que la question fasse l'objet d'une disposition légale sous quelque forme que ce soit. La raison en est qu'un amputé triple qui se trouve dans l'obligation de se faire hospitaliser doit de toute évidence pouvoir discuter avec son épouse de l'aspect financier de cette question. Il n'a aucune idée de la durée de cette hospitalisation, et il dira donc: «Tu sais, tu vas recevoir le chèque de ma pension et il comprendra une subvention pour frais de garde, et autant pour ceci, et puis pour cela, et puis encore pour cela» et il peut donc établir un budget précis. Mais imaginez dans quelle situation il se trouve s'il doit dire: «Tu sais, à partir de l'instant où je quitte la maison, la subvention sera supprimée». La proposition contenue dans le Livre Blanc ne fait que repousser de trente jours cette échéance tragique. Tout ce que cet amputé peut dire à sa femme est: «Tu sais, je puis me faire hospitaliser maintenant et pendant trente jours je continuerai à toucher ma subvention», mais ce qu'il ne sait pas, c'est s'il sortira véritablement de l'hôpital à la fin des trente jours. Il se trouvera donc dans l'obligation de dire: «Si je me fais hospitaliser, il faudra que je m'arrange pour sortir au bout de trente jours, sinon nous devrons encore réduire notre budget». Il n'y a donc aucune protection, monsieur, à moins que le gouvernement lui accorde le genre de protection qu'il accorde par exemple aux aveugles de guerre.

Que cela se fasse sous la forme de règlements en matière de traitement ou par une modification de la Loi sur les pensions, peu nous importe, monsieur, pourvu que la garantie soit donnée par écrit. Mais pour l'instant, rien n'a été fait pour lui et la proposition contenue dans le Livre blanc est de laisser toute décision à la discrétion de la Commission au bout de trente jours. C'est pourquoi j'affirme, monsieur (et j'utilise ce mot à regret) que cela est inhumain. Mais il n'y a pas d'autres termes pour cela. Si vous pouviez voir les cas auxquels nous devons faire face, lorsque de telles situations se présentent et lorsqu'un triple amputé doit se poser la question: «Puis-je me permettre de me faire hospitaliser pour recevoir le traitement dont j'ai besoin?» c'est vraiment ridicule.

M. Guay (St-Boniface): Je voudrais poser une question supplémentaire, monsieur le président. D'après votre expérience, que se passe-t-il dans la plupart des cas lorsque l'amputé doit rester hospitalisé plus longtemps? Je pense que vous avez certainement dû faire une expérience de ce genre. Existe-t-il des organisations où quelqu'un qui saurait au moins aider la famille? Que se passe-t-il en réalité?

[*Texte*]

Mr. Chadderton: I can tell you that, Mr. Chairman. Our branch will go to the man or to the wife, and will say. "We have certain welfare funds." That is the worst possible thing to say to him. They are very proud people; they bear the scars of war. Put on that basis in nine cases out of ten, sir, they refuse it.

We are quite willing to assist them on a financial basis from our organization if that is required. It is the principle of the thing—that is an awful word to bring out—but it is the principle of the thing that destroys them. I might also say that I know of cases where the triple amputee has actually signed himself out of the hospital and gone home against the doctor's orders because he says: "I just cannot afford to stay in the hospital and I will not take welfare hand-outs."

Mr. Whicher: Mr. Chairman, most of my questions have been answered very well. I am certainly against any means test as far as this attendance allowance goes. However, I see that there are 2,000 receiving attendance allowance in the forces at this time. How many of these would be wives or people who are connected with the family? What about instances where we have someone else looking after the veteran who is not connected with the family? Is there a percentage? Do you know how many of these people would be involved? I am thinking of one particular case where certainly this person did not need the money. Keeping in the background that I am against the means test, I can still see where there could be the possibility of criticisms if there were a substantial number who were not wives.

Mr. Chadderton: Mr. Chairman, I think of the 2,000 in receipt of attendance allowance there would be approximately 175—excuse me, the war blinded do not receive the maximum—so there would be approximately 150 in receipt of the maximum attendance allowance. Of those 150 people there probably would be—this is again, of course, an approximate figure, it is a guess—there would be approximately 30 to 40 who hire an attendant. In the remainder of the cases what they do rather than hiring an attendant is get married and the wife looks after them. However, I submit to you that that wife is in a very peculiar position, or a very different position from the ordinary wife because she cannot work, she cannot take any training for employment. If he goes into the hospital she cannot rush down to Manpower and say: "Find me a job; my husband has gone into

[*Interprétation*]

M. Chadderton: Je puis vous répondre, monsieur le président. Notre direction ira voir cet homme, ou son épouse, et leur dira: «Nous pouvons gérer les fonds de bienfaisance». C'est la pire des choses à leur dire. Ce sont des gens extrêmement fiers, ils portent les cicatrices des blessures qu'ils ont reçues à la guerre. Lorsque les choses leur sont présentées de cette façon, neuf fois sur dix ils refusent. Nous sommes prêts à leur accorder une aide financière de notre organisation, si c'est nécessaire. C'est le principe de la chose, quel affreux mot à employer, mais c'est le principe de la chose qui les détruit. Je pourrais ajouter qu'il est des cas, à ma connaissance, où un amputé de trois membres a réellement signé son propre congé de l'hôpital et est retourné chez-lui contre les ordres du médecin parce que, dit-il: «Je n'ai pas les moyens de rester à l'hôpital et je refuse d'accepter l'aumône».

M. Whicher: Monsieur le président, la plupart de mes questions ont reçu une réponse satisfaisante. Je suis sûrement contre toute forme d'évaluation des moyens lorsqu'il s'agit d'allocations de soins. Cependant, je sais que 2,000 personnes reçoivent des allocations de soins à l'heure actuelle. Parmi celles-ci, combien y en a-t-il qui comptent parmi des épouses ou de la parenté? Qu'arrive-t-il dans le cas où la personne qui veille sur l'ancien combattant n'a aucun lien de parenté avec celui-ci? Connaît-on le pourcentage de ces cas? Connaissez-vous le nombre des personnes ainsi impliquées? Je songe à un cas où cette personne n'avait sûrement pas besoin de l'argent. Faisant abstraction de mon opposition à l'évaluation des moyens, je ne puis me retenir de penser à la possibilité de soulever des critiques s'il arrivait qu'un bon nombre de ces personnes ne fussent pas des épouses.

M. Chadderton: Monsieur le président, je songe aux 2,000 personnes qui reçoivent des allocations de soins. Il y en aurait environ 175 (pardon, les aveugles de guerre ne reçoivent pas le plein montant), de sorte qu'environ 150 reçoivent le montant maximum d'allocation de soins. Parmi ces 150 personnes, il y en aurait probablement (ici également il s'agit d'un chiffre approximatif,) il y en aurait à peu près de 30 à 40 qui retiennent les services d'un aide. Dans le reste des cas, plutôt que d'embaucher un aide, ils se marient et la femme veille sur eux. Cependant, je signale que cette femme se trouve dans une position très particulière, ou du moins dans une position très différente de celle de la femme ordinaire, parce qu'elle ne peut pas travailler et ne peut pas suivre des cours de formation qui lui permettraient de se trouver de l'emploi. Si son mari retourne à l'hôpital, elle ne

[*Text*]

the hospital," because she has no training. Not only that, sir, but she does not know how soon her husband is going to come back again.

Mr. Whicher: That is right.

Mr. Chadderton: We submit the only humane thing to do in this case is to carry the attendance allowance on. Somebody might say: "Well, what are you arguing about? If there is financial hardship they have already agreed they will carry it on". Perhaps we are arguing principles, perhaps we are. Perhaps there may be the odd case where if he got down on his knees, under this hardship principle he would qualify. We submit, and this is not the time to argue it I am sure, that to forsake that principle of allowing that man to have his attendance allowance continue on a means test is going about it the wrong way. It is completely ignoring that man's mental outlook his psychological well-being. For the odd case where the government might actually have to continue the attendance allowance of $250 a month you are dealing with another 140 souls where they say: "If you do not want to give it to me, then I do not want it on any other basis." I am sure most of them would never apply.

Mr. Whicher: I just have one more question. I am thinking of an instance where a chap was on a very small pension and it was brought up by a War Veterans Allowance, and he became incapacitated and it was necessary that he have somebody attend him. Do the 2,000 attendance allowances mentioned in your brief include the total for all the services in Canada? Would it take into account a case such as the one I have mentioned or is this strictly to do with pensioners?

Mr. Chadderton: So far as we know this is the total of those in receipt of attendance allowance. Bear in mind if a man who is on War Veterans Allowance is in receipt of attendance allowance, he must also have a pension. Although it might only be a 5 per cent pension, he is a pensioner, you see.

The Chairman: Are there other questions?

Mr. Knowles (Winnipeg-North Centre): I understand no one who is only on the War

[*Interpretation*]

peut pas courrir au bureau de la Main-d'œuvre et dire: «Trouvez-moi un emploi, mon mari est retourné à l'hôpital», pour la bonne raison qu'elle n'a aucune formation. Ce n'est pas tout, monsieur, elle ne sait même pas quand son mari reviendra.

M. Whicher: C'est exact.

M. Chadderton: Nous posons en fait que le seul geste humanitaire possible dans un tel cas est de continuer à verser l'allocation de soins. On pourrait dire: «A quoi bon tous ces débats? S'il existe des difficultés financières, ils ont déjà consenti à continuer de verser l'allocation.» Nous débattons peut-être un principe. Le cas peut à la rigueur se présenter où, en suppliant à genoux, on lui accordera ce qu'il demande, en vertu du principe relatif aux difficultés financières. Nous posons en fait, et ma foi ce n'est pas le moment d'argumenter à ce sujet, que de renoncer à ce principe et de permettre à cet homme de continuer à recevoir son allocation de soins à condition qu'il se soumette à une évaluation des moyens, c'est s'attaquer au problème sous un mauvais angle. C'est faire fi du bien-être psychologique de cet homme. Quant aux rares cas où le gouvernement pourrait continuer à verser l'allocation de soins mensuelle de $250, vous devez tenir compte des 140 autres personnes qui affirment: «Si vous ne voulez pas me l'accorder, eh bien! je n'en veux pas à d'autres conditions». Je suis sûr que la plupart n'en feraient jamais la demande.

M. Whicher: Je ne désire poser qu'une autre question. Je songe au cas où un type recevait une très modeste pension qui lui était versée en vertu des allocation aux anciens combattants. Avec le temps il devint invalide et dut recourrir aux bons offices d'un aide. Le chiffre de 2,000 allocations de soins mentionné dans votre mémoire englobe-t-il toutes les Forces armées du Canada? Tiendrait-il compte d'un cas tel que celui que je viens de mentionner ou s'adresserait-il directement aux seuls pensionnaires?

M. Chadderton: A notre connaissance, ceci représente le chiffre global des bénéficiaires d'allocations de soins. Il faut se souvenir que si un homme figure sur la liste des allocations aux anciens combattants et reçoit également une allocation de soins, il reçoit également une pension. Même si c'est une pension de seulement 5 p. 100, il est un pensionnaire.

Le président: Désire-t-on poser d'autres questions?

M. Knowles (Winnipeg-North Centre): Je crois comprendre que la personne qui n'appa-

[*Texte*]

Veterans Allowance can get an attendance allowance.

Mr. Chadderton: No, sir.

Lt. Col. Lambert: I think when I spoke about it at the beginning, Mr. Chairman, I said there are a great number of heroes in this country. I am not speaking about the Department of Veterans Affairs but I am speaking about the people who care for Canada's war disabled and I think that they should be recognized. I have a high regard for the Department of Veterans Affairs, but they are not the people who are caring for the disabled people of this country. The people who are caring for them are those who love them. I would like to pay my tribute to them because my little sweetheart that I had for 47 years was a nursing sister, and what a difference it made to my life when she was called away and I was left on my own.

The Chairman: Yes, I am sure we all agree with what you say Mr. Lambert. Mr. Weatherhead and then Mr. Legault.

Mr. Weatherhead: Mr. Chairman, the arguments in favour of carrying on the attendance allowance, particularly the ones in receipt of the maximum amount, I think are very good. I wonder why the arguments are not almost as good for those who receive, say, 75 per cent of the attendance allowance or this sort of thing. Would they not be missing the income almost as much as those in receipt of the total amount? May I have some comments on that?

Mr. Chadderton: Mr. Chairman, we have paraphrased in this brief the findings of Mr. Justice Woods and his people on it. They felt that the greatest anomaly was that involving those in receipt of the maximum rate. They felt that the war blinded should be put up to the maximum rate; so that takes care of that group. There is another small group, double amputees, whose average attendance allowance is around $2,400, and I would say if this Committee saw fit to recommend that their attendance allowance be carried on, we would have no objection. However, we did not raise this point when the Woods Committee omitted them from their recommendation; so in all fairness, we agreed that below the maximum rate if they could be carried on for two months that would be considered as an acceptable comprise. So far as I know, our Association still feels that way. In other

[*Interprétation*]

raît que sur la liste des allocations aux anciens combattants ne peut recevoir une allocation de soins.

M. Chadderton: Non, monsieur.

Lieutenant-colonel Lambert: Si je me souviens bien, monsieur le président, lorsque j'en ai parlé sur la question, au début, j'ai dit que ce pays comptait un grand nombre de héros. Je ne parle pas du ministère des Affaires des anciens combattants, mais des gens qui s'occupent des invalides de guerre du Canada et d'après moi, ils méritent notre reconnaissance. J'ai beaucoup d'estime pour le ministère des Affaires des anciens combattants, mais ce ne sont pas eux qui prennent soin des invalides de ce pays. Ceux qui prennent soin d'eux sont ceux qui les aiment. Je désire leur rendre hommage parce que ma petite chérie que j'ai eue pendant 47 ans était une infirmière et quelle différence dans ma vie lorsqu'elle a disparu et que je dus me tirer d'affaires tout seul.

Le président: Oui, nous sommes tous d'accord avec vous là-dessus, monsieur Lambert. Monsieur Weatherhead et puis Monsieur Legault.

M. Weatherhead: Monsieur le président, les raisons favorables au maintien du versement des allocations de soins, particulièrement à ceux qui reçoivent le montant maximum, sont excellentes. Je me demande pourquoi les arguments ne sont pas aussi bons à l'égard de ceux qui reçoivent, mettons, 75 p. 100 de l'allocation de soins ou quelque chose de ce genre. Ne souffriront-ils pas de cette absence de revenu presque autant que ceux qui reçoivent le plein montant? Pourrait-on m'expliquer cet état de choses?

M. Chadderton: Monsieur le président, dans ce mémoire, nous avons paraphrasé les conclusions du juge Woods et de ses gens sur le sujet. Ils estimaient que la plus grande anomalie était celle qui a trait aux bénéficiaires du taux maximum et que les aveugles de guerre devraient recevoir le tarif maximum; ceci règle leur cas. Il est un autre petit groupe, celui des amputés de deux membres dont l'allocation de soins moyenne est d'environ $2,400, et si le Comité juge à propos de recommander que leur allocation de soins soit maintenu, nous n'y aurions aucune objection. Cependant, nous n'avons pas soulevé cette question lorsque le Comité Woods a omis d'en faire mention dans ses recommandations. Par conséquent, en toute justice, nous avons convenu qu'en-dessous du taux maximum, s'ils pouvaient continuer de leur verser leur allocation pendant deux mois, cela constituerait

[*Text*]

words, if somebody wanted to do something more for them than the Woods Committee recommended, fine, we would have no objection.

Mr. Weatherhead: Mr. Chairman, in Mr. Chadderton's experience do most of these veterans just go in for a few weeks or a month or two? Do we not have a number that go in for a much longer period. What is his experience on that?

Mr. Chadderton: Yes, I think our experience would indicate that there really is no figure, they vary so greatly. A lot of them, of course, are short term; they go in to have a stump repaired or something of this nature. Bearing in mind the seriousness of their disability, the hospital term would be beyond one month. As you realize it is just a guess, but I would say it is two and a half to three months on the average for these people. I am speaking about amputees.

When a paraplegic goes into the hospital that is a very serious matter. I mean, it is his bladder or internal problems and he may be in there as long as six months.

Mr. Legault: Mr. Chairman, my question is related to one brought out by Mr. Whicher awhile ago. Some figures were given on those receiving the maximum attendance allowance who had no family whatsoever, and the answer was that in most cases you gave an approximate figure. You said that they got married or something like that; that is very easy to say but I do not believe in practice that it is always the case. I am sure there must be cases of people who cannot cope with the situation, and so they remain in the hospital because $3,000 would not be sufficient. It would be a help to those related but such a one could not get employment. We were looking for an example awhile ago and I think we did have one here last week; the case of the gentleman who was sitting at the end of the table.

Mr. Chadderton: Mr. Clarke of the Canadian Paraplegic Association.

Mr. Legault: I believe he has an attendant and I had something like that in mind. We should bear in mind the cost of maintaining

[*Interpretation*]

un compromis acceptable. A ma connaissance, notre Association est toujours de cet avis. Autrement dit, si quelqu'un voulait faire davantage pour eux que ne le recommandait le Comité Woods, très bien, nous n'aurions aucune objection.

M. Weatherhead: Monsieur le président, si l'on s'en rapporte à l'expérience de monsieur Chadderton, est-ce que la plupart des anciens combattants se bornent à passer quelques semaines ou un mois ou deux à l'hôpital? semaines ou un mois ou deux à l'hôpital? N'y en a-t-il pas un certain nombre qui y passent une période de temps beaucoup plus longue? Qu'en est-il, d'après son expérience?

M. Chadderton: Oui, notre expérience semblerait indiquer qu'il n'y a réellement pas de chiffre bien établi, la durée de leur séjour varie tellement. Beaucoup d'entre eux, évidemment, y font un court séjour; ils y vont faire réparer un moignon ou quelque chose du genre. Étant donné la gravité de leur infirmité, leur séjour à l'hôpital se prolongerait pendant plus d'un mois. Vous comprenez sans doute qu'il s'agit d'une simple conjecture, et pourtant je me hasarderais à dire que ces gens y restent en moyenne de deux mois et demi à trois mois. Je parle des amputés.

Lorsqu'un paraplégique est conduit à l'hôpital, le cas est grave. Il souffre probablement de la vessie ou de maux internes, et il peut alors rester jusqu'à six mois à l'hôpital.

M. Legault: Monsieur le président, ma question a trait à un problème soulevée par monsieur Whicher il y a quelque temps. Des chiffres furent fournis à l'égard de ceux qui reçoivent l'allocation de soins maximum et qui n'ont aucune famille, on est arrivé à la conclusion suivante que dans la plupart des cas le chiffre fourni était approximatif. Vous avez dit qu'ils se mariaient ou quelque chose du genre. C'est facile à dire, mais je ne pense pas qu'en réalité les choses se passent ainsi. Il y a sûrement des gens qui ne peuvent pas faire face à la situation, et par conséquent, ils restent à l'hôpital, parce qu'ils ne peuvent pas s'en tirer avec $3,000. Cet argent serait d'un certain secours à un parent, mais une telle personne serait incapable d'occuper un emploi. Nous cherchions tout à l'heure un exemple et je me rappelle que nous en avions un, ici même, la semaine dernière, la personne assise au bout de la table.

M. Chadderton: Monsieur Clarke, de l'Association canadienne des paraplégiques.

M. Legault: Je crois qu'il a un aide et c'est à cela que je pensais. Il faut tenir compte des frais d'entretien d'une telle personne à l'hôpi-

[*Texte*]

such a person in the hospital. I am perhaps referring to the setup that we have for our elderly people in old-age homes, where a pension of $109.20 per month is paid once a person attains a certain age, yet the cost of maintaining such a person in the home for the aged is closer to about $200 per month.

An hon. Member: More than that.

Mr. Legault: Yes, it is more than that in quite a few cases. In such a situation do you not believe that in order to give a person the privilege of circulating by having an attendant at all times that he should be considered for a greater allowance so he could get such an attendant? I do not believe that $3,000 per year would be sufficient to pay for an independent attendant.

Mr. Chadderton: I certainly agree, Mr. Chairman, that if he is in a position where he actually has to hire an attendant—and this would take in some 30 to 35 people across Canada—$3,000 does not go very far towards it. Perhaps we have been remiss, in making representations to the Woods Committee, in not recommending a higher increase for that type of person, because I think we could quite easily support it. We are in the position get the facts—you would very soon find that $3,000 would not cover 50 per cent of the cost of hiring an attendant.

Mr. Legault: Thank you.

Mr. Chadderton: Incidentally, the gentleman you saw here the other day also of course has a wife who is crippled and, consequently, he has to pay the attendant you saw here in the neighbourhood of $6 or $7,000 a year. This gives you a pretty good idea of his particular problem.

Mr. Legault: Thank you.

The Chairman: Are there any other questions?

Mr. Guay (St. Boniface): We are asking questions as we progress, Mr. Chairman?

The Chairman: Yes, we are.

Mr. Guay (St. Boniface): May I revert and ask questions on page 2, about the third paragraph, which I would like to quote:

> It would seem that, if nothing else, this is a strong indication that there is a great

[*Interprétation*]

tal. Je pense à l'organisation de nos foyers pour vieillards où l'on exige une pension de $109.20 par mois pour les personnes d'un certain âge, mais où le coût d'entretien de l'une de ces personnes se rapproche bien plus du chiffre de $200 par mois.

Une voix: Plus que cela.

M. Legault: En effet, c'est plus que cela dans bien des cas. Dans une telle conjoncture, ne croyez-vous pas que pour permettre à une personne de se déplacer avec le secours d'un aide à plein temps, on pourrait songer à lui accorder une allocation plus généreuse, afin de lui permettre de se procurer une aide. A mon avis, une allocation de $3,000 par année ne suffit pas à payer le salaire d'un aide indépendant.

M. Chadderton: Je conviens volontiers, monsieur le président, que s'il se trouve dans un état tel qu'il lui faut engager un aide (et ceci s'appliquerait à quelque 30 ou 35 personnes à travers le Canada), il n'ira pas loin avec $3,000. Nous avons peut-être péché par négligence lorsque nous avons présenté nos recommandations au Comité Woods, en ne demandant pas une allocation plus généreuse pour ce genre de personne, car à mon avis, nous pourrions très facilement en défrayer le coût. Nous ne l'avons malheureusement pas recommandée, mais d'après notre expérience, et il serait facile de compiler les données vous vous apercevriez très vite qu'un montant de $3,000 ne couvre pas même 50 p. 100 du coût de l'embauche d'un aide.

M. Legault: Merci.

M. Chadderton: Incidemment, le monsieur que vous avez vu ici l'autre jour a également une femme infirme et, par conséquent, il lui faut payer l'aide que vous avez vu ici avec lui dans les environs de $6,000 à $7,000 par année. Ceci vous donne une bonne idée de la situation particulière de cet homme.

M. Legault: Merci.

Le président: D'autres questions?

M. Guay (Saint-Boniface): Nous pouvons poser des questions au fur et à mesure que nous avançons, monsieur le président?

Le président: Oui, nous le pouvons.

M. Guay (Saint-Boniface): Puis-je retourner au troisième paragraphe que j'aimerais citer, et poser des questions à son sujet:

> Il semblerait, à défaut d'autre chose, que ce soit un indice très marqué que la Loi

[*Text*]

deal wrong with the Pension Act, and the way it is administered.

Now, is there something that you are trying to tell us here, particularly in respect of the last part of the sentence which reads "and the way it is administered"? I think that when such a statement as that appears in a brief you possibly should give an explanation.

Mr. Chadderton: Mr. Chairman, speaking for our delegation, I am very glad you raised that because, in the first place, we should possibly say right away that it is not intended as a personal slight upon the people administering the Pension Act. These people are with us, they are among friends and we are among friends when we are with them. But when you look at the total 148 recommendations of the Woods Committee Report and realize that a great many of them deal with the administration and suggested improvements, it has to be said that the Woods Committee found quite a bit of fault with the general administration of the Commission. This is what we are saying.

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Perhaps I should say, Mr. Chairman, to my Vice-President and my President that I think perhaps the way we stated it there is open to the wrong interpretation. We did not mean that a certain person or certain persons within the Pension Commission were not doing their jobs, we meant that the establishment was not as we saw it, the ground rules were not as we saw them and that there are a lot of proposed recommendations in here which we hope would be accepted.

Mr. Guay (St. Boniface): I know it is close to the lunch hour but I think there is another paragraph we should mention. It is on page 10, part of section (2):

> ...by way of training or other preparation for a peacetime occupation—and any moneys he is able to earn with the abilities which have been left to him, despite his war service, should not in any way affect his right to pension.

I take it from that that if one is disabled, and he could be very badly disabled, and has the initiative to try to do something he is confronted with the fact that if he does create additional revenue by whatever he is capable

[*Interpretation*]

sur les pension, de même que son administration, comportent de nombreux défauts.

Y a-t-il autre chose que vous cherchez à nous communiquer, tout spécialement en ce qui a trait à la dernière partie de la phrase qui se lit ainsi «de même que son administration»? A mon avis, lorsqu'un mémoire contient pareil énoncé, celui-ci exige des explications.

M. Chadderton: Monsieur le président, qu'il me soit permis de dire, au nom de notre délégation, comme je suis heureux que vous ayez soulevé cette question, parce qu'en premier lieu, nous désirons déclarer dès maintenant que la remarque susmentionnée ne doit certes pas être interprétée comme un affront aux administrateurs de la Loi sur les pensions. Ces gens sont ici au milieu d'amis, nous les considérons comme tels, et nous travaillons en collaboration. Cependant, lorsque vous songez que le Rapport du Comité Woods comporte 148 recommandations, dont une bonne partie s'adressent à l'administration et qu'il propose des améliorations, il faut reconnaître que le Comité Woods est d'avis que tout n'allait pas pour le mieux dans le meilleur des mondes à l'administration générale de la Commission. C'est ce que nous désirons souligner. Je devrais peut-être, monsieur le président, dire à mon vice-président et à mon président que la façon dont nous avons exprimé notre pensée prête à fausse interprétation. Nous ne cherchions pas à dire qu'une certaine personne ou certaines personnes au sein de la Commission canadienne des pensions ne faisaient pas leur devoir, nous voulions simplement dire que l'organisation ne répondait pas à nos critères, non plus que les règles d'usage, et que nous espérions qu'une foule de recommandations du rapport seraient acceptées.

M. Guay (Saint-Boniface): Je sais que l'heure du déjeuner approche, mais il y a, à mon avis, un autre alinéa que nous devrions mentionner. C'est à la page 10, partie de l'article 2:

> ...en manière de formation ou autre préparation à un emploi de temps de paix, et l'argent qu'il peut gagner grâce aux aptitudes qui lui restent en dépit de son service en temps de guerre, ne devrait en aucune façon nuire à son droit à la pension.

Je déduis de cette citation que si un mutilé de guerre dont l'infirmité pourrait être très grave, a le courage de mettre à profit ce qui lui reste de talent malgré ce handicap, il s'aperçoit que s'il réussit à améliorer ainsi son

[*Texte*]

of doing, it really goes against his own benefit because an equal amount is deducted immediately. Is that correct?

Some hon. Members: No.

Mr. Guay (St. Boniface): Then could this be explained to me.

Mr. Chadderton: I think I can explain, Mr. Chairman, why that is in the brief. We are somewhat alarmed about the fact that since 1965 at least the Minister of Veterans Affairs has been speaking about developing some new basis on which pensions shall be paid. Now, Mr. Guay, we do not know what that is. We have no idea what trend their discussions may be taking. We know that in some countries there is a form of supplement paid, but only to those who are in need. We know for instance, sir, that in 1954 the Canadian government attempted it. That is not a too well known fact, but in 1954 we did have something called the unemployability supplement, which meant that you could get 100 per cent pension and then if you could prove that you were unemployed you got a little extra on your pension cheque. A pretty good indication of the reaction to that among parliamentarians, veterans organizations and the public generally is that it only lasted about four or five months and then it was canned. But these are the types of things about which we in the veterans organization are extremely concerned right now, because the government studies are going on in-camera and we have no idea what they are doing. So all we can do at this point is try to stress the validity of the existing bases upon which pension is paid, and this is one of them, and if a man, despite the most severe handicap, is able to get out and perfect himself in some form of industry, as they say in the Pension Act now, he could make an extra $50,000 a year and it would not affect his right to pension.

Mr. Guay (St. Boniface): Thank you.

The Chairman: Are there other questions that members want to ask? If not, perhaps this would be a good point at which to break.

We will resume at 2 o'clock this afternoon in this room.

[*Interprétation*]

revenu, il n'en tirera aucun profit parce qu'on retiendra un montant analogue sur sa pension. Est-ce exact?

Des voix: Non.

M. Guay (Saint-Boniface): Alors, pourrait-on m'expliquer cela?

M. Chadderton: Je crois pouvoir expliquer, monsieur le président, pourquoi ce passage a été incorporé au mémoire. Ce n'est pas sans une certaine crainte que nous avons constaté que depuis 1965 au moins le ministre des Affaires des anciens combattants parlait d'élaborer une nouvelle base pour les pensions d'invalidité. Veuillez croire, monsieur Guay, que nous ne savons pas ce que c'est. Nous ignorons dans quelle direction s'orientent leurs délibérations. Nous savons que dans certains pays on verse une sorte de supplément, mais seulement aux nécessiteux. Nous savons par exemple, monsieur, qu'en 1954 le gouvernement canadien a tenté d'inaugurer cette pratique. Ce fait n'est pas très bien connu, mais en 1954, il existait ce qu'on appelait le supplément d'inadaptabilité à l'emploi, ce qui voulait dire que même si vous receviez 100 p. 100 de la pension, si vous pouviez prouver que vous étiez sans travail, on ajoutait un petit supplément à votre chèque de pension. Il y a eu une telle réaction des députés, des associations d'anciens combattants et du public en général que le supplément a été aboli au bout de quatre ou cinq mois. C'est à cause de choses semblables que les membres des associations d'anciens combattants comme nous sont sur le qui-vive à l'heure actuelle, parce que les études entreprises par le gouvernement se font à huis-clos et que nous n'avons pas la moindre idée de ce qui s'y passe. Par conséquent, notre seule ressource, actuellement, c'est de chercher à faire valoir le bien-fondé de la formule actuelle des pensions. Actuellement, la Loi sur les pensions prévoit que si un homme, malgré le plus grave handicap, réussit à surmonter son infirmité et à se perfectionner dans un travail quelconque, il pourrait gagner $50,000 par année sans pour autant nuire à son droit à la pension.

M. Guay (Saint-Boniface): Je vous remercie.

Le président: Quelqu'un désire-t-il poser d'autres questions? Sinon, ce serait peut-être le moment de lever la séance.

Nous reprendrons nos délibérations, en cette même salle, à 14 heures.

[*Text*]

(AFTERNOON SITTING)

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The Chairman: I now call the Committee to order. I know there will be other members here presently, but I am concerned about time. I think Mr. Reynolds, our Research Officer, has a communication from Mr. Ward. Do you want to refer to it, Mr. Reynolds?

Mr. P. E. Reynolds (Director of Research, Standing Committee on Veterans Affairs): Yes, Mr. Chairman. Mr. Ward was asked to prepare a tabulation of the Woods Committee Recommendations showing the disposition that has been made of them so far, and he states:

> I attach a tabulation of the current proposed disposition of the Woods Committee Recommendations.

I would ask leave of this Committee to have this attached as an appendix to the proceedings for today.

Some hon. Members: Agreed.

The Chairman: This document will be reproduced as an appendix to the transcript for today. I will leave this with the Clerk.

Are there any other announcements, comments or anything else, Mr. Levesque, that we should bring to the attention of the Committee at this point?

Clerk of the Committee: I think they should know about the delay in the transcripts.

The Chairman: The transcripts will be available when, Mr. Levesque?

Clerk of the Committee: Last Monday's, September 15, will be available this afternoon; Tuesday's will be available tomorrow and so on as they come in.

The Chairman: So the first transcripts of the current series of hearings will be available later this afternoon and Tuesday's will be available tomorrow?

Clerk of the Committee: Probably tomorrow, yes.

The Chairman: Fine.

Clerk of the Committee: The delay was caused by translation problems. It is always the same old problem.

The Chairman: The problem with translation is in making sure they are released in the two official languages at the same time. Is there anything else to be said at this point?

[*Interpretation*]

SÉANCE DE L'APRÈS-MIDI

Le président: A l'heure où nous allons ouvrir la séance, je remarque que certains membres du Comité ne sont pas encore arrivés, mais le temps nous presse de réouvrir nos travaux. Monsieur Reynolds a une communication à nous faire, de la part de M. Ward; monsieur Reynolds voulez-vous commencer?

M. P. E. Reynolds (directeur des recherches, Comité permanent des affaires des anciens combattants): Monsieur le président, M. Ward a été prié de présenter une échelle des recommandations du Comité Woods pour montrer les dispositions qui ont été prises et il a dit:

> «J'ai annexé une échelle des chiffres proposés dans le cas des recommandations du Comité Woods.»

Je demande la permission au comité de faire annexer ces documents au procès-verbal d'aujourd'hui.

Des voix: D'accord.

Le président: Alors cela sera reproduit comme Annexe au procès-verbal d'aujourd'hui. Parfait. Y a-t-il d'autres commentaires ou annonces ou d'autres explications à signaler au Comité M. Lévesque?

Le secrétaire: Je pense que les membres du comité devraient être mis au courant des délais.

Le président: Quand aurons-nous les compte-rendus, monsieur Lévesque?

Le secrétaire: Le compte rendu du 15 septembre, sera disponible cet après-midi et le texte de mardi sera publié demain et ainsi de suite.

Le président: Ainsi la première série des compte-rendus de la présente session seront disponibles cet après-midi et les prochains demain?

Le secrétaire: Oui, probablement demain.

Le président: Bien.

Le secrétaire: Le délai est dû à la traduction, c'est toujours le même vieux problème.

Le président: Il faut publier les compte-rendus dans les deux langues officielles en même temps, c'est là le problème. Y a-t-il d'autres explications à donner?

[*Texte*]

If not, I will invite Lt. Col. Lambert to continue with the presentation he started this morning.

Lt. Col. Lambert: Continuing the presentation of The War Amputations of Canada on page 29, Automatic Age Increase, I will ask Mr. Chadderton to read.

Mr. Chadderton: *Automatic Age Increase:* Possibly one of the most important features of our pension legislation is the automatic age increase through which the Commission makes provision for deterioration, over the years, of amputation and gunshot wound cases. Unfortunately, the regulations governing this feature are inconsistent.

For example, although a 50 per cent pensioner may go to 80 per cent through automatic age increase in the years between 55 and 59, an 80 per cent or 90 per cent pensioner is not entitled to *any* increase through this provision. Another inconsistency—equally difficult to understand—is that the automatic age increase applies *only* to amputation and gunshot wounds incurred *in direct action with the enemy.*

It seems obvious that, as it stands, the automatic age increase provision is only a "halfway" measure. The recommendations of the Woods Committee which would extend this provision appear to be eminently sensible. They are:

(1) To extend this provision to 80 per cent and 90 per cent pensioners to allow them to reach 100 per cent and

(2) To make the provision applicable to all fixed disabilities resulting from injuries or wounds.

Again for purposes of clarification, may we cite an example. A 22 year old soldier lost his left leg above the knee in 1917. When he returned from overseas he was awarded a pension assessment of 80 per cent for the loss of this leg.

He is now 74 years of age, yet his pension assessment still remains at 80 per cent. It is inconceivable that the loss of a leg above the knee, if assessed in terms of his earning power in the unskilled labour market, would be no worse when the man is 74 years of age

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than it was when he was 22. This serves to illustrate the inconsistency of the legislation in respect of pensioners in the 80 per cent and 90 per cent brackets.

[*Interprétation*]

Alors, si non j'invite M. Lambert à continuer son exposé.

Le lieutenant-colonel Lambert: Pour poursuivre l'exposé de l'Association des amputés de guerre du Canada, à la page 29, en ce qui concerne l'accroissement automatique de la pension en vertu de l'âge, j'invite M. Chadderton à vous lire ce paragraphe;

M. Chadderton: Monsieur le président, un des éléments les plus importants de notre Loi sur les pensions c'est le relèvement automatique des pensions en vertu de l'âge, grâce auquel la Commission pourrait prévoir la détérioration au cours des années des cas d'amputation, et des blessures d'armes à feu. Malheureusement, les dispositions qui régissent ces cas sont inconsistantes. Par exemple, même si un pensionné à 50 p. 100 voit se relever sa pension à 80 p. 100 au cours des années entre l'âge de 55 ans et 59 ans, un pensionné à 80 ou 90 p. 100 n'ont droit à aucune augmentation en vertu de cette disposition. Une autre disposition tout aussi difficile à comprendre c'est que cet accroissement s'applique seulement aux amputés et ceux qui ont reçu une blessure au feu lors d'une confrontation directe avec l'ennemi.

Il semble donc que la disposition de l'accroissement automatique de la pension telle qu'elle existe actuellement n'est qu'une demi-mesure. Les recommandations du Comité Woods qui veulent augmenter la portée de cette disposition sont les suivantes:

(1) étendre la disposition aux pensionnés à 80 et 90 p. 100 pour leur permettre d'atteindre les 100 p. 100, et

(2) étendre la disposition à toutes les invalidités découlant de blessures.

Encore une fois, pour mettre les choses au point, nous pouvons dire que l'exemple d'un soldat de 22 ans qui a perdu sa jambe gauche en 1917, au retour d'outre-mer on lui a accordé une pension de 80 p. 100 pour la perte de cette jambe.

Il est âgé maintenant de 74 ans et sa pension reste toujours fixée à 80 p. 100. C'est inconcevable que la perte d'une jambe, si la compensation basée sur le revenu de la main-d'œuvre non spécialisée, n'est pas plus élevée pour un homme âgé de 74 ans, que lorsqu'il était agé de 22 ans.

[*Text*]

Another example might serve to clarify the situation in regard to the discrimination between amputations lost in direct action with the enemy and those incurred in training accidents or other occurrences. We cite the case of a World War I pilot who crashed while piloting a flying boat on a training mission in England in 1918. He lost his left leg below the knee and received a pension assessment of 50 percent. No automatic increase was made for him and when he died two years ago his pension was still assessed at 50 percent. This case should be contrasted with others who lost their legs in action with the enemy. When they reached 55 their pensions would have been increased *automatically* to 60 percent. A further increase to 70 percent would be granted at age 57 and at age 59 they would reach a maximum of 80 percent.

We firmly believe that the opposition to the recommendations to make automatic age increase apply to the 80 percent and 90 percent pensioner and for amputations and gunshot wounds arising from causes other than direct action with the enemy, is based on the conception that, originally, this provision was introduced to ensure that veterans whose assessment was fixed by the Table of Disabilities could be brought to the level of 80 percent, so that their widows would qualify for pension in the event of their death.

In this respect we refer you to the Woods Committee Report, volume 2, chapter 18, page 684 wherein the report takes cognizance of *three reasons* given by officials of the Pension Commission for the institution of automatic age increase. These were:

> (1) To recognize injuries which were the result of direct action with the enemy as compared with those resulting from diseases ruled attributable to service.
>
> (2) To provide more adequately for pensioners who have suffered severe wounds, particularly in respect of the increasing handicap brought on by advancing years;
>
> (3) To bring 50 percent, 60 percent and 70 percent pensioners up to the level of 80 percent so their widows may qualify for pension in the event of their death.

While we recognize that the third reason is no longer required, in that widows may qualify provided the pension was in payment at 48 percent or greater, the reason is still as valid today as it was when this provision was implemented in 1939. That is to say:

> There is still the requirement to recognize amputation and gunshot wounds as compared with diseases for the specific reason that the latter are subjected to peri-

[*Interpretation*]

Un autre exemple pourrait servir à clarifier la situation envers la différence que l'on fait entre une amputation due à un engagement sur le front et celle subie après un entraînement ou autre. Voilà le cas d'un pilote de la première guerre mondiale qui a eu un accident lorsqu'il pilotait un hydravion dans une mission d'entraînement en Angleterre en 1918. Il a perdu sa jambe gauche, puis a reçu une pension évaluée à 50 p. 100. On n'a prévu aucun taux de l'accroissement automatique en sa faveur et lorsqu'il est mort, il y a deux ans, sa pension était toujours évaluée à 50 p. 100. On devrait comparer ce cas à d'autres personnes qui ont perdu leurs jambes en mission contre l'ennemi. A l'âge de 55 ans, leur pension serait majorée *automatiquement* à 60 p. 100, et à l'âge de 57 ans ils recevraient 70 p. 100 et à l'âge de 59 ans, ils recevraient un maximum de 80 p. 100.

Nous croyons que si l'on s'oppose à ce que de telles recommandations s'appliquent à des pensionnés à 80 et 90 p. 100 et pour les amputations ou blessures dues à des causes autres que les missions contre l'ennemi, relève du fait que cette disposition avait été présentée à l'origine pour s'assurer que les anciens combattants dont l'évaluation avait été fixée au moyen de la Table des invalidités puissent atteindre le niveau de 80 p. 100 afin que leurs veuves puissent obtenir une pension advenant leur mort. A ce sujet nous vous signalons que le Comité Woods, dans son rapport, volume II, chapitre 18, à la page 684, à l'endroit où il prend conscience des trois raisons exposées par les responsables de la Commission des pensions pour l'institution de l'accroissement automatique des pensions. C'est à dire:

> (1) tenir compte des blessures qui sont dues à l'action contre l'ennemi, par rapport à d'autres blessures découlant d'autres maladies dues au service
>
> (2) pour secourir les pensionnés qui ont subi plusieurs blessures dont la gravité augmente avec l'âge
>
> (3) pour porter à 80 p. 100 les pensions de 50, 60 à 70 p. 100 afin que les veuves puissent bénéficier d'une pension au combattant.

Bien que nous soyons conscients du fait que la troisième raison ne joue entièrement plus, puisqu'une veuve peut obtenir une pension lorsque son mari était pensionné à 48 p. 100 ou plus, nous pensons qu'elle a toujours une signification, comme elle en avait une lorsque la disposition a été mise en vigueur en 1939, et qui se lit ainsi:

> Il y a encore besoin de reconnaître les blessures et les amputations, vis-à-vis des

[*Texte*]

odic reboards to check on the progression of the disease. This very often results in an increased assessment. On the other hand, an amputation or gunshot wound is usually coded by the Commission as "apparently permanent" and no provision is made for an increase with advancing years, except for those covered by the automatic age increase provision.

We find it extremely difficult to understand why the White Paper makes no reference to the automatic age increase proposals of the Woods Committee. The effect of the existing provisions is nothing short of disastrous for those in the 80 percent or 90 percent bracket or for those who had the misfortune to lose a limb or limbs while operating with training units.

We are mindful, also, of the fact that the extension of the automatic age increase provisions could be made by the Pension Commission without legislative authority. It seems evident, however, that the Commission is not prepared to take this step and we have no alternative now but to place this matter before your Committee for earnest consideration. Thank you.

The Chairman: Are there any questions members want to ask? Mr. Marshall.

Mr. Marshall: The case was put very clearly. It is very understandable. I think we should take it as it is and go on.

Lt. Col. Lambert: The next section deals with consequential disabilities and Judge Crowell who comes from Nova Scotia.

The Chairman: Excuse me, Mr. Guay, did you want to ask a question now?

Mr. Guay (St. Boniface): Yes, I only wanted to further your comments with regard to page 29, paragraph three, where you stated:

> Another inconsistency—equally difficult to understand—is that the automatic age increase applies *only* to amputation and gunshot wounds incurred *in direct action with the enemy.*

You made reference to that several times and I am interested in it. Possibly you could

[*Interprétation*]

maladies, pour des raisons définies. Ainsi les maladies sont sujettes à des contrôles périodiques afin de suivre la progression de l'affection. Ce qui a pour effet, la plupart du temps, d'augmenter l'évaluation. D'un autre côté, une amputation ou une blessures d'arme à feu est habituellement déféré pour la Commission comme une affection «apparemment permanente, et aucune disposition n'est prévue pour une augmentation de la pension avec l'âge, à l'exception des cas tombant dans la catégorie de l'accroissement automatique des pensions.

L'on comprend très mal pourquoi le Livre blanc ne mentionne pas des propositions du Comité Woods portant sur l'accroissement automatique de la pension avec l'âge. Les dispositions actuelles sont très défavorables à ceux qui touchent 80 et 90 p. 100 et à ceux qui ont perdu un membre ou des membres en mission d'entraînement.

Nous sommes conscients aussi du fait que cette disposition pourrait être appliquée par la Commission des pensions sans obtenir l'autorisation du gouvernement. Il est évident toutefois que la Commission n'a pas d'autre moyen que de soumettre ses propositions au Comité pour étude. Merci.

Le président: Y a-t-il d'autres questions que les députés aimeraient poser?

M. Marshall: L'exposé a été très clair et très compréhensible. Nous devrions l'accepter comme tel et on pourrait poursuivre notre discussion.

Lieutenant-colonel Lambert: Le prochain paragraphe traite des infirmités qui ont découlé de ces blessures, et le juge Crowell qui vient de la Nouvelle-Écosse...

Le président: Excusez-moi, je crois que monsieur Guay désire poser une question.

M. Guay (Saint-Boniface): J'aimerais que vous me donniez des explications sur le troisième paragraphe de la page 29, lorsqu'on parle d'une mission contre l'ennemi. On dit que:

> Un autre manquement—tout aussi difficile à comprendre—c'est que l'accroissement automatique de la pension avec l'âge ne s'applique qu'aux cas d'amputation et de blessures d'armes à feu subies lors d'un contact direct avec l'ennemi.

Vous avez mentionné plusieurs fois cette question et ceci m'intéresse. Vous pourriez

[*Text*]

expand a little more on it other than what you have in your brief. It seems you have a problem in that particular area and probably you could spell it out. I well understood what you had in mind when you were reading it, but at the same time you may want to tell us a bit more about it.

Mr. Chadderton: Oh, yes, indeed. As we say throughout this part of the presentation, we find it very difficult to understand the rationale of the Commission in this particular instance and, of course, it is a Commission policy because it is in the table of disabilities. Originally—and I think we have to go back to the original pronouncement of it which was in 1939—one of the reasons was:

> (1) To recognize injuries which were the result of direct action with the enemy as compared with those resulting from diseases ruled attributable to service.

Therefore, a distinction is drawn between the man who lost a leg in direct action with the enemy and someone who contracted a disease and is pensionable. However, we submit that in the middle there is a third group who have been overlooked and that is the fellow who does not have a disease attributable to service, who has not lost a leg through direct action with the enemy, but who has lost a leg in a training accident. We fail to see the difference between that type of loss resulting in amputation and the type of loss resulting in amputation where it was in direct action with the enemy. In other words...

Mr. Guay (St. Boniface): Possibly my question could be worded in a slightly different way, then, Mr. Chairman. If a veteran lost his leg in a theatre of war, but not actually in direct action with the enemy, perhaps while moving from one position to another which is not in direct action with the enemy, would it be classified as such?

Mr. Chadderton: I would say, in our experience that the Commission has been very generous in that respect. On an individual case basis, I know of no instance, for example, of a man who drove a transport lorry in France who lost his leg, we will say, where the Commission...

Mr. Guay (St. Boniface): They are classified as such, then?

Mr. Chadderton: Yes, they may have turned him down, but we do not know of it. However, where it occurred in England or where it occurred in Camp Borden, there is no question. These people are not qualifying today for automatic age increases.

[*Interpretation*]

nous donner de plus amples explications. Vu que cela cause un certain problème, vous pourriez clarifier ce point. Je comprends l'intention qui vous anime, mais j'aimerais que vous nous donniez des explications plus détaillées là-dessus.

M. Chadderton: Certainement. Comme nous l'avons déclaré dans ce paragraphe, nous comprenons mal la logique qui anime la Commission dans ce cas particulier, parce que c'est la politique de la Commission et que ces règlements se trouvent dans la Table des invalidités. Au début, il faut revenir à la mise en vigueur des dispositions en 1939. Une des raisons était la suivante:

> (1) Tenir compte des blessures découlant d'une mission contre l'ennemi par rapport à d'autres qui sont dues à des maladies attribuables au service.

Alors on a établi une distinction absolue entre un homme qui a perdu une jambe en combattant l'ennemi et un autre qui a contacté une maladie par suite du service. Mais, au milieu, il y a le troisième groupe qu'on a négligé et c'est le soldat qui n'a pas de maladie due au service, ni de blessure par suite d'une mission contre l'ennemi, mais bien celui qui a perdu une jambe dans une mission d'entraînement. Pour nous, il n'y a pas de différence entre la parte d'une jambe par suite d'une amputation et la perte d'une jambe par suite d'une mission directe contre l'ennemi.

M. Guay (Saint-Boniface): La question serait un peu différente si un ancien combattant a perdu sa jambe en temps de guerre mais pas en mission directe contre l'ennemi, mais plutôt dans le cadre des opérations de guerre, comme lorsqu'ils se déplacent d'une position à une autre ce qui n'est pas une mission directe contre l'ennemi: comment pourrait-on classifier un tel cas?

M. Chadderton: La Commission a été très généreuse jusque-là dans les cas individuels. Pour moi, je ne connais aucun cas où un homme qui conduisait, par exemple, un camion de transport et qui a perdu sa jambe; je ne connais pas de cas où la Commission a eu un jugement défavorable.

M. Guay (Saint-Boniface): Ils sont classifiés comme tels, alors?

M. Chadderton: Ça peut arriver, mais en Angleterre, par exemple, ou au Camp Borden, ces gens ne sont pas éligibles à la disposition visant l'accroissement de la pension avec l'âge.

[*Texte*]

Mr. Guay (St. Boniface): So those are the group that you are making reference to, then?

Mr. Chadderton: That is quite right, sir.

Mr. Guay (St. Boniface): I see.

Mr. Chadderton: As well as the other group, that is the ones who have a permanent pension of 80 per cent and 90 per cent, some of whom are now in their 80's, who still have had no pension increase, automatically or otherwise. We feel they are being discriminated against in comparison with the disease case because the disease case can be reboarded and he can go from 50 per cent to 60 per cent to 70 per cent as his condition progresses. He can receive an increase in pension, but the man whose pension has been fixed, apparently permanently, cannot get an increase as in case 22 which we cited this morning of a man in a wheelchair in Toronto today, sir, whose pension is 80 per cent, the same as it was when he lost his legs.

Mr. Guay (St. Boniface): Thank you, Mr. Chairman.

The Chairman: Do you wish to continue, Mr. Lambert?

Judge K. L. Crowell (Bridgetown, Nova Scotia):

Consequential Disabilities:

We welcome the proposal in the White Paper covering consequential disabilities and earnestly hope that the enabling legislation will go far enough to meet the problems which have existed for many years in this little-understood area of pension administration.

The disabled person who has lived for a number of years minus an arm or a leg knows full well that his amputation automatically places stress on the other parts of his body. Two classic examples are:

(1) The man who has lost his right arm will inevitably develop pain and discomfort in his spine, upper cervical area and quite possibly his left arm. This is because he is constantly moving and twitching far beyond the normal and because his left arm is doing the work of two.

(2) The man who suffers the loss of a right leg develops difficulties in the back, lower spine and often the hip, knee joints and ankle of the left foot.

[*Interprétation*]

M. Guay (Saint-Boniface): Voici la catégorie que vous avez mentionnée.

M. Chadderton: C'est exact.

M. Guay (Saint-Boniface): Je vois.

M. Chadderton: Et l'autre groupe, celui des anciens combattants qui reçoivent une pension permanente de 80 ou de 90 p. 100, et il y en a parmi eux qui sont âgés de 80 ans et qui n'ont pas bénéficié d'une hausse de pension depuis lors, accroissement automatique ou autre. Pour nous, ils sont victimes d'une injustice par rapport à ceux qui ont contacté des maladies, maladies qui étaient guéries à l'âge de 50, 60 ou 70 ans, ou qui à mesure que leur condition se dégradait pouvaient bénéficier d'une augmentation de pension. Mais celui qui bénéficie d'une pension de 80 p. 100, même s'il a été frappé d'une infirmité à l'âge de 22 ans et qui continue, à Toronto, de se servir d'une chaisse roulante, touche la même pension qu'à l'âge où il a reçu sa pension.

M. Guay (St-Boniface): Merci monsieur le président.

Le président: Voulez-vous continuer monsieur Lambert?

Le juge K. L. Crowell (Bridgetown, Nouvelle-Écosse): *Invalidités subséquentes:* Nous applaudissons, à la proposition du Livre blanc touchant les invalidités subséquentes et espérons qu'une loi permettra d'aller assez loin pour aplanir les problèmes qui ont existé depuis longtemps dans ce domaine peu compris de l'administration des pensions.

L'invalide qui a vécu pendant de nombreuses années sans bras ou sans jambe ressent un stress dans d'autres parties de son corps. Voici deux exemples classiques:

1) celui qui a perdu son bras droit aura des douleurs dans sa colonne vertébrale et jusque dans la région cervicale et même dans son bras gauche, c'est parce qu'il se déplace, il fait des efforts qui dépassent la normale et son bras gauche fait le travail de l'autre bras.

2) celui qui a perdu la jambe droite, peut avoir des difficultés avec son épaule, le bas de sa colonne vertébrale et avec la hanche. Ces difficultés sont dues à un rapport inégal, des mouvements anormaux et un poids supplémentaire supporté par la jambe gauche.

[*Text*]

This is due to an uneven gait, abnormal twisting and the additional load being carried by the left leg.

It would seem that these hypotheses would be self-evident. Notwithstanding, in many applications for a "consequential ruling" the Pension Commission says that the condition in the back or the other limb is a "developmental" condition—it would have happened regardless of the amputation—and is, therefore, not pensionable. In some instances the Pension Commission will grant what is known as a fractional assessment. That is to say, although the condition is not directly related to the amputation, the Commission will concede that it was "aggravated thereby" and will give a ruling of $\frac{1}{5}$th or $\frac{2}{5}$th aggravation—which means that if the condition is assessed at 10 per cent the amputee receives 2 per cent or 4 per cent respectively.

Consequential conditions of this type seem to divide into two schools of thought. On one hand the amputee knows that the condition exists and that it is attributable to his amputation. On the other hand the medical advisors of the Commission appear adamant in their theory that amputation does not in itself cause these problems. The War Amputations of Canada was able to report a great deal of factual medical information from outside of Canada in its submission to the Woods Committee, in regard to this question. We are pleased to note, therefore, that, in the Woods Report, a great deal of emphasis is placed on consequential disabilities.

The Committee recommendation was to the effect that the Act should be amended to clothe the Commission with the authority to grant separate entitlement for a consequential disability. Also, the Committee leaned heavily toward the suggestion that a pensioner for amputation was made "vulnerable" by the loss of his limb, and that if arthritis or some other condition develops in the other limb, it is not only due to the amputation, but also the mere fact that one limb had been lost (due to war service) makes the condition of the other limb much more serious because it must do all the work.

The Woods Committee Recommendation on consequential disabilities deserves the closest possible study. To the best of our knowledge, this is the first clear-cut analysis of the problem to be published. It is hoped that Parliament will insist that the Act be amended as

[*Interpretation*]

Ce sont des hypothèses qui sont claires. Cependant, la Commission des pensions déclare que la maladie du dos ou de l'autre membre, est une maladie secondaire, qui aurait pu arriver quand même sans l'amputation, et qui ne rend pas le malade éligible à la pension. Ce qui revient à dire que si la condition ne dépend pas directement de l'amputation, la Commission admettra qu'elle a été «aggravée par elle» et rend une décision d'aggravation de $\frac{1}{5}$ ou $\frac{2}{5}$, ce qui signifie que si son état est évalué à 10 p. 100 l'amputé reçoit 2 ou 4 p. 100, respectivement.

Les états d'invalidités secondaires de ce genre semble provoquer la création de deux écoles de pensée. D'une part, l'amputé *sait* que cet état existe et qu'il est attribuable à son amputation. D'autre part, les conseillers médicaux de la Commission apparaissent intransigeants dans leurs théories portant que l'amputation n'est pas en soi la cause de ces problèmes. L'Association des amputés de guerre du Canada a été en mesure de communiquer une grande quantité d'informations médicales obtenue de pays étrangers et qui ont été communiquées au Comité Woods. Nous sommes par conséquent heureux de remarquer que le rapport Woods insiste beaucoup sur la question des invalidités secondaires. Le Comité, dans sa recommandation, précisait que la Loi devait être modifiée pour habiliter la Commission à accorder un droit distinct dans le cas d'une invalidité secondaire. D'autre part, le Comité a paru être très en faveur de la proposition voulant qu'un pensionné pour cause d'amputation était rendu «vulnérable» par la perte d'un membre et que, si l'arthrite ou une autre maladie venait à attaquer le membre restant, cela n'est pas dû seulement à l'amputation mais aussi au simple fait que la perte d'un membre (en raison d'un service de guerre) fait que l'affection du membre restant est beaucoup plus sérieuse du fait que ce membre doit faire tout le travail.

La recommandation du Comité Woods sur les invalidités secondaires mérite l'étude la plus attentive possible. A notre connaissance, c'est la première fois qu'on publie une analyse aussi claire de ce problème. Nous espérons bien que le Parlement insistera pour que la

[*Texte*]

required, and that the Commission give full credence to the findings of the Committee in this important area.

Lt. Col. Lambert: Thank you.

Mr. Chadderton: Mr. Chairman, I would like to add one further word. We are aware, of course, that the White Paper does say something about consequential disability and, as we read it, it states that there will be a new section of the Act covering this, and we are very grateful for this. All that we are really attempting to get across in this particular brief is that, A, it is a very severe problem to members of our association and, B, that we trust that whatever is put into the Act will be clear enough so that we will not have to argue every case. I am not suggesting that this will be the situation, we have no way of knowing, but we certainly feel that to merely say in any amendment to the Act that the Commission may award pension for consequential disability would not be sufficient. We feel that it should stress the points made by the Woods Committee and, in particular, that where it can be indicated that the consequential disability is related to the pensionable disability, that it should not be a fractional assessment. If it is related at 10 per cent, the man should get 10 per cent and not two-fifths, as the case may now be. So, Mr. Chairman and gentlemen, we are in the dark on this. We do not really know what is being recommended except that it is going to be placed in the Act. We thought you would like to have our views on the importance of this to the members of our association.

The Chairman: Mr. Chadderton, if you will excuse me, I did not quite understand you. The White Paper says that it is proposed to provide a separate section in Act to cover the awarding of pension for disability which in whole or in part is an extension of a pensionable disability. Do you feel that this is an unwise provision or what is your position in relation to it?

Mr. Chadderton: No, we feel that this provision is a long-felt one and that it should go in, but we are wondering if when it is written it will give full coverage to the problem as we see it in awarding pension for consequential disability.

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The Chairman: You are suggesting that there still may be administrative problems, but surely the principle of writing a legislative authority into the Act must be viewed by your organization as a step forward.

[*Interprétation*]

loi soit modifiée dans le sens nécessaire et que la Commission accepte entièrement les constatations du Comité dans ce domaine important.

Lieutenant-colonel Lambert: Merci.

M. Chadderton: Monsieur le président, nous aimerions ajouter un mot. Nous savons bien entendu que le Livre blanc prévoit des allocations pour les infirmités secondaires et un nouvel article dans cette loi devra régir de tels cas. Nous en sommes très reconnaissants. Tout ce que nous voulons faire comprendre dans ce mémoire, c'est premièrement qu'il s'agit d'un problème grave pour les membres de notre Association et que deuxièmement quel que soit l'article qu'on ajoutera à la loi, nous espérons que nous n'aurons pas à discuter de chaque cas. Je ne dis pas que telle sera la situation, nous n'en savons rien, mais nous avons l'impression que dans tout amendement de la Loi où la Commission pourrait accorder des pensions pour les maladies secondaires, ce système serait insuffisant. Nous pensons que l'on devrait souligner les points mentionnés par le Comité Woods et faire comprendre que lorsqu'on peut prouver que l'invalidité secondaire découle d'une invalidité ouvrant droit à pension, il ne peut s'agir d'une évaluation partielle. Si l'évaluation est fixée à 10 p. 100, le pensionné devrait recevoir 10 p. 100 et non $\frac{2}{5}$ comme c'est le cas actuellement. Monsieur le président, pour le moment, nous ne savons pas de quoi il retourne. Nous ne connaissons pas la nature de ces recommandations sauf en ce qui concerne les modifications qu'il faudra inclure dans la Loi. Nous avons pensé que vous aimeriez avoir notre opinion sur cette question.

Le président: Monsieur Chadderton, excusez-moi, je ne vous ai pas bien compris. Le Livre blanc prévoit un nouvel article à la Loi qui pourrait régir l'allocation des pensions d'invalidité, qui en tout ou en partie sont l'extension d'une invalidité ouvrant à pension. Trouvez-vous qu'il s'agit d'une mauvaise recommandation? Quelle est votre position?

M. Chadderton: Non. Pour nous, cette disposition devrait être incorporée dans la Loi, mais nous nous demandons si, lorsqu'elle sera rédigée, elle pourra régir totalement le problème des allocations pour invalidités secondaires.

Le président: Vous voulez dire qu'il y aura peut-être encore des problèmes administratifs mais la rédaction d'un article qui sera inclus dans la Loi devrait être envisagé par votre organisme comme un pas en avant?

[*Text*]

Mr. Chadderton: Oh, yes. I think I said that.

The Chairman: I just wanted to be sure there was no misunderstanding.

Mr. Chadderton: Oh yes, we are grateful for this, there is no question about it.

The Chairman: I am sorry, I misunderstood at that point. Is the point that you are concerned about here the question of how much further legislation can go in anticipating administrative discretion? I feel that when legislation is being drafted there will inevitably be some discretion through the regulations, et cetera. This is the usual pattern of legislation, is it not?

Mr. Saltsman: Mr. Chairman, I wonder if Mr. Chadderton's point was not a question of the language that was used and the emphasis that was to be given to that language, and that it be stated as clearly as possible that the recommendations of the Woods Commission would be incorporated in the language of the bill.

The Chairman: I must confess that I did not quite understand why the section of the White Paper was not satisfactory to him. This is what concerned me. It seemed to me that this was about all one could expect in a statement indicating legislative intent. Perhaps Mr. Chadderton could elaborate a little more. I must confess I did not quite get his point.

Mr. Knowles (Winnipeg North Centre): I thought he expressed satisfaction with what is in the White Paper. He just wants to be sure that it is in the legislation.

The Chairman: If that is it, then I think there is no question.

Mr. Marshall: He just wants to be sure that the legislation covers what they are recommending.

The Chairman: I am not quite sure. There is a difference between Mr. Knowles' position and Mr. Marshall's interpretation.

Mr. Whicher: He wants us to give the government a little prod, and I do not blame him,

The Chairman: Certainly I think we are all agreed that this is desirable, but how much further he feels the legislation should go is what I would like to know. Perhaps he would elaborate a little further.

[*Interpretation*]

M. Chadderton: Oh oui, c'est exact.

Le président: Je voulais seulement m'assurer qu'il n'y avait aucun malentendu.

M. Chadderton: Nous en sommes très reconnaissants, il n'y a pas de malentendu.

Le président: Je m'excuse, je vous avais mal compris à ce sujet. Je voudrais savoir dans quelle mesure l'article de loi projeté peut prévoir une bonne gestion administrative. Est-ce là la question qui vous préoccupe? Je pense que la loi accordera un pouvoir discrétionnaire, c'est là, ne pensez-vous pas, la nature même de toute loi?

M. Saltsman: Monsieur le président, j'aimerais savoir si M. Chadderton se préoccupe peut-être de la teneur de cette disposition ou de l'interprétation qu'on y attachera, à savoir si les recommandations du Comité Woods seront inscrites dans la Loi?

Le président: Je n'ai pas bien compris pourquoi cet article du Livre blanc n'a pas eu l'heur de plaire à notre témoin. Il me semblait que c'est tout ce qu'on peut attendre d'une déclaration d'intention concernant un projet de loi. Peut-être que M. Chadderton pourrait nous donner des explications supplémentaires, un peu plus détaillées, je les accepterais volontiers, car je dois dire que je n'ai pas bien compris ses intentions.

M. Knowles (Winnipeg-Nord-Centre): Je pense qu'il a exprimé sa satisfaction au sujet du Livre blanc, mais qu'il voulait être sûr que ces mesures figurent dans la Loi.

Le président: Si c'est cela, je pense qu'il n'y a pas de questions à se poser.

M. Marshall: Il voulait s'assurer que la loi couvre ses propres recommandations.

Le président: Je n'en suis pas sûr. Il y a une différence entre l'opinion de M. Knowles et l'interprétation de M. Marshall selon moi.

M. Whicher: Il voulait simplement que nous donnions un petit coup d'aiguillon au gouvernement et je ne le blâme pas.

Le président: Nous acceptons tous qu'il s'agit d'une disposition souhaitable mais dans quelle mesure, il vaudrait mieux avoir une législation plus généreuse, c'est cela que j'aimerais savoir, du moins avoir des explications là-dessus.

[*Texte*]

Lt. Col. Lambert: We could help them if they would let us draw it up!

The Chairman: I think members of the Committee will have some views to express when we make our recommendations, but I really think that Mr. Chadderton is familiar with the legislative process and he knows roughly the kind of thing that can be said at this stage. My question to him is how much more should we say than is presently in the White Paper?

Mr. Chadderton: Just one second.

The Chairman: I thought this was a point about which you would be very happy, to be very truthful with you. I got a rather different impression.

Mr. Guay (St. Boniface): Why do we not clarify it? Perhaps I do not understand the question clearly. Why do we not ask the delegation, Mr. Chairman, to point out to us in that particular paragraph on page 13 of the White Paper where consequential disability is indicated where in their opinion it is possibly wrong and what they would like to have substituted. At least we will get their version.

The Chairman: What they would like to have added.

Mr. Guay (St. Boniface): Yes.

Mr. Chadderton: I think, Mr. Chairman, there is no need to take up the time of the Committee to quote it in full, but I will give you as a reference the Woods Report, Volume II, Chapter 16, page 628, starting with the heading: Consequential Disability (Medical Development Type). It goes down to the first paragraph on page 630. It is fairly technical but we felt that to give legislative authority to what the Commission was doing right now in regard to consequential disabilities would not be going far enough.

What we can see happening is that a man develops arthritis in his remaining leg and the Commission looks at it and says that this is a developmental type of thing, it would have happened anyway. They assess it at 10 per cent and they say it is only two-fifths aggravated by the fact that he has an artificial leg. Our theory on this, and I suppose it is our feeling on it, is that it should be assessed in a little different light. It should be assessed on the fact that in the first instance

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he has lost one leg. If his second leg develops arthritis, this worsens the consequences of having lost the leg that he lost in service and therefore, although it may be admitted that the Commission can say that this was a devel-

[*Interprétation*]

Le lieutenant-colonel Lambert: Nous pouvons les aider, s'ils nous permettent de légiférer!

Le président: Je crois que les membres du Comité pourront s'exprimer lorsque nous ferons nos recommandations, mais je pense que M. Chadderton connait très bien le processus législatif et il sait ce qu'on peut préciser dans une loi, mais j'aimerais savoir ce qu'il voudrait précisément qu'on incorpore dans une loi.

M. Chadderton: Une seconde.

Le président: Je pense que c'est une question qu'il accepterait avec joie de nous préciser. Mais pour être franc avec vous, j'ai une impression différente.

M. Guay (St-Boniface): On pourrait demander à la délégation de nous signaler dans ce paragraphe du Livre blanc où on parle des maladies secondaires, à la page 13, et nous expliquer à leur avis qu'elle disposition est mauvaise et comment elle voudrait la voir modifiée.

Le président: Ce qu'elle veut ajouter . . .

M. Guay (St-Boniface): C'est exact.

M. Chadderton: Monsieur le président, je ne veux pas prendre tout le temps du Comité pour citer complètement le texte mais je pourrais vous signaler que dans le volume 2 du rapport du Comité Woods, au chapitre 16, à la page 628, sous le titre «Maladies secondaires», c'est un texte très technique et je poursuis jusqu'au premier paragraphe de la page 630. Nous pensons que d'octroyer une autorisation légale pour ce que la Commission fait présentement au sujet des invalidités secondaires ne serait pas suffisant.

Ce qui pourrait arriver, c'est qu'un patient victime de l'arthrite dans la jambe qui lui reste et que la commission décide qu'il s'agit là d'un cas secondaire et évalue cette maladie à 10 p. 100 et accorde $\frac{2}{5}$ d'aggravation à son infirmité première à cause de sa jambe artificielle. Nous estimons qu'on devrait faire l'évaluation dans un autre contexte. Soit que premièrement il a perdu une jambe en service, c'est la deuxième jambe qui souffre d'arthrite, ce qui aggrave son état d'invalide

de guerre. Ainsi, même si la Commission a admis qu'il s'agit d'une anomalie secondaire et que cette maladie aurait surgi de toute façon et que l'aggravation est de $\frac{2}{5}$ par le fait d'avoir perdu sa jambe droite, la conséquence

[*Text*]

opmental anomaly and it would have happened anyway and it is only two-fifths aggravated by having lost his right leg, the very fact that he has lost his right leg is an additional factor which should be sufficient for the Commission to say that even though it is a developmental anomaly, as they say, he should still be pensioned at the full rate of the medical assessment, that is 10 per cent.

We are most grateful to see this in the White Paper and to see the indication that the government intends to put this in the Act. But if the intention is merely to legalize what has been going on now—the Chairman of the Commission has said quite properly to us many times that there really is no legal authority for what they have been doing, and we are grateful they have been doing as much as they have—but if the intention is really to legalize what has been going on now, that is not carrying out the recommendation of the Woods Committee. The Woods Committee felt that in addition to legalizing it and granting pension for consequential disability, additional emphasis should be placed on the fact that if a man has lost one leg and his other leg goes bad on him, this has increased the total disability.

In the time available to us this afternoon this is as clear as I can make it. I suggest that the only other thing to do is to refer to the Woods Report and pick up the details of it, but I would have to say in all honesty that in reading the White Paper we felt that the door had been opened, that they were going to place this in the Act. But we are not at all certain—maybe we will when we get more information—but at the moment we are not at all certain that the full intent of the Woods Committee recommendation on this was contained in the White Paper and would be carried out.

Mr. Marshall: I think you said that on page 35. It is very clear to me.

Mr. Butler: The next item, Mr. Chairman, is the Appeal Board.

Appeal Board:

One of the significant areas examined by the Woods Committee concerned the question of appeals in the so-called peripheral areas of pension administration. A great deal has been written about the lack of proper appeal

[*Interpretation*]

véritable de la perte de sa jambe droite devrait être un élément supplémentaire qui pourrait justifier l'opinion de la Commission selon laquelle, même si c'est une anomalie subséquente comme ils disent, il devrait toucher une pension au taux évalué par le médecin, de 10 p. 100.

Nous sommes très heureux d'avoir vu ce passage dans le Livre blanc et de constater que le gouvernement a l'intention de l'incorporer au texte de la loi. Mais si on a surtout l'intention d'approuver ce qui se passe, le président de la Commission nous a dit assez clairement, à plusieurs reprises, qu'il n'y a pas de compétence juridique pour ce qu'ils ont fait, et nous leur sommes reconnaissants d'avoir fait autant, mais si l'on veut vraiment légaliser le statu quo: il ne s'agit pas de donner suite aux recommandations du comité Woods. D'après ce Comité, en plus de légaliser cet état de choses et d'accorder une pension pour invalidité subséquente, on devrait aussi considérer que si une personne est amputée d'une jambe et que l'autre jambe est atteinte, cela augmente son invalidité.

Pour le peu de temps qui nous est réservé cet après-midi, c'est tout ce que je peux donner comme précision. D'après moi, il ne reste qu'à se référer au rapport Woods et aprendre mais, en toute honnêteté, je devrais dire qu'à la lecture du Livre blanc, nous avons enlevé

Pour le peu de temps qui nous est réservé cet après-midi, c'est tout ce que je peux donner comme précision. D'après moi, il ne reste qu'à se référer au rapport Woods et à prendre connaissance des détails mais, en toute honnêteté, je devrais dire qu'à la lecture du Livre blanc, nous avons eu l'impression que la voie était déjà tracée et que nous allions l'incorporer au texte de la loi. Pour le moment, nous ne sommes pas certains que toutes les intentions du rapport aient été traduites dans le Livre blanc et qu'elles seraient adoptées.

M. Marshall: Je crois que vous l'avez dit à la page 35. C'est parfaitement clair à mon avis.

M. Butler: Monsieur le président le prochain paragraphe, porte sur la Commission d'appel.

Commission d'appel

L'un des secteurs importants qu'étudie le Comité Woods a trait à la question des appels dans la partie dite périphérique de l'application des pensions. On a beaucoup parlé du manque d'une bonne procédure d'appel à la

[*Texte*]

procedure in the Commission in regard to *entitlement*. The War Amputations of Canada heartily agree with the conclusions of the Woods Committee in this regard and commend to the Government the establishment of an independent Pension Appeal Board to hear cases involving basic entitlement.

It may have gone almost unnoticed, however, that the Woods Committee was equally concerned about the lack of appeal procedures in regard to other types of decisions including the extent of assessment, consequential rulings and the amount being paid for Attendance Allowance. Under existing Commission procedures, there is *no* appeal in these types of cases. The applications are considered by a single Commissioner who then obtains the signatures of two other Commissioners, and if the decision is negative, that is it!

For the pensioner whose entitlement is not in doubt (in that his disability resulted from some clear-cut incident such as a gunshot wound) the provision of an independent appeal board to deal with applications in regard to discretionary matters which often arise from the original disability may be far more important than the provision for appeals in regard to basic entitlement.

The files of the War Amputations of Canada contain many instances where, despite resounding evidence, the "one-shot" application for an increase in assessment, a consequential ruling or an award of Attendance Allowance was denied. The Association had to be content with this decision as there was no appeal therefrom. It is understandable, therefore, that the War Amputations of Canada supports wholeheartedly the proposal of the Woods Report for an independent appeal board, and in particular emphasizes the need to make provision, under this board, to hear appeals in regard to the ancillary matters referred to herein, the most important of which are possibly the degree of assessment and consequential disabilities.

The decision in the White Paper which indicates that the new appellate procedure would apply not only to entitlement but to discretionary awards, described as "any award other than an entitlement award" is a forward step and we would wish to express our sincere appreciation in this connection.

[*Interprétation*]

Commission au sujet de l'admissibilité. L'association des amputés de guerre du Canada est tout à fait d'accord avec les conclusions du Comité Woods à ce sujet et recommande au gouvernement qu'une Commission d'appel des pensions indépendante soit établie pour entendre les causes relatives au droit à l'admissibilité.

Il se peut cependant qu'on n'ait pas remarqué que le Comité Woods s'était aussi intéressé à l'absence de procédure d'appel concernant les autres types de décision comme le degré d'évaluation, les décisions vis-à-vis des invalidités secondaires et le montant à verser à titre d'allocation de présence. Suivant les procédures qui existent à la Commission, il n'existe *pas* de droit d'appel dans ce genre de cas. Les demandes sont étudiées par un seul commissaire qui demande ensuite à deux autres commissaires d'apposer leurs signatures et, si la décision est négative, le cas est réglé!

Quant aux pensionnés dont le droit n'est pas mis en doute parce que son invalidité provient d'un incident dont on a la preuve, (comme la blessure par balle), l'existence d'une commission d'appel indépendante, pour instruire les demandes vis-à-vis des invalidités secondaires concernant les questions où une discrétion peut s'exercer et qui proviennent de l'invalidité originale, peut être beaucoup plus importante qu'une disposition permettant de faire appel au sujet du droit à l'admissibilité.

Les dossiers de l'Association des amputés de guerre du Canada renferment plusieurs cas où, en dépit d'une évidence patente, une demande d'augmentation d'évaluation unique, une décision concernant l'invalidité secondaire ou encore une décision touchant une allocation de soin a été rejetée. L'Association a dû se contenter de cette décision puisqu'il n'était pas possible d'en appeler. On peut donc comprendre pourquoi l'Association des amputés de guerre du Canada appuie sans réserve la proposition du rapport Woods portant création d'une commission d'appel indépendante et souligne d'une façon particulière le besoin de prévoir, au sein de cette commission, un mécanisme afin d'entendre les appels relatifs aux questions d'invalidités secondaires dont on parle et dont les plus importantes d'entre elles sont peut-être celles touchant le degré d'évaluation et les invalidités secondaires.

La recommandation du Livre Blanc qui prévoit une nouvelle procédure d'appel qui s'appliquerait non seulement au droit à pension mais aussi aux décisions discrétionnaires, qui se définissent comme «toutes décisions autres qu'une décision relative à un droit à pension» constitue un pas en avant. Nous

[*Text*]

We are concerned, however, regarding a possible lack of *independence* should the final authority for such appeals rest with the proposed "APPEAL SECTION" of the Pension Commission. We fully realize all of the difficulties involved in attempting to establish a form of appeal which would ensure a completely independent review and which would give to the applicant the appearance of justice having been done. Certainly an appeal to the courts would not seem to suit the situation; neither would a form of "Ministerial Review" solve the problem. The latter seems to work well in respect of several other administrative tribunals in the federal government service, but traditionally pensions are removed from the immediate influence of the Minister of Veterans Affairs. We can only presume that the Woods Committee gave the matter a great deal of thought after hearing the views of veterans organizations and consulting with a number of other knowledgeable persons in this area. Its proposal to establish an independent appeal board outside of the Pension Commission would seem to us to be the ideal solution.

The Chairman: Are there any questions the members of the Committee want to ask? Mr. Marshall.

Mr. Marshall: Mr. Chairman, in the White Paper it gives two divisions: an Entitlement Hearing Division which consists of 10 Commissioners, and in the Appeal Division it gives another five. In the Appeal Division, what is your ultimate solution? What should be the make-up of these five members of the Appeal Board?

Mr. Butler: I think in answering that, Mr. Chairman, no matter how you look at it, although the divisions of the Pension Commission would be separate, as outlined in the White Paper, in many fields we feel, and our members feel, that those members would still be working together with the other members of the Commission whatever division they may be in or may be transferred from and to. I do not know the workload of the Pension Commission, but I know it is very heavy; and whether or not money could be provided for an additional group is not in our reference at all, but we feel that a completely separate board, separate from the Pension Commission, would be ideal.

[*Interpretation*]

désirons exprimer notre reconnaissance la plus vive à cet effet. Nous sommes cependant inquiets au sujet de l'absence possible d'*indépendance* si l'autorité finale jugeant ces appels fait partie de la section d'appel projetée de la Commission des pensions. Nous nous rendons bien compte des difficultés qui existent quant aux tentatives d'établissement d'une forme d'appel qui assurerait une révision des cas complètement indépendante et qui donnerait impression au demandeur que justice lui a été rendue. Bien sûr, un appel placé devant les tribunaux ne nous apparaît pas convenir à la situation et une forme ou une autre de «révision ministérielle» ne règlerait pas non plus le problème. Cette dernière possibilité semble bien fonctionner dans le cas de plusieurs autres tribunaux administratifs à l'intérieur du service gouvernemental fédéral mais, par tradition, les pensions sont soustraites à l'influence immédiate du ministre des Affaires des anciens combattants. Nous devons donc accepter l'hypothèse que le Comité Woods a beaucoup réfléchi à cette question après avoir entendu les opinions des organisations des anciens combattants et avoir consulté un certain nombre de personnes spécialisées dans ce domaine. Sa proposition d'établir une commission d'appel indépendante en dehors de la Commission des pensions nous apparaît comme la solution idéale.

Le président: Y a-t-il d'autres questions qu'aimeraient poser les députés? Monsieur Marshall.

M. Marshall: Monsieur le président, dans le Livre blanc l'on constate qu'il y a deux sections: une Division de l'admissibilité composée de 10 commissaires et une Division des appels qui en compte cinq. Pour la Division des appels, quelle solution proposez-vous? Comment devrait-on constituer cette Division des appels?

M. Butler: Monsieur le président, l'optique qu'on adopte, les deux divisions de la commission des pensions seraient distinctes, comme l'indique le Livre blanc. Dans plusieurs domaines nous croyons, ainsi que nos collègues, que ces membres devraient encore collaborer avec les autres membres de la Commission; quelle que soit la division où ils se trouvent et où ils soient mutés. Je ne connais pas la quantité de travail de la Commission des pensions, mais je sais qu'il y en a beaucoup et nous n'avons pas pour mandat de savoir si on pourrait ou non verser de l'argent à un autre groupe, mais, à notre avis, une commission indépendante, distincte de la Commission des pensions serait la solution idéale.

[*Texte*]

Mr. Marshall: Separate from the ten?

Mr. Butler: Yes, separate from the board at present.

Mr. Marshall: In other words, the Appeal Division should not consist of any of the ten members of the Entitlement Hearing Division?

Mr. Butler: That is our general thinking on it. It should be a separate unit entirely which is assessing it independently, with no influence of previous hearings.

Mr. Marshall: Thank you.

The Chairman: Are there any other questions? I think we have had a fair amount of testimony in previous hearings on that point and I think members of the Committee are generally quite sympathetic to the point of view expressed.

Mr. Butler: Would you like to hear our French boy, Paul Bédard, from the province of Quebec. Income Tax Exemption. It is all yours, Paul. Are you going to speak in English?

Mr. Paul Bédard (War Amputations of Canada, Quebec City, Quebec): I hope everybody will understand.

Income Tax Exemption:

Veterans organizations have been understandably concerned regarding the recommendation in the Report of the Royal Commission on Taxation to the effect that War Disability Pension should be taxable. This recommendation is an abrogation of the rights guaranteed to veterans by successive administrations since World War I. We are indebted to the Woods Committee for taking the time and delving into the research which permitted a thorough exploration of the facts. We are indeed pleased to note that in the opinion of the Woods Committee, the exemption granted to War Disability pensioners is well founded and should continue.

It is not feasible to review the matter at length in this submission. The War Amputations of Canada has prepared a separate brief on this question, copies of which were forwarded to the Minister of Finance on April 26, 1968. Additional copies of this brief can be made available to members of the House of Commons as required.

[*Interprétation*]

M. Marshall: Indépendante des dix commissaires?

M. Butler: Oui, distincte du bureau actuel.

M. Marshall: Autrement dit, la Division des appels ne devrait être formée d'aucun membre de la Division de l'admissibilité?

M. Butler: C'est ainsi qu'on voit la chose. Ce devrait être une section entièrement séparée, ce qui implique qu'on devrait en choisir les membres de façon indépendante, sans être influencé par des audiences précédentes.

M. Marshall: Merci.

Le président: Y a-t-il d'autres questions? Je crois qu'il y a eu un assez bon nombre de témoignages à ce sujet au cours des audiences précédentes et que les membres du Comité comprennent en général assez bien l'opinion exprimée.

M. Butler: Aimeriez-vous entendre le témoignage de notre délégué de langue française, M. Paul Bédard de la province de Québec, sur la question de l'exemption d'impôt sur le revenu. La parole est à vous, Paul. Allez-vous parler anglais?

M. Paul Bédard (Amputés de guerre du Canada, de Québec (Qué.)): J'espère que tout le monde comprendra.

Exemption d'impôt sur le revenu

Les associations d'anciens combattants s'inquiètent, et cela se comprend, au sujet des recommandations que fait le rapport de la Commission royale sur la fiscalité selon lesquelles la pension d'invalidité de guerre devrait être imposable. Cette recommandation constitue l'abrogation de droits garantis aux anciens combattants par les administrations qui se sont succédées depuis la première guerre mondiale. Nous avons contracté une dette envers le Comité Woods qui a pris le temps et fait les efforts voulus pour faire les recherches qui permettent d'étudier intégralement les faits. En effet, nous sommes heureux de remarquer que, de l'avis du Comité Woods, l'exemption accordée aux pensionnés pour invalidité de guerre est bien fondée et elle devrait continuer à être appliquée.

Il n'est pas possible d'étudier la question longuement dans le présent exposé. L'Association des amputés de guerre du Canada a établi un exposé distinct sur cette question et des exemplaires ont été adressés au ministre des Finances le 26 avril 1968. Des exemplaires supplémentaires de cet exposé peuvent être mis à la disposition des députés de la Chambre des communes au besoin.

[*Text*]

Perhaps it is sufficient to state here that War Disability Pension is a continuation of wartime pay and allowances, and the same

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exemption which has always applied to this form of emolument should continue for pensions. In other words, compensation being paid to a war casualty is, by law and tradition, a very special type of income, earned on the field of battle. Canada, by implied contract, agreed that this income would be tax-free and any attempt to bring it under the purview of income tax would be to deprive the pensioner or his widow of a right conferred by a government in respect of war service.

Mr. Butler: His English was pretty good, was it not?

Mr. Marshall: It is better than my French.

Mr. Bédard: Thank you very much.

The Chairman: Thank you. Any questions anyone wants to raise? Mr. Knowles.

Mr. Knowles (Norfolk-Haldimand): What action did this Committee take to—this apparently is something within the purview of the Department of Finance, and I was wondering what steps we as a veterans affairs committee could take to add to the representation. Mr. Chairman, maybe you could answer that. Is there anything we can do as a committee?

The Chairman: I think the Committee will have to examine a number of matters in this report and this is one which members might want to flag. Concerning what we can recommend in this area is something about which I am going to get additional advice.

Mr. Knowles (Norfolk-Haldimand): Perhaps take the Minister of Finance on one side.

The Chairman: In any case, I am sure we have all noted the representation, and there are many avenues opened to Members of Parliament to express their views. Are there any other comments? Mr. Chadderdon.

Mr. Chadderton: Just one comment, Mr. Chairman, that may be of value to your Committee. All veterans organizations were deeply concerned with this recommendation in the report on the Royal Commission on Taxation, particularly inasmuch as it was not explained at any great length. It was just a kind of

[*Interpretation*]

Il suffit peut-être de dire ici que les pensions d'invalidité de guerre constituent une continuation de la solde et des allocations du temps de guerre et que la même exemption qui a toujours été appliquée à cette espèce de rémunération doit s'appliquer aux pensions. En d'autres termes, les versements faits à une victime de la guerre constituent, selon la loi et la tradition, une catégorie bien spéciale de revenus qui ont été gagnés sur le champ de bataille. Par un contrat tacite, le Canada a accepté que ce revenu soit exempt d'impôt et toute tentative de le soumettre à un impôt sur le revenu équivaudrait à priver le pensionné ou sa veuve d'un droit qui lui a été conféré par un gouvernement à l'égard d'un service de guerre.

M. Butler: Son anglais est assez bien n'est-ce pas?

M. Marshall: C'est mieux que mon français.

M. Bédard: Merci beaucoup.

Le président: Merci. Ya-t-il d'autres questions à poser? Monsieur Knowles.

M. Knowles (Norfolk-Haldimand): Quelle a été l'attitude de ce Comité? Apparemment il s'agit d'une chose qui relève de la compétence du Ministère des Finances, je me demandais quelles mesures nous pourrions prendre en tant que Membres du Comité des Affaires des anciens combattants pour faire valoir notre point de vue. M. le président, pourriez-vous nous répondre, n'y a-t-il rien que nous puissions faire en tant que membres de ce Comité?

Le président: Je crois que le Comité devra examiner un certain nombre de questions dans ce rapport et celle-ci en est une que les membres pourront soulever au sujet de nos recommandations, je vais encore me renseigner à ce sujet.

M. Knowles (Norfolk-Haldimand): Peut-être auprès du Ministre des Finances.

Le président: En tout cas je crois que nous avons tous pris note de la remarque et les membres du Parlement ont diverses voies pour exprimer leurs vues. Y a-t-il d'autres commentaires? M. Chadderton.

M. Chadderton: Juste une remarque M. le président qui peut être utile pour les membres de votre comité. Toutes les organisations d'anciens combattants se préoccupent grandement au sujet de cette recommandation dans le Rapport de la Commission royale sur la fiscalité surtout du fait qu'elle n'a pas été très

[*Texte*]

one-line reference, but we realized when we read it, the tremendous impact on the Pension Act and on pensioners generally. I think it was for that reason that the veterans organizations placed the matter squarely before the Woods Committee.

So far as I know, the examination of this subject done by Mr. Justice Woods and his colleagues is the only examination that has ever been done of the validity of the exemption of income tax in the matter of the Pension Act.

When I was required as committee secretary to dig into it, there was no research done. We were starting from scratch, and if for no other reason I commend to your Committee the pages in the Woods Committee Report dealing with this because it really does dig out the background and shows the validity of this exemption.

What we are afraid of, Mr. Chairman, in the veterans movement is that if this is not handled by a veterans affairs committee and it comes in front of a committee dealing purely with finance, when the White Paper on finance comes up, who is going to speak for us? This is our problem, sir, and this is why we put it squarely in front of this Committee that we feel somebody has got to bring out these views.

Mr. Guay (St. Boniface): Mr. Chairman, on this particular point, would it be possible for this Committee to inquire from the other committee if we could either appear in front of them or get some information relative to the veterans question so that we could look at it appropriately? I have to agree with the delegation that this Committee has a responsibility to that end, and I think this matter should be well looked into.

Mr. Chairman: Mr. Guay, I do not think there is any procedure by which one committee can make representations before another committee of the House of Commons. But I do think there will be public hearings on tax reforms, and I am sure there will be every opportunity for the War Amputations of Canada and other groups to make their representations when the White Paper on tax reform is put forward. I always find that many people seem to give blanket endorsement to the total package of the Carter Com-

[*Interprétation*]

bien expliquée. Il s'agit juste d'une référence très brève mais nous avons vite réalisé lorsque nous l'avons lue son immense répercussion sur les dispositions prévues par la Loi sur les pensions et pour les pensionnés en général. Je crois que c'est pour cette raison que les organisations d'anciens combattants ont porté la question tout entière devant les membres du Comité Woods.

En autant que je sache, l'étude qui en a été faite par M. le Juge Woods et ses collègues est la seule qui ait jamais été faite relative à la validité de l'exemption de l'impôt sur le revenu relative à la Loi sur les pensions. Quand il m'a été demandé à titre de secrétaire du Comité de m'en occuper, je me suis aperçu qu'aucune recherche n'avait été faite. Il nous a fallu partir du début et c'est pourquoi à toutes fins utiles je recommande à votre comité la lecture de ces pages dans le rapport du Comité Woods qui traitent du sujet car vous y verrez exposées toutes les données et tout l'historique de la question démontrant la validité de cette exemption.

Ce que nous craignons, M. le président, dans notre association d'anciens combattants, c'est que si cette question n'est pas traitée par un comité des affaires des anciens combattants, qu'elle le soit devant un comité préoccupé uniquement de questions financières, lorsque le Livre blanc sur ces questions sera publié qui parlera en notre nom? C'est là notre problème, monsieur, et c'est pourquoi nous vous le soumettons tel quel car nous pensons que quelqu'un doit s'en occuper.

M. Guay (Saint-Boniface): M. le président, sur ce point en particulier, nous serait-il possible de nous renseigner auprès de l'autre comité pour savoir si nous pouvons nous présenter devant eux et leur demander des renseignements sur la question relative aux anciens combattants afin que nous soyons mieux renseignés? Je suis entièrement d'accord avec l'opinion de la délégation sur le fait, que nous avons une certaine responsabilité à cet égard, je pense que cette question doit être étudiée de très près.

Le président: M. Guay, je ne crois pas qu'il existe aucune procédure qui permet à un comité de faire des représentations devant un autre comité de la Chambre des communes, je crois qu'il y aura des audiences publiques sur les réformes fiscales et je suis sûr que les Amputés du Canada et les autres groupes auront toutes les possibilités de faire valoir leur point de vue lorsque le Livre blanc sur les réformes fiscales sera déposé. D'après ce que je vois, nombreux sont ceux qui souscrivent sans réserve à l'ensemble des recomman-

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mission recommendations. But one has to look at the fine print in many of the recommendations.

Mr. Saltsman: Mr. Chairman, I would like to direct a question to Mr. Chadderton, because of this matter. The Carter Commission is trying to establish a new basis of taxation. It is quite a different basis, and it is

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based on additions to purchasing power, and taxation should be based on the ability to pay. If exemptions are granted in one instance and have to be granted in other instances, this virtually destroys the principle of the Carter Commission because, let us say, mining companies who have been granted the special concessions will argue that it was given by the Canadian government and that any withdrawal from this will constitute a breach of contract or a breach of promise between the parties.

I am wondering if there is some way of preserving the principle of the Carter Commission which has essentially stated a buck is a buck by granting exemptions. In other words, taxing the income but granting exemptions in the case of certain amputations, which the Carter Commission has suggested—not specifically in this case, but we know that persons who were suffering, who have suffered a loss of limb, certainly have extra expenses—these persons are deserving of a different kind of treatment than those who have not gone through this sort of thing. Have you given any consideration to that approach? In other words, to permit the income to be taxable but then call for special exemptions in the case of amputations?

Mr. Chadderton: Yes, Mr. Chairman, we certainly have in the War Amputations of Canada, and we studied the Carter Report at length and we were alarmed by the blanket recommendation. I will quote it:

> The comprehensive tax base we recommend should encompass all forms of income, and therefore in principle all exclusions and exemptions should be terminated.

All forms of income, of course, would include income under the Pension Act but, when we examined further into the Carter Report, we noted some 13 different types of income, and none of them would apply to the Pension Act. I mean, things such as monies earned for services rendered, workmen's compensation, retirement income, social benefit to replace income, unemployment insurance, monies received from the proceeds of an insurance

[*Interpretation*]

dations de la Commission Carter. Il faut cependant savoir lire entre les lignes pour nombre de ces recommandations.

M. Saltsman: M. le président, j'aimerais poser une question à M. Chadderton là-dessus. La Commission Carter tente d'établir une nouvelle assiette de l'impôt. Il s'agit d'une base différente fondée sur les additions au pouvoir d'achat et l'impôt devrait tenir compte de la capacité de payer. Si des exemptions sont accordées dans un cas et doivent être admises dans d'autres, le principe même de la Commission Carter en est virtuellement détruit, citons par exemple les sociétés minières à qui des concessions particulières ont été accordées, elles feront valoir que celles-ci leur ont été concédées par le Gouvernement du Canada et que toute suppression constituerait une rupture de contrat ou l'annulation d'une promesse entre les parties. Je me demande s'il existe un moyen de conserver les principes de la Commission Carter qui déclare en fait qu'un dollar est un dollar par l'allocation d'exemptions. En d'autres termes imposer le revenu mais permettre des exemptions pour certaines amputations ce que la Commission Carter a proposé sans spécifier pour quels cas, mais nous connaissons, nous savons que les personnes qui ont subi la perte de membres doivent certainement faire face à des dépenses supplémentaires et ces personnes doivent être traitées d'une manière différente des autres. Que pensez-vous de cette façon de voir les choses? C'est-à-dire permettre que le revenu soit imposable mais réclamer alors des exemptions particulières dans le cas des amputés?

M. Chadderton: Oui, M. le président, les Amputés de guerre y ont certainement songé, nous avons étudié le Rapport Carter en détail et nous avons été alarmés par la portée générale de la recommandation, je cite:

> L'assiette compréhensive que nous recommandons incluerait toutes les formes de revenu et par conséquent toutes les exclusions et exemptions devraient en principe être abolies.

Naturellement, toute forme de revenu engloberait le revenu découlant de la Loi sur les pensions mais quand nous avons étudié le Rapport Carter de près nous avons noté 13 différentes sortes de revenus et aucune parmi elles ne se rapportait à la Loi sur les pensions, je veux dire des choses comme des montants gagnés pour des services rendus, les indemnités d'accident du travail, les pensions de retraite, les prestations sociales pour rempla-

[*Texte*]

policy, monies paid as investment income, monetary gifts, monetary rewards for some specific act, bursaries or scholarships, alimony or separation allowances, monies received as part of a profit-sharing plan, and finally winnings from gambling.

So we felt that this was fine. We do not disagree with the principle that these are all various forms of income. Many of them are paid through plans which are contributory, where the man has been putting his money in all along, and that type of thing. But what we were pointing out was that nowhere, apparently, in the Carter Report specifically, did they attempt to clarify just what pension was, and it does not come under any of the monies that they classified.

The Chairman: You do not think it is a social benefit to replace income?

Mr. Chadderton: No, definitely not, sir. No, we do not. Pension is paid partly to replace earnings, but traditionally and by law it is also paid as a debt and as a mark of gratitude which certainly takes it out of the category of income replacement. It is partly income replacement, yes, but not wholly.

Mr. Saltsman: Are you saying, then, that you have no quarrel with the philosophy of the Carter Commission, but you think that your position is completely different from that of anyone else?

Mr. Chadderton: Mr. Saltsman, this is precisely the principle of the brief of the War Amputations of Canada.

Mr. Saltsman: You see your position, then, as being unique.

Mr. Chadderton: Yes, we do, sir. We do, because we feel that pension income is unique.

Mr. Whicher: In other words, it should not be taxable.

Mr. Chadderton: That is quite right, Mr. Whicher. I might add that we ourselves are quite prepared to go before any other parliamentary committee which may be studying this matter. But traditionally, we look to the Veterans Aflairs Committee as our cham-

[*Interprétation*]

cer le revenu, l'assurance-chômage, et les montants reçus à titre de règlement de police d'assurance, les montants versés à titre de revenus qui proviennent de placements, les cadeaux en argent, les récompenses monétaires pour certains actes, les bourses d'études, les allocations de séparation ou d'entretien, les sommes reçues en tant que part d'un plan de profits mutuels et pour finir les gains provenant du jeu.

Nous pensons que c'est excellent. Nous sommes d'accord avec le principe qu'il s'agit là de diverses formes de revenu, nombre d'entre elles sont payées grâce à des plans de contribution où la personne a contribué par des versements réguliers, mais ce que nous faisons remarquer c'est que nulle part et dans le Rapport Carter en particulier ils n'essaient de préciser sous quelle sorte de revenu se classe la pension car en fait elle n'entre dans aucune de ces catégories.

Le président: Vous ne pensez pas qu'il s'agit d'un avantage social pour remplacer le revenu?

M. Chadderton: Non, certainement pas, Monsieur. La pension est payée en partie pour remplacer les gains, mais traditionnellement et selon la loi elle est aussi versée comme dette et comme marque de gratitude ce qui assurément l'exclut de la catégorie de remplacement de revenu. C'est en partie un remplacement de revenu mais pas entièrement.

M. Saltsman: Voulez-vous dire alors que vous n'avez rien contre la philosophie de la Commission Carter mais vous jugez que votre situation est complètement différente des autres?

M. Chadderton: M. Saltsman, c'est précisément le principe à la base du mémoire des amputés de guerre du Canada.

M. Saltsman: Vous voyez votre cas alors comme étant unique.

M. Chadderton: Oui, monsieur, parce que nous estimons que le revenu provenant de pension est tout à fait particulier.

M. Whicher: En d'autres mots il ne doit pas être imposable.

M. Chadderton: C'est cela même M. Whicher. Je puis ajouter que nous-mêmes nous sommes tout à fait prêts à comparaître devant tout autre comité parlementaire qui étudie cette question. Mais par tradition, nous considérons le Comité des affaires des anciens

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pions, and if you can do anything to assist, we hope you will.

The Chairman: I am sure members of the Committee are sympathetic. I do think, however, that your organization should avail itself of any opportunities that are extended by the parties looking at tax reform generally to make your own direct representation.

Mr. Chadderton: Yes, we will do so.

Mr. Whicher: I think it would be a good idea, Mr. Chairman, if he did appear before the Finance Committee to let us know, the members of this Committee. We could be along to lend a helping hand in case there is somebody there who wishes to have the Carter Report implemented in total.

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Mr. Chadderton: Very good.

The Chairman: We will leave it at this point and invite you to go on.

Lt. Col. Lambert: The next item is the continuation of pension at married rates for 12 months. Mr. Harry Worling is our newest member of the War Amputations of Canada, National Council. He was elected last week, at Montreal.

Mr. Marshall: He looks very young.

Lt. Col. Lambert: He is very able.

Mr. Worling: *Continuation of Pension at "Married Rates" for 12 Months:* May we refer to the Woods Report, volume 3, chapter 27, page 906, rcommendation 109, which states:

> 109—That Section 24 (1a) and (b) be amended to provide that pension continue to be paid for a peiod of 12 months following the death of a member of the forces in receipt of pension on account of disability in respect of whom additional pension is payable for a wife, child or parent.

May we refer also to the document: WHITE PAPER ON VETERANS PENSIONS August 1969, page 15, column 2, wherein it reads:

> Several recommendations for expanding the provision of the Act under which following the death of a pensioner, pensions

[*Interpretation*]

combattants comme notre porte-parole et si vous pouvez faire quelque chose pour nous nous espérons que vous le ferez sans hésiter.

Le président: Je suis sûr que vous avez la sympathie de tous les membres du comité. Je pense cependant que votre association devrait profiter de toutes les occasions de se faire entendre directement par les parties qui s'occupent de la réforme fiscale.

M. Chadderton: Oui, c'est ce que nous ferons.

M. Whicher: Je crois que ce serait une excellente idée, M. le président, si l'Association se présentait devant le Comité des finances de nous le faire savoir à nous autres membres de ce comité, nous pourrions prêter main-forte au cas où il y aurait là quelqu'un qui souhaiterait voir les recommandations du Rapport Carter mises en vigueur dans leur totalité.

M. Chadderton: Très bien.

Le président: Nous allons nous arrêter là et nous vous invitons à poursuivre.

Lieutenant-colonel Lambert: Le prochain article se rapporte à la continuation de la pension au taux accordé aux personnes mariées pendant douze mois. M. Harry Worling est un tout nouveau membre du Conseil national de l'Association des amputés de guerre du Canada, il a été élu la semaine dernière à Montréal.

M. Marshall: Il semble très jeune.

Lieutenant-colonel Lambert: Il est très compétent.

M. Worling: *Continuation d'une pension au tarif des gens mariés durant 5 mois.* Nous nous permettons de nous reporter à la recommandation 109, page 1037 du chapitre 27 du volume 3 du rapport Woods qui se lit ainsi:

> 109—Que l'article 24 (a) et (b) soit modifié afin que la pension continue d'être versée pendant une période de 12 mois après le décès d'un membre des forces qui recevait une pension en raison d'une invalidité, et qui avait également droit à une pension supplémentaire pour son épouse, son enfant, son père ou sa mère.

Nous nous permettons de nous reporter également au document qui s'intitule *Livre blanc sur les pensions des anciens combattants,* août 1969, page 15, colonne 2, où l'on déclare ce qui suit:

> «Le gouvernement a aussi rejeté plusieurs recommandations concernant l'élargisse-

[*Texte*]

are paid to his dependents have been rejected. One of these recommended that payment of the rate in effect at the time the pensioner died be continued for a year; and another that where the disability was assessed at less than 48 percent, the pensioner's dependents should be pensioned at the percentage that he was receiving at the time of death.

The reason given for rejection of these recommendations was as follows:

Such payments would veer from the principle of compensation for loss suffered and, in effect, would be welfare payments. As such, they would be designed to meet needs which are already taken care of in other Government Programmes.

We respectfully suggest that although the rationale of the government might well apply to the recommendation to continue pensions on a pro rata basis for widows of pensioners who have died and were in receipt of pension at less than 48 percent, such rationale is not applicable to recommendation number 109, which merely asks that a widow who is already entitled to pension under Section 36 (3) of the Act be allowed to receive pension at the married rate (where it is higher than the widows rate) for a period of one year. The reasoning in this proposal is merely to allow her time to make the necessary adjustment in her way of life following the death of the pensioner.

It stands to reason that, in a situation of this nature, the ordinary expenses of the family will carry on for the period immediately following the death of the pensioner and for some few months into the future.

Necessarily, the family will have been counting on this income to meet at least part of such expenses; and a sharp drop within the period anywhere between one and 30 days is too sudden. It has never seemed necessary to go into detail in explanation of this matter, and the situation appears to speak for itself. Veterans organizations have been puzzled for many years over the hesitancy of successive governments to adopt this seemingly logical measure.

We have never fully understood what objections there may have been to its adoption—and we must confess that we are even more confused by the reason given in the White Paper.

[*Interprétation*]

ment des dispositions de la loi en vertu desquelles, après le décès d'un pensionné, une pension est versée aux personnes qui étaient à sa charge. On avait proposé de continuer pendant un an le paiement de la pension au taux en vigueur au moment du décès du pensionné; et aussi de verser aux personnes à charge, une pension identique à celle dont jouissait le pensionné, avant son décès, dans le cas d'invalidité inférieure à 48 p. 100.»

La raison donnée pour justifier le rejet de ces recommandations était la suivante:

«Ces paiements, au lieu de constituer une compensation pour les pertes subies, équivaudraient effectivement à des prestations d'assistance sociale. Ils permettraient de satisfaire à des besoins auxquels d'autres programmes du gouvernement pourvoient déjà.»

Nous proposons avec tout le respect voulu que même si le raisonnement officiel pourrait fort bien s'appliquer à la recommandation visant la continuation de la pension à un taux proportionnel aux veuves de pensionnés décédés qui touchaient une pension inférieure à 48 p. 100, un tel raisonnement ne s'applique pas à la recommandation n° 109 qui demande simplement qu'une veuve ayant déjà droit à une pension suivant l'article 36 (3) de la Loi soit autorisée à recevoir une pension au taux des gens mariés (dans les cas où ce taux est supérieur au taux versé à une veuve) durant une période d'un an. Le raisonnement qui s'applique à cette proposition consiste simplement à lui accorder le temps voulu pour se réadapter au nouveau mode de vie qui sera le sien après le décès du pensionné.

Dans une situation de ce genre, il apparaît tout à fait raisonnable que les dépenses ordinaires d'une famille vont continuer à se produire dans la période qui suit immédiatement le décès du pensionné et durant les quelques mois à venir. Nécessairement, la famille devait compter sur ce revenu pour faire face, partiellement du moins, à de telles dépenses, et la réduction substantielle de ce revenu en moins de trente jours est trop soudaine. Il n'a jamais semblé nécessaire d'expliquer ce point en détail, car la situation est évidente en soi. Depuis nombre d'années, les associations d'anciens combattants se demandent pourquoi les gouvernements successifs ont tant hésité à adopter une mesure qui semble si logique. Nous n'avons jamais compris les objections qu'on oppose à son adoption et, confessons-le, nous comprenons encore moins la raison avancée dans le Livre blanc.

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Surely it cannot be said that to continue pension in payment at the married rate for a reasonable adjustment period would constitute any form of welfare. Also, we know of no "other government programmes" which are designed to meet such needs.

With all due respect, we contend that the continuation of pension at the married rate for a period of one year would certainly qualify under the "Principle of Compensation for Loss Suffered". We are speaking, in this instance, of the *pensioner's income* rather than the *widow's income*. The *pensioner's income* (which recommendation 109 suggests should be continued for a period of one year) is paid as compensation for the loss of earning power in the unskilled labour market. This loss of earning power would have been a very real factor in the financial management of the pensioner's family prior to his death. As a result of his disability it is quite likely that his earning potential was reduced during his lifetime, and it must be acknowledged

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that this would affect the financial situation confronting his widow, at least during the adjustment stages *after* his death.

We are satisfied with the provisions of Section 36 (3) which provides for continuation of payment to the widow of the pensioner in classes 1 to 11—but we feel that the overnight adjustment from married rates to widows rates makes no provision for the transition stages—a situation which has been in existence since the inception of the Pension Act, and one which has caused a great deal of hardship over the years.

May we be permitted one further observation: this Association has made repeated requests that a provision to continue pension in payment at the married rates for a year be incorporated into the Act. We feel most strongly that the governments who have considered these requests have *never* given a reasonable answer as to why this provision cannot be made. Although we do not wish to seem bitter about it, we have no alternative but to comment that the reason for refusal now, as outlined in the White Paper, still leaves us without a satisfactory explanation in the matter.

The government's answer is all the more confusing when it is considered that it is used to cover two totally different recommendations. Quite obviously, it does apply to a

[*Interpretation*]

Peut-on dire que de continuer le versement de la pension au taux de personne mariée pendant une période raisonnable d'adaptation constituerait une forme de bien-être? Certes non. De plus, il n'existe, à notre connaissance, aucun «autre programme du gouvernement» pour répondre à de tels besoins.

Nous soutenons, sauf votre respect, que le versement de la pension au taux de personne mariée pendant un an se placerait certainement sous la rubrique «Principe d'indemnisation des dommages». Il s'agit ici du *revenu du pensionné* et non du *revenu de la veuve*. Le *revenu du pensionné* (la recommandation n° 109 propose que ce revenu soit maintenu pendant un an) est versé comme une indemnité pour la perte de la capacité de gain sur le marché du travail non spécialisé. Cette perte de capacité de gain aurait pesé lourd dans la gestion des finances de la famille du pensionné s'il eût vécu. A cause de son invalidité, il est fort probable que son potentiel de gain a été réduit pendant qu'il vivait—et il faut admettre que cela aurait eu une incidence sur la situation financière de la veuve, du moins pendant la période d'adaptation *ultérieure* au décès.

Nous sommes satisfaits des dispositions de l'article 36(3) qui prévoit la continuation des versements à la veuve du pensionné des classes 1 à 11; cependant, à notre avis, le passage, du jour au lendemain, du taux de personne mariée au taux de veuve, ne tient aucun compte de la période de transition. Cette situation existe depuis que la Loi sur les pensions a été adoptée, et a été la cause de nombreuses difficultés au cours des ans. Permettez-nous une autre observation: notre association a demandé à maintes et maintes reprises qu'on incorpore à la loi une disposition prévoyant le versement pendant un an de la pension au taux de personne mariée.

A notre avis, les gouvernements qui ont étudié ces demandes n'ont *jamais* donné de raison valable pour ne pas adopter cette disposition. Nous le disons sans amertume, mais il n'empêche que la raison du refus, telle qu'avancée dans le Livre blanc, ne nous donne pas encore une explication satisfaisante de la question.

La réponse du gouvernement est encore plus étonnante si l'on pense qu'elle se rapporte à deux recommandations totalement différentes. Il est évident qu'elle vise la recom-

[*Texte*]

recommendation that pension be carried on indefinitely on a pro rata basis for widows where the pensioner was in receipt of less than 48 per cent. By no stretch of the imagination, however, could it be made to apply to the request that pension carry on at the married rates for a reasonable adjustment period following the death of a pensioner, where the widow will eventually be required to subsist on widows pension.

If it pleases the Committee, we earnestly suggest that the true intent and purpose of recommendation 109 be studied, in the light of the supporting comment stated in the Woods Committee Report at pages 907 through 909 of the Committee Report, volume 3, chapter 27.

Mr. Whicher: With war veterans allowances are they cut off immediately too?

Mr. Chadderton: They are continued for one year at married rates, sir.

Mr. Whicher: So in other words, we have a precedent here. I thought you might have mentioned that in your brief.

Mr. Chadderton: Mr. Chairman, we do not consider that the continuation of married rates for the war veterans allowance recipient is a precedent for the reason that war veterans allowance is of course a welfare measure: it is based on need. If we were to try to use the War Veterans Allowance Act as a precedent, then we would have to accept the reason in the White Paper for not continuing it, because the White Paper states that it is a welfare measure. We disagree, Mr. Chairman, gentlemen. We say that it is not a welfare measure. Therefore we are not trying to say that because it is done in the War Veterans Allowance Act, it should be carried on in the Pension Act. We do say, though, that the circumstances are similar. You just cannot expect a family which has been living on an income, part or all of which has been made up of pension, to automatically within one to thirty days change their way of living over to where they can live on widows pension.

Mr. Whicher: Mr. Chairman, I agree with what the speaker said, but the fact is that what we want to do is to get this through, and I think a very strong argument is the fact that in other veterans' legislation such as the War Veterans Allowance, it is carried on for

[*Interprétation*]

mandation de verser indéfiniment une pension au prorata aux veuves dont le mari recevait une pension inférieure à 48 p. 100. Cependant, même avec un grand effort d'imagination, il est impossible de voir comment cette réponse peut s'appliquer à la demande que le versement de la pension au taux de personne mariée soit continué pendant une période raisonnable d'adaptation après le décès du pensionné, alors qu'éventuellement la veuve ne devra compter, pour assurer sa subsistance, que sur une pension de veuve.

Nous demandons respectueusement au Comité de bien vouloir examiner l'intention et le but véritables de la recommandation 109, à la lumière des commentaires contenus aux pages 1025 à 1036, chapitre 27, 3e volume du rapport du comité Woods.

M. Whicher: Arrête-t-on immédiatement les allocations aux anciens combattants?

M. Chadderton: Non, pendant un an, elles continuent à être versées au taux de personnes mariées.

M. Whicher: En d'autres mots, il y a ici un précédent et je me demande pourquoi vous n'avez pas fait état de cela dans votre mémoire.

M. Chadderton: Monsieur le président, nous ne croyons pas que la continuation des taux de personnes mariées pour les pensions des anciens combattants forment un précédent pour la très bonne raison que les allocations aux anciens combattants font partie du programme de bien-être et qu'elles sont fondées sur le besoin. Si nous devions essayer d'utiliser la loi comme précédent, nous devrions alors accepter la raison que donne le Livre blanc pour ne plus en accorder, à savoir, qu'il s'agit d'une mesure sociale. Nous disons que ce n'en est pas une. Par conséquent, nous ne voulons pas insinuer que, parce que ces allocations sont accordées en vertu de la Loi sur les allocations aux anciens combattants, il faudrait qu'elle le soient aussi en vertu de la Loi sur les pensions. Nous croyons, néanmoins que les circonstances sont semblables. On ne peut s'attendre qu'une famille qui vit d'un revenu presque entièrement composé d'une pension puisse en 30 jours changer son mode de vie afin de pouvoir vivre d'une pension de veuve.

M. Whicher: Monsieur le président, je suis d'accord avec ce que l'interlocuteur vient de dire. Mais, en fait, ce que nous voulons, c'est permettre que cette pratique se fasse et à cet égard, un argument probant est le suivant: la Loi sur les allocations aux anciens combat-

[*Text*]

one year; secondly I would like to point out that in many instances where it is cut off to a single rate after the pensioner dies, that amount of money is much less than the widow would receive from what you choose to call welfare measures, namely the War veterans allowance, and if the government had done it on one hand, there is no reason why they should not come up with a good excuse why they should not do it on the other.

Mr. Chadderton: In earlier years we did make what turned out to be a mistake in our discussions with the Commission and government people. We made the mistake of saying that it is done for veterans allowance recipients so should be done for the pension recipients. Quite properly we were shot down on the understanding that they were quite willing to do it for the pension widow provided she is willing to subject herself to a means test. This is why we did not use that as extra ammunition for our argument; we feel we do not need it, sir. We feel that the point is that you just cannot expect a pension widow to

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make this transition overnight and that that argument stands up by itself.

The Chairman: Mr. Chadderton, did I understand you to say that a widow of a pensioner is still eligible to apply for a war veterans allowance pension?

Mr. Chadderton: Yes, she would be if her widow's pension was not sufficient, but certainly not the widow of a pensioner, a member of our organization, because all our members are in receipt of pension of 48 per cent or greater. So under current rates she would receive $200 a month, which would make her ineligible for war veterans allowance.

Mr. MacRae: Mr. Chairman, I think that perhaps...

The Chairman: I am sorry, Mr. Weatherhead had his hand up and I recognized him.

Mr. MacRae: What I have to say is on the same point. I think as a matter of clarification at this point Mr. Chadderton could advise, because of his great knowledge of this, that when you talk about the widow's pension under war veterans allowance that is completely at the discretion of the War Veterans Allowance Board whether or not that extra year is granted. Perhaps, Mr. Whicher, you did not realize that and it sheds more light on the matter. It is up to them whether or not

[*Interpretation*]

tants stipule que les allocations continueront un an après, le mort de l'ancien combattant; je voudrais aussi signaler que dans de nombreux cas où la pension est réduite au taux simple à la mort du pensionné, ce montant est beaucoup moindre que le montant que recevrait la veuve si elle recevait ce que vous appelez les prestations d'assistance sociale, soit l'allocation aux anciens combattants; je ne vois pas pourquoi si le gouvernement l'a fait dans un cas, il ne trouverait pas une bonne excuse de le faire dans l'autre.

M. Chadderton: Par le passé, nous avons fait ce qui s'est révélé être une erreur dans nos discussions avec le Comité et le gouvernement. Nous avons commis l'erreur de dire que ce qui était fait pour les bénéficiaires d'allocations aux anciens combattants pouvait l'être aussi pour les bénéficiaires de pensions. Franchement, le Comité et le gouvernement étaient d'accord à la condition que la veuve autorise qu'on contrôle ses ressources. C'est pourquoi nous n'avons pas voulu nous servir de cet argument pour nos discussions; nous pensions que nous n'en avions pas besoin. Nous voulons simplement insister sur le fait qu'il est pour ainsi dire impossible pour une veuve de changer son mode de vie du jour au lendemain.

Le président: Monsieur Chadderton, dois-je comprendre que vous avez dit qu'une veuve de pensionné a encore droit à demander une pension d'allocation aux anciens combattants?

M. Chadderton: Oui, si sa pension de veuve n'est pas suffisante, mais ce n'est certainement pas le cas d'une veuve de pensionné d'amputé de guerre car tous nos pensionnés le sont à 48 p. 100 ou plus. Ainsi, avec le taux actuel, elle recevrait $200 par mois, ce qui ne lui permettrait pas de demander une allocation aux anciens combattants.

M. MacRae: Monsieur le président, je crois que peut-être...

Le président: Je regrette, mais monsieur Weatherhead avait levé la main et je lui ai cédé la parole.

M. MacRae: Ce que j'ai à dire se rapporte à la même question. Je crois qu'en raison de ses connaissances en la matière, monsieur Chadderton pourrait préciser au sujet de la pension de la veuve, qu'en vertu des Allocations des anciens combattants, c'est la Commission des allocations aux anciens combattants qui décide d'accorder cette année supplémentaire. Il est possible, monsieur Whicher que vous ne vous en soyez pas rendu compte. Cela éclaire donc un peu plus la question. Il leur reste à

[*Texte*]

they decide as a matter of means, as a matter of welfare, to continue that extra year for the War Veterans Allowance recipient's widow, if you follow what I mean.

The Chairman: Yes, but surely there would be very few cases when they would refuse a War Veterans Allowance recipient's widow.

Mr. MacRae: That is true, but there is still the provision that they can refuse if they chose to and that is the whole point I wanted to make.

The Chairman: I see. Are there other points related to this matter?

Mr. Weatherhead: Mr. Chairman, I think my point is on the same general topic. I wonder if Mr. Chadderton would tell us the difference between the married rates and the widows' rates in round figures.

Mr. Chadderton: For a married pensioner it would be approximately $137 a month where a pension is in payment at married rates and where there are no children. It would be $337 a month if the pension were paid at married rates. When she drops to widow's rates she drops to $200, so you are talking about a difference of $137 a month.

Mr. Weatherhead: At the present time is she just paid for the month of the death at married rates or what is the cut-off date?

Mr. Chadderton: The pension is adjusted to the first day of the month following the death which could be as small a period as two days and as long a period as thirty days.

Mr. Weatherhead: On a pro rata basis?

Mr. Chadderton: Yes.

The Chairman: No, not pro rata. I think Mr. Chadderton might explain just a little more. It is cut off on the first day of the month following death. So if he died on the 30th and if it were a 30-day month, it would be cut off the next day, is that right?

Mr. Chadderton: Yes.

Mr. Knowles (Winnipeg North Centre): If he died on the 2nd of the month it would be paid for that whole month, just the same as the Old Age Security pension.

[*Interprétation*]

décider de continuer pour une autre année à accorder à la veuve du pensionné les allocations des anciens combattants à titre de mesure de bien-être, si vous me comprenez bien.

Le président: Oui, mais sans aucun doute, ils refuseraient très peu souvent des allocations d'anciens combattants à la veuve du pensionné.

M. MacRae: C'est vrai, mais il existe encore une disposition qui leur permet de refuser s'ils le désirent. C'est ce que je voulais préciser.

Le président: Je vois. Aimerait-on soulever d'autres arguments au sujet de cette question?

M. Weatherhead: Je crois que ma question a trait au même sujet. Monsieur Chadderton, est-ce que vous pouvez me dire de façon approximative quelle différence existe entre les taux mis en vigueur pour les personnes mariées et pour les veuves.

M. Chadderton: Un pensionné marié toucherait environ $137.00 par mois au taux des personnes mariées sans enfant. Ce serait $337.00 par mois si la pension était versée aux taux des gens mariés. Lorsqu'elle touche le taux des veuves, elle reçoit $200 par mois. La différence est donc de $137.00 par mois.

M. Weatherhead: Et à l'heure actuelle, pour le mois où la mort a lieu, touche-t-elle la pension aux taux des gens mariés ou quand le versement fait-il l'objet d'une diminution?

M. Chadderton: La pension est redressée la première journée du mois qui suit la mort du pensionné, ce qui peut se produire après 2 jours ou après 30 jours.

M. Weatherhead: Au prorata?

M. Chadderton: Oui.

Le président: Non, non, ce n'est pas au prorata. Je crois que monsieur Chadderton peut nous expliquer cela un peu plus à fond. La diminution est effectuée le premier jour du mois après la mort. Donc, s'il meurt le 30 dans un mois de trente jours, l'allocation peut très bien être diminuée le prochain jour, n'est-ce pas?

M. Chadderton: Oui.

M. Knowles (Winnipeg Nord-Centre): S'il meurt le deuxième jour du mois, elle toucherait la pension pour le mois entier, tout comme pour la pension de sécurité de la vieillesse.

[*Text*]

Mr. Saltsman: Mr. Chairman, I would like to make an observation on this question of whether something is an act of charity or an act of right in order to perhaps avoid an argument which is largely semantic. It is really the people of this country through their government and through committees, who decide whether it is a right or an act of charity. There is nothing inherent in it one way or the other. I would think that any argument that tries to prove that it would be a welfare measure is a pretty sterile argument. We make the decision whether it is a right or not and we have made this decision in the past with things like old age pensions and other things of this nature. I think this is really what the representatives are asking us to do by accepting the Wood's recommendation, that we give this as a matter of right rather than as a matter of discretion or welfare. Is this correct?

Mr. Chadderton: Except, Mr. Saltsman, that the White Paper does not intend to give it even as a matter of discretion.

Mr. Saltsman: No, but what I am saying is that you are asking for it as a matter of right.

Mr. Chadderton: That is quite right, and I might say because I think we are all familiar, perhaps generally, with the terms of pension legislation, that if there was one thing that angered our delegates at our recent convention was that this was turned down on the basis that it would be a welfare measure. We just cannot accept the fact that continuation for a year for a widow of a pensioner would be any form of welfare. If it were welfare and it were made a welfare measure it would be up to the widow to apply and in most cases I think they would not.

The Chairman: Are there other questions? If not would you proceed, Mr. Lambert.

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Lt. Col. Lambert: Yes, we will move on. Keith Butler will read the section dealing with children undergoing course of instruction on page 43.

Mr. Butler: Mr. Chairman on children undergoing course of instruction, our submission is as follows:

> The Woods Committee Recommendation 108 (volume 3, chapter 26, page 890) proposes:

[*Interpretation*]

M. Saltsman: Monsieur le président, j'aimerais faire un commentaire sur la question de charité ou de droit afin d'éviter une discussion d'ordre sémantique. Ce sont vraiment les citoyens de ce pays, par l'intermédiaire de leur gouvernement et leurs comités qui décident si c'est un droit ou un geste charitable. Il n'y a rien de sous-entendu d'une façon ou d'une autre. Je crois que tout argument qui tente de prouver que c'est une mesure sociale est un argument assez stérile. Il nous appartient à nous d'en décider. Nous l'avons fait par le passé au sujet des questions de pension de vieillesse, et autres choses de ce genre. Je crois que c'est ce que les représentants nous demandent de faire en acceptant les recommandations du rapport Woods, à l'effet que ce soit une question de droit plutôt qu'une question de discrétion ou de bien-être. Est-ce juste?

M. Chadderton: Sauf monsieur Chadderton que le Livre blanc n'indique pas l'intention de le considérer comme une question de discrétion.

M. Saltsman: Non, mais je dis que vous demandez qu'on en fasse une question de droit.

M. Chadderton: C'est juste et j'ajouterais étant donné que nous connaissons tous d'une façon générale, les termes de la mesure législative par les pensions que nos délégués ont été offusqués lors de notre dernière convention, de voir que cela avait été refusé parce que ce serait une mesure sociale. Nous ne pouvons pas accepter que le prolongement d'un an pour la veuve d'un pensionné constituerait une forme de mesure sociale. Si c'était une question de bien-être et si on en faisait une mesure sociale, la veuve devrait faire une demande et dans la plupart des cas, je crois, elle s'en abstiendrait.

Le président: Y a-t-il d'autres questions? Sinon, pourriez-vous continuer monsieur Lambert?

Lieutenant-colonel Lambert: Oui, nous allons continuer. Monsieur Keith Butler donnera lecture de la partie qui traite des enfants qui suivent un cours d'enseignement, à la page 43.

M. Butler: Monsieur le président, la section se lit comme il suit:

> Dans la recommandation n° 108 (3e volume, chapitre 26, page 890) le comité Woods propose brièvement ce qui suit:

[*Texte*]

That pension be continued on behalf of a child undergoing a course of instruction up to age 25 years provided the pensioner contributes a major share, where possible, to the financial requirements of the child. The White Paper makes no reference to this recommendation and it is assumed that it was one of those which was not accepted by the government. May we summarize hereunder some of the supporting argument to be found in the Woods Report dealing with this matter.

(1) The use of the arbitrary age of 21 for discontinuation of pension for a student is outdated. This was first introduced in 1919.

(2) The average of the years spent by students has increased substantially since that time.

(3) More students are continuing their education beyond the secondary school level than was the case then:

(4) The average age for graduation from university has increased.

(5) It was never realistic to assume that a student would finish his university training at age 21; there is even less justification for using this for a cut-off age now.

(6) Pension legislation should take cognizance of the trend toward higher education.

(7) The Pension Act should be subject to the same time limits as the Education Assistance Act, i.e., normally age 25.

It is noted that the government has given no reasons for rejecting this recommendation of the Woods Committee. Presumably there could be no reason except possibly for a financial one. The intent of the existing legislative provision, as we understand it, is that a pensioner who must make a contribution towards the education of his child is entitled to some assistance in this respect by reason of additional pension. It seems only logical that this contribution should continue in payment, so long as it is needed. The arbitrary cancellation thereof at age 21 makes very little sense, bearing in mind that most pensioners would require the assistance for several years beyond the limitation of the existing provision.

Unfortunately, we have no record upon which we could base an estimate of the cost of implementation. We would observe, however, that an outlay of fed-

[*Interprétation*]

Que le versement de la pension soit continué quand un enfant suit un cours d'enseignement, jusqu'à ce que cet étudiant atteigne l'âge de 25 ans pourvu que le pensionné continue à assumer la majorité des frais nécessités par l'entretien et l'instruction de l'étudiant.

Le Livre blanc ne fait aucune allusion à cette recommandation, et nous supposons qu'elle est une de celles qui n'ont pas été acceptées par le gouvernement. Permettez-moi de résumer les arguments sur lesquels s'appuie le rapport Woods à ce sujet:

(1) On a fixé arbitrairement à 21 ans l'âge où l'on cesse de verser la pension à un étudiant. Cette mesure est dépassée, car elle date de 1919.

(2) La moyenne des années d'étude a sensiblement augmenté depuis.

(3) Un plus grand nombre d'étudiants vont maintenant au-delà du secondaire qu'à cette époque.

(4) L'âge moyen des finissants d'université est plus élevé.

(5) Il a toujours été faux de prétendre que l'étudiant terminait son cours universitaire à 21 ans; il est donc encore moins justifiable d'utiliser ce critère pour cesser le versement de la pension.

(6) La législation sur les pensions devrait tenir compte de la tendance vers une éducation de plus en plus poussée.

(7) La Loi sur les pensions devrait fixer le même âge limite que la Loi sur l'aide aux enfants des morts de la guerre (Éducation) c'est-à-dire 25 ans d'ordinaire.

Nous remarquons que le gouvernement n'a pas donné de raisons pour rejeter cette recommandation du comité Woods. Il est à supposer qu'il n'en a pas, sauf, peut-être, une raison financière. Si nous comprenons bien l'esprit de la loi actuelle, le pensionné qui assume une partie des frais d'éducation de son enfant a le droit de recevoir une aide à cet effet au moyen d'une pension additionnelle. Il semble logique que cette aide soit maintenue aussi longtemps que nécessaire, et la supprimer arbitrairement à l'âge de 21 ans n'a pas de sens, si l'on tient compte que la majorité des pensionnés en ont besoin pendant plusieurs années après l'âge limite fixé par la loi actuelle. Malheureusement, nous n'avons pas de documentation qui nous permettrait d'évaluer le coût approximatif de son application. Toutefois, nous faisons remarquer qu'une telle dépense du gouvernement fédéral,

[*Text*]

eral government funds in this respect would not only be a justifiable expenditure as part of the government's pension program for those disabled by war, but would also be recognized as a valuable contribution towards higher education for worthy sons and daughters of the pensioners involved.

The Chairman: Are there any questions from the Committee? Mr. Whicher.

Mr. Whicher: Section (7) on page 44 states:

The Pension Act should be subject to the same time limits as the Education Assistance Act, i.e. normally age 25.

Would you clarify that? Why is age 25 in there? You picked that age instead of 21. Why should we not go to 27, for example? I know lots of students at university who are 27. There has to be a cut-off year somewhere. Would you explain that section (7)?

Mr. Chadderton: Of course, Children of War Dead (Education Assistance Act) as it is called, does make this provision under which assistance is available to such children until they reach age 25 and in certain instances until they reach age 30. You could quite properly ask what is the magic in age 25, why not 27. I would just point out, Mr. Whicher, that we were merely paraphrasing one of the arguments that had been brought to bear on this item by the Woods Committee and they felt that in addition to all of the other arguments that the fact that the Education Assistance Act could go to age 25 was a pretty good forerunner that should be followed in the Pension Act. I also think, although it is dangerous to paraphrase, it states in there that the other extension in the Education Assistance Act might also be incorporated, that is, could even to go age 30 in certain cases. However, the main point is that if you took age 25 as the cut off you would be covering most of the cases. You would be legislating for the majority, sir.

Mr. Whicher: Mr. Chairman I have just one supplementary. I still, because of lack of knowledge, do not know just what this Education Assistance Act does for somebody who is, say, age 24. How does it help? What does it do?

Mr. Chadderton: If one of our members died in 1964.

Mr. Whicher: By that you mean anyone receiving a pension.

[*Interpretation*]

en plus d'être justifiable, constituerait un grand apport à l'éducation poussée des enfants talentueux des pensionnés en cause.

Le président: Y a-t-il des questions? Monsieur Whicher.

M. Whicher: A la page 44, au paragraphe 7, on stipule que:

... la Loi sur les pensions devrait fixer le même âge limite que la Loi sur l'aide aux enfants des morts de la guerre (Éducation), c'est-à-dire 25 ans d'ordinaire.

Pourriez-vous préciser ce point? Pourquoi choisir 25 ans? Pourquoi 25 au lieu de 21? Pourquoi ne pas nous rendre jusqu'à 27 ans par exemple? Je connais beaucoup d'étudiants de 27 ans. Il devait y avoir un arrêt quelque part. Pourriez-vous nous expliquer le paragraphe 7?

M. Chadderton: Naturellement la loi sur l'aide aux enfants des morts de la guerre (Éducation), comme on l'appelle, prévoit l'assistance aux enfants jusqu'à l'âge de 25 ans et parfois jusqu'à l'âge de 30 ans. Vous avez raison lorsque vous demandez pourquoi on a arrêté notre choix sur 25 ans, plutôt que 27. Nous ne faisons que répéter un des arguments avancé par le comité Woods. Ils ont cru qu'en plus des autres arguments, le fait que la Loi sur l'aide à l'éducation adoptait 25 ans, que c'était un bon guide à suivre pour la Loi sur les pensions. Bien qu'il soit délicat de citer le passage, on dit également que l'autre prolongement d'âge pourrait aussi être inséré dans la Loi sur l'aide à l'éducation, soit dans certains cas jusqu'à 30 ans. Toutefois, si vous établissez 25 ans comme l'âge limite, cela prévoirait la grande majorité des cas. Vous adopteriez des mesures législatives pour la majorité des gens, monsieur.

M. Whicher: Monsieur le président, une autre question complémentaire. Par suite d'un manque de connaissances, je ne comprends pas encore tout à fait ce que la Loi sur l'aide à l'éducation fait pour un étudiant, de 24 ans disons. Quelle aide prévoit-elle?

M. Chadderton: Si l'un de nos membres était mort en 1964.

M. Whicher: Vous voulez parler de la personne qui touche une pension.

[*Texte*]

Mr. Chadderton: Yes. If his child wanted to continue on into higher education under the Education Assistance Act the child could receive assistance under this Act to take university training, normally up to age 25. I do not know if I am being clear on this or if I understood the question, but in any event we felt that in a sense if this was good legislation for the children of the war dead because it was assisting them in their education, it would also be good legislation for pensioners' children, to assist them in their education. It is just one more way of pointing out, in our thinking, the fallacy of a cut-off age at 21.

The Chairman: Mr. Legault had his hand up, and Mr. MacRae and Mr. Stanley Knowles.

Mr. Knowles (Winnipeg North Centre): Does the deceased in that case have to have been a pensioner?

Mr. Chadderton: Normally, the education assistance act was brought in, as we understand it, as a measure for children whose fathers were killed during the war. Later on, if they were placed on pension and then died, and their pension was 48 per cent or greater, their death was considered generally to be attributable to service, and so the act was continued on for their children.

The Chairman: Mr. MacRae, is your question on this point?

Mr. MacRae: I think you could call it on this point, Mr. Chairman, I want to ask Mr. Chadderton what payment is made to a pensioner's child in university? It is not very high, I know. Could you tell the Committee what it is? I think members would be interested in knowing just how much help is given.

In the case of the Children of War Dead (Education Assistance) Act, which is a separate act, it is quite good, as perhaps the Committee knows. It is an exceptionally good act. But the child of the pensioner is not at all in such a good position. Perhaps this is information not readily available. If not, we could get it later.

The Chairman: One or two members who are attending with the delegation seem to...

Mr. Chadderton: I think I am correct that $36 a month is the additional pension for one child.

Mr. Whicher: Twelve months of the year?

[*Interprétation*]

M. Chadderton: Oui, si son enfant désire continuer ses études supérieures, aux termes de la Loi sur l'aide à l'éducation, l'enfant pourrait fréquenter l'université jusqu'à l'âge de 25 ans, normalement. Je ne sais pas si je me fais bien comprendre ou si je comprends la question, mais de toute façon c'était selon nous, dans un sens, une bonne mesure législative pour les enfants des morts de la guerre car cela les aidait à poursuivre leurs études.

Il serait aussi recommandable d'inclure dans les mesures législatives l'éducation des enfants de pensionnés. Cela démontre une fois de plus qu'il est illogique de faire cesser les versements quand l'enfant atteint l'âge de vingt et un ans.

Le président: M. Legault désire prendre la parole, puis M. MacRae et M. Stanley Knowles.

M. Knowles (Winnipeg-Nord-Centre): La personne décédée doit-elle avoir été un pensionné?

M. Chadderton: En fait, la Loi sur l'aide aux enfants des morts de la guerre (Éducation) a été promulguée afin de protéger ces enfants. Si la pension du père était de 48 p. 100 ou plus, on considère que sa mort est imputable au service militaire c'est la raison pour laquelle on continue à verser la pension à ses enfants en vertu de la loi.

Le président: Monsieur MacRae, avez-vous une question à poser à ce sujet?

M. MacRae: Oui, je le crois. Je voudrais demander à M. Chadderton ce que reçoit un enfant de pensionné de guerre qui fréquente l'université? La somme n'est pas très importante. Pouvez-vous dire au comité combien il reçoit exactement? Je sais que dans le cas des enfants tombant sous le coup de la Loi sur l'aide aux enfants des morts de la guerre (Éducation), la somme accordée est bien suffisante. Comme les honorables membres le savent. Il s'agit d'ailleurs d'une très bonne loi. Mais les enfants des pensionnés ne sont pas dans une aussi bonne situation. Peut-être n'a-t-on pas les chiffres à la disposition. Dans ce cas, nous pourrions les avoir plus tard.

Le président: Un ou deux membres qui font partie de la délégation semblent...

M. Chadderton: Je crois qu'il est exact de citer $36 par mois comme pension supplémentaire par enfant.

M. Whicher: 12 mois par an?

[*Text*]

Mr. Chadderton: Yes; twelve months of the year.

The Chairman: Mr. Legault had his hand up.

Mr. Legault: Thank you. I have a question of Mr. Chadderton. Anyone at the age of 21, I understand, could perhaps obtain the moneys which are available under the students' loan. Was this taken into consideration when preparing the brief?

Mr. Chadderton: Yes, it was, but in our feeling, Mr. Legault, it did not alter the situation materially, because the cost of maintaining a child in university is certainly somewhere in the neighbourhood of $1,500, $2,000 a year, and the additional pension is something like $36 a month.

Mr. Legault: Yes. The point I want to bring out is that every province does not have the same program, Mr. Chadderton. You talk about the $1,500, or so. There are students who are receiving loans or bursaries that would not amount to that figure and part of it is a grant. Has this been considered, because once you reach that particular stage, apart from the veteran's problem there are numerous other cases where at 21 the student can declare himself as being independent and obtain that money, although it is not the same in every province, I must admit.

Mr. Chadderton: Yes. We are not contending that this continuation of pension would be his only source of income. We also realize that particularly in recent years there have been quite a few additional sources of assistance available to children in university compared with, say, 15 years ago. We recognize all of this, but we also feel, Mr. Legault, that there are just grounds for continuing what is being done up to age 21 beyond age 21. For example, someone asked "Why 25?" Well, I think 25 is a more realistic age than 21. We are not arguing the merits of the legislation. We are simply saying that in a day and age when most children do not graduate from university until at least 24 or 25, it does not seem realistic to continue a principle of cutting off their assistance under the Pension Act at 21.

• 1515

Mr. Legault: Thank you.

The Chairman: Are there any further questions at this point? If not, will you continue?

[*Interpretation*]

M. Chadderton: Oh! bien entendu. Douze mois par an.

Le président: Monsieur Legault.

M. Legault: J'ai une question à poser à M. Chadderton. Tout enfant atteignant l'âge de 21 ans pourrait, si je comprends bien, bénéficier d'un montant d'argent en vertu de la loi sur les prêts aux étudiants. A-t-on songé à cela quand on a rédigé le mémoire?

M. Chadderton: Oui, nous y avons songé, mais à notre avis, cela ne changerait pas la situation parce que les frais d'université s'élèvent à quelque $1,500 ou $2,000 par année et la pension supplémentaire est de $36 par mois environ.

M. Legault: Ce que je voulais signaler, c'est que dans toutes les provinces, on ne suit pas toujours le même régime. Lorsque vous parlez de $1,500 environ, monsieur Chadderton. Je puis vous dire qu'il y a des étudiants qui reçoivent des prêts et des bourses bien inférieures dont une partie est une subvention. A-t-on tenu compte de cela, car, une fois qu'on atteint ce stade, sauf dans le cas des anciens combattants, il y a de nombreux cas où l'étudiant de 21 ans peut se déclarer indépendant et obtenir les sommes d'argent, bien que le régime ne soit pas le même dans toutes les provinces.

M. Chadderton: Oui. Nous ne refusons pas le fait que cette continuation de pension devrait être son seul revenu. Nous nous rendons compte aussi que, lors des dernières années, spécialement, les enfants fréquentant l'université ont reçu une aide supplémentaire provenant de sources différentes comparé avec l'aide dont ils pouvaient bénéficier il y a quinze ans. Nous nous en rendons compte, mais nous croyons aussi qu'il faut que cette aide s'étende au-dessus de 21 ans. Quelqu'un a demandé pourquoi 25 ans. Je trouve qu'il est plus réaliste d'arrêter de verser la pension à 25 ans. Nous ne contestons pas ici la valeur des mesures législatives. Nous voulons simplement souligner qu'à l'heure actuelle, la plupart des étudiants sont diplômés à 24 et 25 ans au moins. Il semble donc peu logique de les priver d'aide à 21 ans aux termes de la Loi sur les pensions.

M. Legault: Merci.

Le président: Y a-t-il d'autres questions? Sinon, voudriez-vous continuer.

[*Texte*]

Lt. Col. Lambert: All right. We will move on to "Legal Damages". Judge Crowell.

Judge Crowell: *Legal Damages:* For many years this Association has requestest the Government to amend legislation which provides that a settlement of legal damages payable to the widow of the pensioner who has died, must either be recovered by the crown or result in a reduction of pension. The legislation provides also that such damages payable to the widow of a member of the Regular Force, or to a pensioner in certain circumstances, may be recovered by the crown or alternatively result in reduced pension. This legislation affects also awards to a pensioner or widow in the nature of workmen's compensation, in some instances.

In our understanding, Recommendation 90 of the Woods Committee (volume 2, chapter 19, page 738) was to the effect that the existing sections be replaced with a new section which would provide only that a person be prohibited from receiving both an award of pension under the Pension Act and an award under similar legislation of the Federal Government.

In the comment furnished by the Woods Committee in regard to this recommendation we note the statement at page 758 as follows:

> Secondly, your Committee is of the view that, on general principle, the provisions of sections 20 and 21 have no place in the Pension Act. This Act confers certain rights upon members of the forces and their dependents, based on the obligation of the Government to provide compensation for disability or death. It is difficult to justify alienation of these rights by reason of the fact that the disability or death may also become compensable from some other source. The responsibility to award legal damages is that of the courts, the awards usually being based on such factors as earning potential and life expectancy. Workmen's Compensation is awarded by provincial boards. A Court or Compensation Board might well decide to take into consideration any award being made under the Pension Act, and might have the right to do so. Your Committee considers, however, that receipt of a pension should not be contingent upon other sources of income.

It seems to us that the nub of the matter is contained in the statement quoted above. In the event of the death of the pensioner, or a

[*Interprétation*]

Lieutenant-colonel Lambert: Très bien. Pourrions-nous étudier la question des Dommages-intérêts, monsieur le juge Crowell?

Dommages-intérêts:

Le juge Crowell: Depus nombre d'années, notre association demande au gouvernement de modifier l'article de la loi prévoyant que les dommages-intérêts versés à la veuve d'un pensionné devront être recouvrés par la Couronne ou alors que la pension sera réduite. La loi prévoit aussi que les dommages-intérêts payables à la veuve d'un membre des Forces régulières, ou à un pensionné, dans certains cas, pourront être recouvrés par la Couronne, ou que la pension sera réduite. La loi vise aussi les sommes versées à un pensionné ou à une veuve comme indemnités de travail, dans certains cas.

Si nous comprenons bien, la recommandation nº 90 du comité Woods (vol. 2, chapitre 19, page 738) propose de remplacer les articles actuels par un nouvel article prévoyant seulement qu'il est défendu à quiconque de recevoir une pension en vertu de la Loi sur les pensions, et une autre pension en vertu d'une autre loi semblable du gouvernement fédéral.

Voici les commentaires du comité Woods au sujet de cette recommandation. Vous les trouverez à la page 758:

> Deuxièmement, votre comité est d'avis qu'en principe les dispositions des articles 20 et 21 ne devraient pas figurer dans la Loi sur les pensions. Cette loi, en effet, confère certains droits aux membres des forces armées et aux personnes à leur charge, droits fondés sur l'obligation de la part du gouvernement d'accorder une indemnité de réparation pour invalidité ou décès. Il est difficile de justifier l'aliénation de ces droits par le fait que l'invalidité ou le décès peut par ailleurs recevoir une réparation d'autres sources. L'attribution de dommages-intérêts est de la compétence des tribunaux, les indemnités étant calculées habituellement sur certains facteurs, dont la capacité de gain et l'espérance de vie, tandis que les indemnités de travail sont accordées par des commissions provinciales. Un tribunal ou une telle commission peut fort bien décider de tenir compte de toute somme versée en vertu de la Loi sur les pensions et il peut être autorisé à le faire. Votre Comité estime cependant que la concession d'une pension ne devrait pas dépendre des autres sources de revenu.

Il nous semble que cette déclaration contient le nœud de la question. Survenant le décès du pensionné, ou d'un membre des For-

[*Text*]

member of the forces, or in circumstances where a pensioner suffers additional injury through causes contingent upon his pensionable disability, the widow or pensioner, as the case might be, is entitled to receive the full benefit of the Pension Act. This is the prior consideration. It is the right of the pensioner or the widow, as guaranteed by law. Over the years we in this Association have heard many arguments from personnel of the Pension Commission concerning the fact that indemnification should not be paid from two sources for the same death or injury; also that the Crown should not be placed in the position of having to pay additional pension where there is the right of recovery from some other source.

Whether these arguments have merit is a moot point. All we can suggest, at this juncture, is that the Standing Committee on Veterans Affairs should study, at length, the arguments prepared by the Woods Committee to support its contention that these sections be removed from the Act. In our view, they amount of a "judgement" which is very difficult to refute.

Concerning the actual recommendation in the White Paper we can suggest only that it is by way of a very small concession. In the first place, it covers only awards of legal damages to widows of pensioners—whereas the Woods Committee recommendation would have removed the effect of the inequities of this legislation from all three groups involved, i.e.:

Widows of pensioners;
Widows of members of the regular force; and
Pensioners who sufler additional disabilities.

Secondly, the proposal in the White Paper is to exempt that portion of the payment of legal damages which is directed towards indemnification for pain and suffering, special damages and loss of *consortium*. In the first place this would be only a very small portion of the usual legal damages settlement. Also, hurried consultation with legal authorities over the past few days appears to indicate that, in some instances, the courts do not identify the actual portions of any claim into the specific categories used in the White Paper.

Therefore it is difficult to see how the recommendation could be carried out.

• 1520

The Chairman: Perhaps this would be a good point at which to have our coffee break? At the back of the room we have made provi-

[*Interpretation*]

les armées, ou quand le pensionné subit d'autres blessures découlant de l'invalidité pour laquelle il reçoit déjà une pension, la veuve ou le pensionné, selon le cas, a droit à tous les avantages prévus par la Loi sur les pensions. C'est la première considération. Il s'agit du droit du pensionné ou de celui de la veuve, tel que le garantit la loi. Au cours des ans, notre Association a entendu le personnel de la Commission des pensions avancer bon nombre de raisons pour que l'indemnité, pour le même décès ou les mêmes blessures, ne soit pas versée de deux sources, et aussi pour que la Couronne n'ait pas à verser de pension additionnelle s'il y a lieu de faire un recouvrement d'une autre source.

Le mérite de ces raisons est discutable. Tout ce que nous pouvons faire, pour le moment, c'est de demander au Comité permanent des affaires des anciens combattants d'étudier en profondeur les arguments qu'apporte le comité Woods pour demander qu'on supprime ces articles de la loi. A notre avis, les arguments du comité constituent un «jugement» difficile à réfuter.

Quant à la recommandation du Livre blanc, ce n'est qu'une bien mince concession. Primo, elle ne touche que le versement des dommages-intérêts aux veuves des pensionnés, tandis que la recommandation du comité Woods aurait fait disparaître de la loi les iniquités qui visent les trois groupes en cause:

Les veuves des pensionnés
Les veuves des membres des Forces régulières, et
Les pensionnés affligés d'invalidités additionnelles.

Secundo, le Livre blanc propose de ne pas verser la partie des dommages-intérêts qui sert à indemniser la souffrance, les dommages spéciaux et la perte du conjoint. Tout d'abord, il ne s'agirait là que d'une infime partie des dommages-intérêts habituellement versés. De plus, une rapide consultation des autorités juridiques semble indiquer que les tribunaux n'identifient pas toujours les diverses parties d'une réclamation aux catégories énumérées dans le Livre blanc.

Il est donc difficile de voir comment cette recommandation peut être suivie.

Le président: Il serait peut-être opportun de faire la pause-café maintenant. Le café nous attend au fond de la salle. Nous pour-

[*Texte*]

sion for it. We can resume with some questions after a cup of coffee. Is that agreed?

Some hon. Members: Agreed.

COFFEE BREAK

The Chairman: Are we ready to resume?

Lt. Col. Lambert: Paul, will you carry on please?

Mr. Paul Bédard (Quebec City): Deposition of pension...

The Chairman: Oh, I am sorry. There were no questions before the adjournment so there may be some questions, I am sorry. Mr. Stanley Knowles.

Mr. Knowles (Winnipeg North Centre): I suppose my question is a rhetorical one, Mr. Chairman, but let me put it anyway. I preface it by saying that I agree with this position about legal damages, but my question is this. What is the rationale that the government uses for taking this away? For example, if a veteran on a disability pension inherits a fortune from a rich uncle does that take away from his pension? If he earns money in some other way, that does not take away from his pension? I know it is a strange phrase to talk about "earning" some money because you have been through an accident but at least it is a separate operation.

The Chairman: Mr. Chadderton, there was a reference to the theory that the same loss of earnings should not be compensated from two different sources; is this the theory that is put forward? There is a reference in your paper to it.

Mr. Chadderton: Yes, generally speaking, Mr. Chairman, that is it. We believe it started toward the end of 1918 when a lot of people who were still in the service were being injured in civilian accidents; not a lot, I would say a very few as a matter of fact. However, they were being injured in civilian accidents and there was under the insurance principle a requirement for the federal government to pay them pension. At the same time the man was open to proceed against the party who had injured him. I recall one case in particular which involved the then Transportation Commission of Toronto, and the federal government people the Board of Pension Commissioners I think at that time, or whatever it was called, said, "Well, we certainly are not going to accept the liability in the federal government when the cause was the streetcar that ran the man down". That was

[*Interprétation*]

rions ensuite reprendre la période des questions. Êtes-vous d'accord?

Des voix: D'accord.

PAUSE-CAFÉ

Le président: Nous sommes prêts à reprendre la séance?

Lieutenant-colonel Lambert: Paul, voulez-vous continuer?

M. Paul Bédard (ville de Québec): Témoignages concernant la pension.

Le président: Il n'y a pas de question. M. Stanley Knowles.

M. Knowles (Winnipeg-Nord-Centre): La question est plutôt hypothétique. Je suis d'accord du point de vue des dommages-intérêts, mais quelle est la raison d'être utilisée par le gouvernement pour enlever ces dommages-intérêts, par exemple, si un pensionné hérite d'une fortune d'un oncle riche, est-ce qu'on soustrait cet argent ou un autre revenu de sa pension? S'il gagne de l'argent d'une autre façon cela ne lui enlève pas sa pension. C'est un drôle d'endroit de parler de gagner de l'argent.

Le président: Monsieur Chadderton, il est question que le manque à gagner ne soit pas compensé au moyen de deux sources, est-ce bien là votre théorie? Je crois que vous y faites allusion dans votre mémoire.

M. Chadderton: Oui, règle générale, c'est cela que nous voulons dire. Cela a commencé vers la fin de 1918 alors que plusieurs faisaient partie du service des forces armées, ils étaient blessés dans des accidents civils, et aux termes du principe de l'assurance, le gouvernement devait leur payer une pension, et même l'homme avait le droit de poursuivre la personne qui l'avait blessé. Je me souviens d'une cause contre la Commission des transports de Toronto, alors que les gens du gouvernement fédéral, la Commission des transports, je crois, ont dit: «il ne nous appartient pas d'accepter la responsabilité parce que l'homme a été heurté par le tramway.» Et c'est ainsi que les choses ont débuté et se passent depuis que la loi sur les pensions existe. Le principe s'applique toujours et cela touche non seulement la pension des veuves, mais aussi celle d'un pensionné qui est blessé

[*Text*]

the original start of it and then that trend continued all the way through the Pension Act despite its many refinements until we get the situation today where the principle still applies and it affects pension, not just to widows but where a pensioner may be re-injured, a member of the Regular Force may be injured, or to the widow of a member of the Regular Force. It is probably the time to point out that one of our objections to the coverage in the White Paper, although we welcome it, we are grateful for it because it is certainly better than nothing, is that it only covers one of the four categories that the Woods Committee was attempting to relieve from the effects of Sections 20, 21 and 22.

The Chairman: Mr. Legault. Sorry, there are three, Mr. Whicher, Mr. Legault and Mr. Weatherhead.

Mr. Legault: I have a supplementary. If someone suffered injuries while not in receipt of a pension, being in the Regular Forces, and whose civil court is obtaining an adjustment, do you suggest that a pension be paid to him plus whatever moneys would be allotted by this court?

Mr. Chadderton: I would answer that by saying, first, the Woods Committee certainly saw that he was entitled to pension if he was covered. Bear in mind that under Regular Force pension today the man is not entitled to the insurance principle; therefore, it would have to be shown that his injury was in some way related to service in the forces. That is a very loose term, you see. The classic example that we gave the other day I think would answer your question. That was the officer returning from Korea who was killed in a TCA crash. It was pensionable under the Pension Act because he was on duty, and it was also the type of accident where there was a third party settlement. Of course, the widow had to choose between accepting pension or accepting settlement. So the answer to your question is that we visualize that the effects of sections 20, 21 and 22 against members of the Regular Force should be removed.

Mr. Legault: Thank you.

Mr. Knowles (Winnipeg North Centre): If a veteran is drawing a disability pension because he is an amputee, he has one leg off, he gets what; 80 per cent pension? If that veteran is involved in a serious automobile accident and sues in the civil courts and gets damages that are in excess of what he was getting as a pensioner, what happens to him?

[*Interpretation*]

une autre fois, d'un membre des Forces armées qui peut être blessé ou même de la veuve d'un membre des Forces armées. Je crois que le moment est venu de signaler qu'une des objections que nous avons contre le Livre blanc est le fait qu'il ne couvre que l'une des quatre catégories que le Rapport Woods essaie de soustraire aux effets des dispositions des articles 20, 21 et 22.

Le président: M. Legault. Excusez-moi. Vous êtes trois: M. Whicher, M. Legault et M. Weatherhead.

M. Legault: Une question complémentaire. Si quelqu'un subit des blessures pendant qu'il ne reçoit pas de pension, un membre des Forces armées du Canada par exemple, et se voit accorder une indemnité par les tribunaux civils, croyez-vous qu'on doive lui verser une pension en plus de l'argent qui lui est accordé par le tribunal?

M. Chadderton: Le Comité Woods lui accorde le droit à une pension, dans certains cas. Aux termes du règlement sur les allocations aux membres des Forces régulières aujourd'hui, il n'a pas droit à l'assurance. Il faut faire valoir que sa blessure se rattache au service dans les Forces armées. L'exemple que nous avons cité l'autre jour devrait répondre à votre question. Vous avez le cas d'un officier qui revenait de la Corée et qui a été tué dans un avion d'Air Canada. La pension a été accordée parce qu'il était en fonction. Il y a eu également le règlement du cas d'un tiers. Évidemment la veuve a dû choisir entre les deux. Donc les articles 20, 21 et 22 défavorables aux membres des forces régulières doivent être supprimés à ce titre-là.

M. Legault: Merci.

M. Knowles (Winnipeg-Nord-Centre): Si un ancien combattant a droit à une pension parce qu'il a perdu une jambe, que reçoit-il? Une pension de 80 p. 100. Si cet ancien combattant est victime d'un accident grave d'automobile et, si après avoir intenté une poursuite devant un tribunal civil, il reçoit des compensations en plus de ce qu'il reçoit à titre de pensionné, que peut-il lui arriver?

[*Texte*]

Mr. Chadderton: Well, if he is merely injured and there is a third party settlement section 21 and 22 of the Pension Act would not apply unless he then applied to the Pension Commission and said, "Because of my artificial leg it gave out on me and I fell in front of this car and I am entitled to a consequential pension", you see of a physical accident type then of course the Canadian Pension Commission would say "Well if there is a requirement upon the Canadian Pension Commission to pay additional pension arising out of that automobile accident you cannot have it both ways". If the Canadian Pension Commission granted the additional pension and there would be an entitlement claim on that first, but if they granted the additional pension then consideration would be given to whether he should receive that pension and retain the damages or whether the damages would be paid to the Crown and he could continue to receive the additional pension because the Crown had received the money, you see.

• 1540

Mr. Knowles (Winnipeg North Centre): I am afraid I got lost at one point there.

Mr. Chadderton: Yes?

The Chairman: Is this the case which relates to the instance?

Mr. Chadderton: Oh yes.

The Chairman: How would you modify that?

Mr. Knowles (Winnipeg North Centre): Let me state a case as I see it. Here is a veteran on 80 per cent pension because he is an amputee. He gets seriously hurt in an automobile accident, such that the court awards him, a third party, very high damages, the capitalized value of which is worth more than the pension he was getting. Does he have to give some of that to the Crown?

Mr. Chadderton: No, sir. It is only when he attempted to apply for additional pension claiming that his bad leg caused him to fall under the car where this section of the Pension Act comes in.

The Chairman: Mr. Whicher had his hand up and so did Mr. Weatherhead.

Mr. Whicher: Mr. Chadderton, I should know the answer probably but if a Regular Force soldier on active duty in Canada today is hit by a truck and his leg is severely damaged, does he have to initiate the action in a civil court or does the Crown do it?

[*Interprétation*]

M. Chadderton: Non, s'il n'est que blessé les articles 21 et 22 pourraient ne pas s'appliquer, à moins qu'il puisse faire valoir devant la Commission des pensions que sa jambe artificielle a été responsable de sa chute devant une voiture. Alors, la Commission répondrait que si on lui demande de payer une pension supplémentaire parce qu'il a été victime d'un accident de voiture, il ne pourrait pas être dédommagé de deux façon. Dans le cas où la Commission canadienne des pensions accorderait la pension supplémentaire, il faudrait alors déterminer si l'accidenté devrait recevoir la pension ainsi que les dommages-intérêts ou bien si les dommages devraient être payés à la Couronne. Alors l'accidenté pourrait recevoir le supplément de pension, parce que c'est la Couronne qui aurait encaissé le montant.

M. Knowles (Winnipeg-Nord-Centre): Je ne saisis pas bien vos explications.

M. Chadderton: Oui.

Le président: S'agit-il du cas que l'on discute?

M. Chadderton: Oui.

Le président: Quelles modifications apporteriez-vous?

M. Knowles (Winnipeg-Nord-Centre): Voici un cas. Un ancien combattant reçoit une pension de 80 p. 100 parce qu'il est amputé. Il est grièvement blessé dans un accident d'automobile et le tribunal lui accorde des dommages-intérêts très élevés, qui en termes de capital, valent plus que la pension qu'il recevait auparavant. Doit-il en remettre une certaine fraction à la Couronne?

M. Chadderton: Non. Toutefois, s'il fait une demande pour une pension complémentaire, en invoquant le fait que sa jambe artificielle a été la cause de sa chute devant la voiture, la Loi sur les pensions entre en jeu.

Le président: M. Whicher, vous désirez parler et vous aussi M. Weatherhead?

M. Whicher: Si un soldat des Forces armées au Canada en service actif est grièvement blessé à une jambe par un camion est-ce lui qui doit intenter une action en justice ou bien est-ce la Couronne qui doit s'en charger?

[*Text*]

Mr. Chadderton: It would depend on which came first, but if he had applied for pension under the Pension Act, Section 13 (2), and then he were awarded a pension because the Canadian Pension Commission felt that this arose out of or was directly connected with service.

Mr. Whicher: It was directly connected with service.

Mr. Chadderton: All right. Then if he does that, and there is a possibility of third party damages, yes, a representative of the Commission will discuss it with him and tell him that he must initiate action against a third party.

Mr. Whicher: But under the White Paper any amount that was given by the court for pain and suffering he will get from now on.

Mr. Chadderton: Yes, except our information on this—as you probably realize, the brief you are looking at was started three or four days ago and we have not had much time to research—is that a very small portion of the usual legal damages award is covered under the words stated in the White Paper, special damages, pain and suffering, and loss of consortium. In other words, in the case of the TCA crash we mentioned, that particular widow would get absolutely no relief under this provision in the White Paper, because there was no pain and suffering nor loss of consortium. It was just a straight award under the Warsaw Convention of I believe $5,000.

Mr. Whicher: That is what she got.

Mr. Chadderton: $5,000 was what she had offered to her.

Mr. Whicher: By TCA?

Mr. Chadderton: Yes. It is not proper to say TCA because TCA really has nothing to do with it. It is under the Warsaw Convention and all airlines are involved in it. I say that because I think TCA could be criticized unfairly in this particular case.

Mr. Weatherhead: Mr. Chairman, in that regard I do not think the witnesses are trying to say that the pain and suffering and special damages, which are out-of-pocket expenses, and loss of consortium are always very minor awards. For instances, in some cases the veteran may have been retired and not had any other income, and this type of damage would be the main award that he would get. In your particular case of the fellow who was coming

[*Interpretation*]

M. Chadderton: S'il demande une pension aux termes du paragraphe 2 de l'article 13 de la Loi sur les pensions et l'obtient parce que la Commission estime qu'il y a droit.

M. Whicher: Cela se rapportait directement au service.

M. Chadderton: S'il fait cela il est possible qu'il y ait aussi des compensations d'une troisième partie. Oui, après consultation avec un représentant de la Commission ce dernier lui dira s'il doit instituer des poursuites contre la troisième partie.

M. Whicher: Mais aux termes du Livre blanc pour la souffrance, le montant qui lui sera alloué par le tribunal sera bien à lui dorénavant.

M. Chadderton: Vous savez que le mémoire a été écrit il y a trois ou quatre jours, donc nous n'avons pas fait partie des dommages qui sont mentionnés dans le Livre Blanc. En d'autres mots, l'avion d'Air Canada—et dans le cas de l'accident d'Air Canada la veuve n'a rien reçu parce qu'il n'y avait pas question de souffrance. Je crois qu'il y a eu une indemnité de $5,000 seulement, en vertu du Congrès de Varsovie.

M. Whicher: C'est bien ce qu'elle a reçu.

M. Chadderton: $5,000. C'est tout ce qu'on lui a offert.

M. Whicher: Par Air Canada?

M. Chadderton: Ce n'est pas juste de dire que c'était Air Canada. Air Canada n'avait rien à voir là-dedans. C'était aux termes du congrès de Varsovie, qui touche toutes les compagnies aériennes. Je ne voudrais pas que Air Canada soit injustement sujet à critique dans cette affaire.

M. Weatherhead: Monsieur le président, je ne crois pas que nous devrions dire que les questions de souffrance ont droit à une certaine compensation, parce que ce sont des prestations assez légères. Je crois que ce genre de dommages pourraient lui apporter la seule compensation qu'il puisse obtenir. Par exemple, un type qui revient de la Corée et qui meurt dans un accident d'avion d'Air Canada, subit une perte de cohabitation s'il

[*Texte*]

back from Korea and died in a plane crash, it is hard to know all the circumstances but there certainly would be loss of consortium if he had a wife. And there certainly would be special damages because there would be a lawyer involved. I suppose there would be out-of-pocket expenses, including legal expenses. With reference to pain and suffering, if he died instantly perhaps there would be no pain and suffering. But I would think that in the case of some of your older veterans who are retired and not making any other income the pain and suffering, if the veteran had not died instantaneously, would be considerable, and perhaps this should not be underestimated. On the other hand, I must say that if, as I gathered, the government is obligated eventually after the pensioners have died for one reason or another to pay the widows, no matter how they died, it is difficult for me to see just why they should get out of it because they were killed in an accident of some sort.

Mr. Chadderton: I will answer quickly both points. Over the weekend I telephoned the lawyer who handled this particular Air Canada case just to find out whether there would have been any relief for that widow under this and he said absolutely not because the amount of damages was not detailed. The court simply said $5,000; it did not say how much was for loss of consortium and so on. This fellow happens to be a judge in the Province of Alberta and he also told me at the same time that in his active experience in this regard this would be very difficult to apply in a lot of cases. I cannot quote his name, I do not think we care about that, but as a point of information he said this would be very difficult to apply because in very many cases, they do not really lay it down that way.

They simply say $30,000 or $20,000 or whatever it is.

Another thing, on general principles we consulted with some lawyers who were with us in Quebec and took a quick rule of thumb on this—the joint veterans association statement of last Thursday, was very similar—consultation was carried out with as many lawyers as could be consulted in the space of maybe two or three days and they all said that generally speaking the relief under the proposal in the White Paper is not too great.

I admit that if you get a man who is no longer in the earning capacity age, a man of 65 years of age, yes, not too much of his award probably would be for loss of earnings. However, compare that with the average World War II veteran in his fifties now who

[*Interprétation*]

est marié. Il y a eu des questions de dépenses, de frais juridiques, etc., s'il meurt sur le coup, il n'y a pas de souffrances mais il me semble que dans le cas d'anciens combattants, qui sont à leur retraite et n'ont pas d'autres revenus, il y a certainement une question de souffrances. Mais dans le cas de nos anciens combattants qui sont à leur retraite et qui n'ont pas d'autres revenus, la souffrance peut être considérable si la personne ne meurt pas subitement. De toute façon, comme le gouvernement est obligé de payer les veuves quelle que soit la cause du décès du pensionné je ne peux pas voir comment il pourrait s'en dispenser dans le cas d'un accident.

M. Chadderton: Je puis vous répondre rapidement sur les deux points. J'ai téléphoné à l'avocat qui s'est occupé du procès d'Air Canada pour savoir si la veuve aurait pu recevoir une indemnité quelconque. Il a dit «absolument pas» parce que le tribunal a relevé que c'était $5,000 tout simplement. Il s'agissait d'un juge de la province d'Alberta et il m'a dit en même temps que, d'après son expérience, dans la plupart des cas, ce serait un cas très difficile à mettre en application parce que bien souvent les questions ne sont pas tellement bien précisées.

On vise $30,000 ou—un montant quelconque—mais, en ce qui concerne les règles générales, nous avons consulté certains avocats qui étaient avec nous à Québec ainsi que tous les avocats qu'il nous a été possible de consulter dans les deux ou trois jours qui nous étaient alloués. Ils ont tous dit que, en règle générale, d'après les propositions du Livre blanc, on ne peut pas prévoir beaucoup de compensation. Dans le cas d'un homme de soixante-cinq ans, on ne pourrait pas allouer trop d'argent pour le manque à gagner. Dans le cas d'un ancien combattant qui est dans la cinquantaire, il a encore quinze ans de vie active devant lui. Ce serait donc une moyenne assez considérable en cause, je crois. Nous ne faisons qu'établir ce point. Si quelqu'un peut

[*Text*]

presumably has 15 years of earning capacity left; as we saw it, it would be a pretty high proportion. But I do not think we want to

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stand or fall on this particular point in our brief, we are simply relating it as information and if the Committee can come up with other information which indicates that we are wrong we would be quite willing to say fine, we agree.

Mr. Weatherhead: Mr. Chairman, am I correct in assuming that the widows of pensioners and of members of the regular force now are all entitled to a pension of one sort or another on the deaths of their husbands?

Mr. Chadderton: The widow of a pensioner in receipt of a pension of 48 per cent or more, Mr. Weatherhead, yes, certainly. Now the widow of a member of the regular forces would be entitled to pension only if the Commission could find that that death had arisen out of or was directly connected with service. During wartime you had what is called the insurance principle. No matter what happens to him, if he dies during the war a pension is paid, but during peacetime service it has to be shown that in some way the death arose out of or was connected with service. That is Section 13(2) of the Act.

Mr. Whicher: So in the Woods proposals which you are supporting do I gather that you want to go further for the widows of pensioners and members of the regular armed forces, or just further as far as letting them keep all their general damages?

Mr. Chadderton: No, sir, we are merely suggesting that if normally a pension would be paid that it be paid without relationship to whether or not there are third party damages available to that widow.

Mr. Whicher: I understand. Thank you.

The Chairman: Are there other questions?

Mr. Turner (London East): Mr. Chadderton on page 46 of the brief you say:

> This legislation affects also awards to a pensioner or widow in the nature of workmen's compensation . . .

Do I understand you right, that if there is an award under workmen's compensation this is in the event that the pensioner is killed?

Mr. Chadderton: Yes.

Mr. Turner (London East): Does this affect the widow's pension?

[*Interpretation*]

prouver que nous avons tort, nous serions prêts à l'accepter.

M. Weatherhead: M. le président, dois-je supposer que les veuves des pensionnés et les veuves des membres des forces régulières ont toutes droit à une pension quelconque à la mort de leur mari?

M. Chadderton: Une veuve de pensionné qui recoit 48 p. 100 ou davantage, M. Weatherhead, oui, certainement. La veuve d'un soldat des forces régulières a droit à une pension que si on peut prouver que la mort de son mari résulte de son service pendant la guerre. Pendant la guerre il y avait ce qu'on appelait le principe d'assurance. Si la mort survient pendant la guerre, une pension est payée, mais en temps de paix, il faut prouver que la mort a rapport avec le service aux termes de l'article 13-II de la Loi.

M. Whicher: Donc, dans les propositions du rapport Woods que vous appuyez, dois-je comprendre que vous allez aller plus loin pour les veuves des pensionnés ou pour les veuves des soldats des forces régulières, ou bien si vous voulez vous en tenir aux dommages réguliers?

M. Chadderton: Non, nous croyons que si la pension normale est payée, qu'elle le soit, qu'il y ait des dommages payés par une troisième partie ou non.

M. Whicher: Merci.

Le président: Y a-t-il d'autres questions?

M. Turner (London-est): M. Chadderton, à la page 46 du mémoire vous dites que:

> cette mesure législative a trait aux compensations de pensionnés aux termes des indemnités payés aux ouvriers.

Aux termes des indemnités je crois qu'il est question de pensionnés qui se sont fait tuer.

M. Chadderton: Oui.

M. Turner (London-est): Est-ce que cela touche à la pension de la veuve?

[*Tetxe*]

Mr. Chadderton: Oh, yes. If a pensioner is killed in an accident which is compensable under workmen's compensation legislation the Pension Commission sits down and says that normally you would be entitled to pension under the Pension Act, I think it is Section 36(6). If she were also entitled to pension under the workmen's compensation legislation of any province then Sections 21 and 22 of the Act would apply and somebody would have to say whether she could retain the pension and the workmen's compensation because, under the Act, she cannot retain both.

Mr. Turner (London East): Does she have a choice?

Mr. Chadderton: Oh, yes, she certainly has a choice. She can take whichever is the greater or, if she is contemplating remarriage, she may decide not to proceed with the Pension Act right away and take one year's bonus and live on workmen's compensation—because if she remarries she loses her widow's pension under the Pension Act. But she certainly can elect to take a choice here, and of course we have no objection to that.

Mr. Turner (London East): Thank you.

The Chairman: Are there any other questions?

Mr. Chadderton: May I add just one point, Mr. Chairman. On page 757 of Volume II of the Woods Report there is a very important figure quoted which I wish to bring to the attention of the Committee. In the 13 years preceding 1957, according to the Commission's records, there were 182 cases involved in this type of thing and the amount of money was $710,000. In 13 years presumably $710,000 was recovered under this legislation. Thank you, Mr. Chairman.

Mr. Marshall: Did they keep it?

Mr. Chadderton: Yes. This is the amount that was recovered in one way or another.

The Chairman: By the Crown?

Mr. Chadderton: Yes, either recovered or deducted from pension.

The Chairman: Yes.

Lt. Col. Lambert: It is sort of chiselling, in my opinion. Anyway, that has nothing to do with it.

Next is Stabilization of Pensions.

Mr. Bedard: *Stabilization of Pensions:* The Woods Committee recommended that World

[*Interprétation*]

M. Chadderton: Oui. Si un pensionné est tué au cours d'un accident qui tombe sous le coup de la Loi sur l'indemnisation aux employés, on leur dit «vous auriez droit à la pension, aux termes de la Loi sur les pensions». Elle aurait également droit à une pension aux termes de la Loi sur les indemnités aux ouvriers. Donc l'article 21 ou 22 de la Loi s'appliquerait et quelqu'un devrait dire si oui ou non elle a droit aux deux pensions.

M. Turner (London-est): Est-ce qu'elle a le choix?

M. Chadderton: Ah oui, elle a le choix et elle peut choisir la plus considérable des deux pensions ou bien si elle songe à se remarier, elle peut prendre une prime d'un an, puis vivre sur les indemnités aux ouvriers. Parce que si elle se remarie, elle perd sa pension de veuve d'un pensionné. Mais elle a le choix bien entendu.

M. Turner (London-est): Merci.

Le président: Avez-vous d'autres questions à poser?

M. Chadderton: Puis-je ajouter quelque chose? A la page 757 du volume II du rapport Woods, il y a un chiffre très important que l'on cite et que je veux signaler au comité. C'est que dans les treize années précédant 1957, d'après les dossiers, il y a 182 cas, et le montant en jeu était $710,000. Je présume que dans treize ans, le montant qui a été recouvert par la Couronne est de $710,000.

M. Marshall: Est-ce que cela a été gardé?

M. Chadderton: Oui, ça été recouvré d'une façon ou d'une autre.

Le président: Par la Couronne?

M. Chadderton: Oui, sous forme de recouvrements ou de déductions sur les pensions.

Le président: Oui.

Lieutenant-Colonel Lambert: Pour moi ça été injustement encaissé.

Passons à la stabilisation des pensions.

M. Bédard: *Stabilisation des pensions.* Le comité Woods a recommandé de stabiliser les

[*Text*]

War II pensions be stabilized, where the assessment had been in effect for three years or more. (See Woods Committee Report Chapter 31, page 996). Presumably, this recommendation was based on a similar provision for World War I Veterans, which has been in effect since 1936, according to statements made by the Pension Commission.

The White Paper proposes that pensions arising out of service subsequent to World War I will be stabilized:

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After the pensioner reaches age 60;
Provided such had been in effect for 10 years or more.

This would have to be considered as a restrictive compromise, compared with the recommendation of the Woods Committee. This Association considers that the White Paper proposal should be examined in depth. The principle of stabilization, which the Woods Committee saw as essential to good pension administration, was presumably introduced by the Pension Commission for the World War I pensions in order to provide a measure of security for pensioners with medical disabilities, on the understanding that, once an assessment had been in effect for a reasonable period of time, three years, the pensioner should not have to live with the fear that his pension would be reduced. Surely the World War II pensioner has every reason to expect similar protection under the Pension Act. Was his war any less hazardous? Are his disabilities any less severe?

In studying this matter further, it seems necessary to consider that stabilization was introduced for World War I pensioners some 18 years after the end of that conflict. It is now nearly 25 years since the end of World War II. Also, inasmuch as the White Paper introduces an arbitrary age of 60, we should perhaps consider the average age of World War II veterans. This is believed, at this date, to be somewhere in the neighbourhood of 50. Accordingly, this group of pensioners must necessarily wait for another ten years before the Commission will allow them the security of permanent assessment, and even then, only if they had had the assessment in effect for ten years or more. Thus, it is inconceivable that the same benefit which was extended to World War I veterans when they were in their early 40's will not be available to the World War II group until they are in their mid-60's.

[*Interpretation*]

pensions des combattants de la Deuxième guerre mondiale dont l'appréciation médicale est en vigueur depuis trois ans et plus. (Voir le rapport du comité Woods, chapitre 31, page 996). Nous supposons que cette recommandation est fondée sur une disposition semblable visant les combattants de la Première guerre mondiale, en vigueur depuis 1936 selon les déclarations de la Commission des pensions.

Le Livre blanc propose que les pensions accordées pour service ultérieur à la Première guerre mondiale soient stabilisées.

Après que le pensionné aura atteint 60 ans;
Pourvu que la pension ait été en vigueur 10 ans et plus.

Voilà un compromis restrictif, si on le compare à la recommandation du comité Woods. Notre association est d'avis que la proposition du Livre blanc devrait être étudiée à fond. Le principe de la stabilisation—indispensable, aux yeux du comité Woods, à la bonne administration des pensions—a sans doute été introduit par la Commission des pensions, en ce qui a trait aux pensions des combattants de la Première guerre mondiale, pour assurer une certaine mesure de sécurité aux pensionnés affligés d'invalidité: une fois l'appréciation médicale en vigueur pendant une période de temps raisonnable (trois ans), le pensionné n'aurait plus à craindre que sa pension soit réduite. Le pensionné qui a combattu à la Deuxième guerre mondiale devrait certainement avoir droit à la même protection en vertu de la Loi sur les pensions. Sa guerre était-elle moins dangereuse? Ses invalidités sont-elles moindres?

En approfondissant cette question, on découvre que la stabilisation des pensions des combattants de la Première guerre mondiale a été introduite environ 18 ans après la fin de ce conflit. Il y a maintenant 25 ans que la Deuxième guerre mondiale est terminée. De plus, vu que le Livre blanc fixe arbitrairement l'âge à 60 ans, nous devrions peut-être nous demander quel est l'âge moyen du combattant de la Deuxième guerre mondiale. Nous croyons qu'il est d'environ 50 ans. Donc, ce groupe de pensionnés devra attendre encore dix ans avant que la Commission leur accorde la sécurité d'une appréciation permanente, et seulement si l'appréciation a été en vigueur dix ans ou plus. Par conséquent, il est inconcevable que les avantages accordés aux combattants de la Première guerre quand ils eurent atteint la quarantaine soient refusés aux combattants de la Deuxième guerre tant qu'ils n'auront pas atteint la soixantaine avancée.

[*Texte*]

We do not intend, in this submission, to expound the virtues of a stabilization policy. These were, in our view, clearly enunciated in the Woods Report. What we fail to understand is how those who had the responsibility to prepare and approve of the White Paper could have strayed so far from the mark!

The Chairman: Are there any questions members want to ask? Yes, Mr. Weatherhead.

Mr. Weatherhead: Mr. Chairman, do I gather that the White Paper makes no reference to the World War II veterans having their pensions stabilized?

Mr. Knowles (Winnipeg North Centre): It proposes that 60 after 10 years have been in effect.

The Chairman: It is a very clear reference.

Mr. Weatherhead: I am sorry, what is the reference?

The Chairman: On page 12 there is a paragraph in the White Paper on stabilizing pensions. It says:

> It is now proposed to give statutory authority to that policy, and to provide that pensions, arising out of service subsequent to World War I, will be stabilized after the pensioner reaches age 60 if, and when, they have been in effect for 10 years or more.

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This is the section which is found, I think, a little onerous by the War Amputations group, who feel that the 10-year requirement is excessive. I gather that is the substance of their recommendation.

Mr. Knowles (Winnipeg North Centre): The 10-year requirement and the age 60.

The Chairman: Well, the two go together, yes.

Mr. Weatherhead: Mr. Chairman, I guess I do not understand the background too well, but is the concern here that the disabilities in the meantime might become less, therefore they would be entitled to a lesser pension than if it had been stabilized earlier?

The Chairman: Mr. Chadderton had better answer that.

[*Interprétation*]

Nous n'avons pas l'intention d'analyser, dans le présent mémoire, les avantages de la stabilisation. A notre avis, le rapport Woods les a très bien mis en lumière. Cependant, nous ne comprenons pas comment ceux qui étaient chargés de rédiger et d'approuver le Livre blanc ont pu se fourvoyer de pareille façon!

Le président: Avez-vous d'autres questions à poser?

M. Weatherhead: Monsieur le président, je comprends que, dans le Livre blanc, il n'est pas question de la stabilisation des pensions des anciens combattants de la deuxième guerre mondiale. Quelle est la référence?

M. Knowles (Winnipeg Nord-Centre): Il l'a proposée à 60 ans, après une attente de dix ans.

Le président: C'est une référence qui est bien claire.

M. Weatherhead: Pardon, quelle est la référence?

Le président: A la page 12 du Livre blanc, il y a justement un paragraphe qui traite de la stabilisation des pensions.

Il y est mentionné:

> Nous proposons maintenant de donner un caractère statutaire à cette politique et à accepter que les pensions résultent d'un service accompli après la première guerre mondiale, soient stabilisés après que le pensionné aura atteint l'âge de 60 ans seulement si celles-ci ont été en vigueur dix ans ou plus.

Je pense que c'est ce paragraphe que le groupe des amputés de guerre trouve un peu excessif. Je trouve la condition de dix années excessive. Donc, je crois que c'est là leur recommandation.

M. Knowles (Winnipeg-Nord-Centre): Cette condition de 10 ans et celle de l'âge de 60 ans.

Le président: Eh bien! Les deux conditions ne sont-elles pas inséparables?

M. Weatherhead: Oui, cela va de pair. Eh bien!, monsieur le président, je ne comprends pas très bien l'historique, ici. Est-ce que les infirmités, dans l'intervalle, peuvent devenir moindres et que, par conséquent, il se peut qu'ils aient droit à une pension moindre que si la pension avait été stabilisée plus tôt?

Le président: M. Chadderton est mieux en mesure de répondre à cette question.

[*Text*]

Mr. Chadderton: Yes, that is quite right. There is every possibility that a veteran with a medical disability—and we are not speaking here of too many war amps, although we have some amps who have in addition medical disabilities—can be assessed by the Commission, let us say 15 per cent for ulcers, and he may have that assessment for three or four years. He feels that this is a permanent assessment now he can count on it and all of a sudden he gets a notice from the Commission to come in to be reboarded.

He goes in, they take another look at him and the doctor says: "Oh, well, your assessment now is only 5 per cent." So he can be reduced.

Now measured against that, sir, is the fact that stabilization of medical pensions has been, what we choose to call it, an essential principle of pension administration for World War I veterans since 1936. There is a quote in the Woods Committee report quoting a letter from the Chairman of the Commission saying that commencing about 1936 they started to introduce this as a principle. Again on the background, Mr. Chairman, this was a wonderful thing for the World War I veteran, because we were in the midst of a depression and about that time the greatest fear of pensioners was that their pension would be cut. Along came the Commission and they stabilized it and they said: "No, if you have had it for three years, we will not reduce it." The veterans naturally breathed a sigh of relief and this has been a wonderful thing in World War I pensions.

What we fail to understand is that it is nearly 25 years since the end of World War II and the government has not introduced a similar principle for World War II pensions.

What the proposal in the White Paper says in effect is that this will not be done for World War II pensioners until they reach age 60. I submit by that time a lot of these World War II pensioners are going to do a lot of heart burning and worrying about whether their pensions are going to be reduced. What is sauce for the goose is sauce for the gander. If it has been a good principle for World War I—certainly the government has never challenged it, the veterans organizations have felt it was good and successive parliamentary committees have supported it—then why can it not be done for World War II veterans? It is exactly the same principle as we see it. But for the World War II fellow, despite the fact that it was available for World War I, 18

[*Interpretation*]

M. Chadderton: Oui, c'est juste. Il est très possible qu'un ancien combattant ayant une infirmité médicale; et nous ne parlons pas ici de trop des amputés de guerre bien qu'il y en ait qui aient des infirmités médicales, puisse être évalué par la Commission, à 50 p. 100 pour des ulcères, par exemple. Il peut avoir été ainsi évalué depuis trois ou quatre ans, il croit que c'est là une évaluation permanente acceptée. Et puis, tout d'un coup, il reçoit un avis de la Commission. On va l'examiner à nouveau.

Le médecin le réexamine et lui dit: votre évaluation n'est plus maintenant que de 5 p. 100. Donc, sa pension peut être réduite. Mais il faut tenir compte du fait que la stabilisation des pensions médicales est un principe essentiel depuis 1936 pour les anciens combattants de la première guerre mondiale et que, dans le rapport Woods, on cite une lettre du président de la Commission que, indiquant que c'est aux environs de 1936, qu'ils ont commencé à énoncer ce principe.

Et puis, question d'historique aussi, monsieur le président, c'était là quelque chose de merveilleux pour l'ancien combattant de la première guerre mondiale, parce que nous étions en plein marasme; et, que la plus grande peur des pensionnés, c'était que leur pension soit coupée. Et la Commission a stabilisé leur pension en disant que s'ils la recevaient depuis trois ans celle-ci était stabilisée. Aussi les anciens combattants ont-ils poussé un soupir de soulagement et ce fut une caractéristique merveilleuse des pensions versées aux anciens combattants de la première guerre mondiale.

Alors, ce que nous comprenons mal ici, c'est qu'il y a 25 ans d'écoulés depuis la deuxième guerre mondiale et nous sommes en droit de nous demander pourquoi le gouvernement n'a pas établi le même principe pour les pensions de la deuxième guerre mondiale.

Alors, ce que le Livre blanc dit en fait c'est que la chose ne se fera pas pour les anciens combattants de la deuxième guerre mondiale avant qu'ils n'aient atteint l'âge de 60 ans. A mon avis, à ce moment-là, ces pauvres anciens combattants doivent s'inquiéter beaucoup de leur pension. Et si c'était un bon principe pour les anciens combattants de la première guerre mondiale, je ne vois pas pourquoi ce ne serait pas la même chose pour les anciens combattants de la deuxième guerre mondiale. Tout le monde est d'accord pour le dire. Le Parlement était d'accord. Les associations d'anciens combattants ont jugé que ce principe était bon et divers comités parlementaires par la suite se sont prononcés en sa faveur. Pourquoi, alors, ne pas l'appliquer

[*Texte*]

years after his service, the World War II fellow is going to have to wait until he is 60 years of age and he is going to have to wait until he has that disability 10 years. Our figures are that it is not going to be of very much value to the World War II fellow until he is in his mid-60's and that is a far cry from the way this provision has worked for World War I veterans.

We are not suggesting that the World War I veterans got something they were not entitled to. They were certainly entitled to it and Mr. Justice Woods and his people also saw it as I think what they called an essential principle of pension administration. We are perplexed, Mr. Chairman, absolutely perplexed, to see why the people who framed the White Paper would come along and say it was all right for World War I, but you fellows are harder, or tougher, or you do not need it, or something to this effect and finally bring it in at age 60 if the fellow has had it for 10 years. There is just one word to describe it and that is "puzzlement". We just do not understand it.

Mr. Weatherhead: Mr. Chairman, once the World War I veterans pensions were stabilized, was it still possible for each of them to have their assessments revised upwards?

Mr. Chadderton: Oh, yes indeed.

Mr. Weatherhead: So stabilized means a minimum base or floor. Is that the idea?

Mr. Chadderton: It is a floor.

Mr. Weatherhead: Thank you.

The Chairman: Mr. Peters.

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Mr. Peters: I would like to know if stabilization means that you do not have to have an annual or regular board. Is this what stabilization means?

Mr. Chadderton: I think I would have to say that when the witnesses from the Commission are before you that is an answer they would have to give. I do not really know. I do know that once it is stabilized, the man quits worrying about it unless he starts getting worse.

[*Interprétation*]

aux anciens combattants de la seconde guerre mondiale. A notre avis, c'est exactement le même principe qui est en jeu. Mais, en dépit du fait que la chose était possible pour les anciens combattants de la première guerre mondiale, 18 ans après avoir servi, le pauvre ancien combattant de la deuxième guerre mondiale doit attendre à 60 ans et avoir souffert d'infirmités pendant plus de 10 ans. D'après nos chiffres, cela ne lui servira pas à grand chose avant la soixantaine. Et, je crois que c'est injuste comparé au traitement des anciens combattants de la première guerre mondiale.

Nous ne disons pas que les anciens combattants de la première guerre mondiale n'avaient pas droit à cette stabilisation, loin de là; et le juge Woods et ses collègues y voyaient aussi un principe essentiel de l'administration des pensions. Et, nous sommes fort perplexes de voir que les gens, dans le Livre blanc, disent: cela était satisfaisant pour la première guerre monaiale, mais vous, camarades, vous êtes plus aguerris ou vous n'en avez pas besoin et, finalement, ils vous l'accordent à 60 ans si vous avez été invalide pendant 10 ans. Un seul mot peut décrire cette situation «incroyable». Nous n'y comprenons rien.

M. Weatherhead: Monsieur le président, une fois que les pensions des anciens combattants de la première guerre mondiale ont été stabilisées, est-ce que chacun d'entre eux pouvait faire rétablir ou réévaluer sa pension à la hausse?

M. Chadderton: Oui, c'était possible.

M. Weatherhead: La stabilisation exige que l'on possède une base consistant en un chiffre minimum. Ai-je raison?

M. Chadderton: C'est une base en effet.

M. Weatherhead: Merci.

Le président: Monsieur Peters.

M. Peters: Est-ce que la stabilisation veut dire que vous n'avez pas besoin de subir un examen annuel ou régulier? Est-ce là le sens de la stabilisation?

M. Chadderton: Je crois que lorsque les témoins de la Commission comparaissent devant vous, c'est une réponse qu'ils devront donner eux-mêmes. Je n'en sais rien exactement. Je crois que lorsque la pension est stabilisée, l'homme ne s'en préoccupe plus à moins que son état empire.

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Mr. Peters: What is stabilizing then? Over the years, or at least for a long time, once a year I used to have to go for a board and now I go for a board occasionally. I do not know just how often, perhaps every three years, or something like that. Do World War I veterans not go for a board at all?

Mr. Chadderton: Yes, I notice that World War I veterans once they are stabilized, do not ask for boards as often.

Mr. Peters: But they would have to ask for the board.

Mr. Chadderton: Not necessarily. As I say though, sir, I would prefer that the Commission answer that question. I would not want to give an answer on just what the Commission's policy is about calling World War I stabilized pensions in for reboard because I do not know what the policy is.

Mr. Peters: What does stabilization mean then.

Mr. Chadderton: It means an awful lot, sir, to the individual. You have mentioned your own case.

Mr. Peters: I think mine is stabilized.

Mr. Chadderton: It cannot be because you are World War II.

A World War I veteran in exactly the same position as you are today with relation to his service in World War I by this time could have quit worrying. If he had had a 15 or 20 per cent assessment for a medical disability the chances are he would not have been reduced because stabilization policy was in effect.

But twenty-five years after World War II the World War II veteran with a medical disability still has to worry about being called in and having his pension reduced.

There is no question in our mind that it is a concession, it is a benefit, and this is what we are requesting. This is in the true spirit of administering the Pension Act, as we see it, and why subject a fellow to the worry of his pension having to be reduced. If it had never been done for World War I, I still submit we would have been here today arguing that it should be done for World War II. Because of the fact that it is in effect for

[*Interpretation*]

M. Peters: Qu'est-ce que cela veut dire «stabiliser»? Pendant longtemps, une fois par année, j'ai dû me présenter devant une Commission. Maintenant, je n'y vais qu'à l'occasion. Je crois que c'est tous les trois ans. Est-ce que les anciens combattants de la première guerre mondiale n'ont jamais à se présenter devant la Commission? Mais est-ce que c'est à eux qu'il convient de demander de passer devant une Commission?

M. Chadderton: Oui, je remarque que les anciens combattants de la première guerre mondiale, lorsqu'ils sont établis, ne demandent pas aussi souvent à se présenter devant la Commission?

M. Peters: Mais il faudrait qu'ils demandent à passer devant la Commission.

M. Chadderton: Pas nécessairement. Mais j'aimerais mieux laisser à la Commission le soin de répondre à cette question. J'hésiterais à dire quelle est au juste la politique de la Commission lorsqu'il s'agit de convoquer les pensionnés de la première guerre mondiale dont les pensions ont été stabilisées, car je ne connais pas cette politique.

M. Peters: Alors, que signifie la stabilisation?

M. Chadderton: Elle signifie beaucoup pour le particulier. Vous avez mentionné votre propre cas.

M. Peters: Je crois que ma pension est stabilisée.

M. Chadderton: Elle ne peut pas l'être parce que vous êtes un ancien combattant de la deuxième guerre mondiale. Placé exactement dans votre situation quant au service, un ancien combattant de la première grande guerre n'aurait plus à s'inquiéter à l'heure actuelle. Si on avait évalué son invalidité à 15 ou 20 p. 100, il y aurait de bonnes chances pour que cette pension n'aie pas été réduite, car la politique de la stabilisation était en vigueur. Mais vingt-cinq ans après la deuxième guerre mondiale, l'ancien combattant atteint d'invalidité doit encore s'inquiéter parce qu'on peut toujours lui annoncer la réduction de sa pension.

A notre avis, il n'y a aucun doute qu'il s'agit là d'une allocation et c'est cela que nous demandons. Selon nous, c'est le véritable esprit dont s'inspire l'administration de la loi; et pourquoi amener la personne à s'inquiéter de la réduction éventuelle de sa pension. Si cela n'a jamais été fait pour la première guerre mondiale, nous ne nous en serions pas moins retrouvés ici aujourd'hui, prétendant que cela devrait être fait pour la

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World War I and has been in effect for so long it completely puzzles us, as I said earlier, why this recommendation cannot be accepted.

The Chairman: Mr. Guay.

Mr. Guay (St. Boniface): Mr. Chairman, the Woods Committee recommended that the same apply for World War II. When we were discussing it, if my memory serves me right, with Mr. Ward, who made some comments pertaining to some of that Committee's recommendations, it seemed to me, and according to the report we have at hand, that this was agreed to in principle, with modification. However, I do not recall what the explanation was.

The Chairman: I think that the Committee will probably want to ask further questions of departmental witnesses on this matter when we have them back before us.

Lt. Col. Lambert: We do not ask too many questions of departmental people because we know better than they do.

Mr. Chadderton: Mr. Chairman, the word "modification" has us very worried. Take the word "modification" in that legal damages proposal. To our way of thinking, as we read it and I think we can read it very clearly, the White Paper offers a very small portion of what Mr. Justice Woods and his colleagues had recommended on stabilization. The modification, sir, is quite a bit less than the veterans organizations had suggested and that the Woods Committee recommended. We had suggested stabilization after three years for World War II veterans. There was no waiting until he was age 60 and there certainly was no ten-year period in there.

Mr. Saltsman: Mr. Chairman, I would like to direct a question to Mr. Chadderton.

Based on your experience, how many veterans would benefit from stabilization, aside from the psychic or emotional benefits, and how many have been reduced? Have you run into many cases where the Department has reduced pensions?

Mr. Chadderton: Mr. Chairman, from the research done in the Woods Committee I would say not too many are reduced. The great value we see here, and I will use your words, is really in the psychological advantage of being stabilized. We do not really

[*Interprétation*]

deuxième guerre mondiale. Parce que cette mesure était en vigueur pour la première guerre mondiale et est demeurée en vigueur si longtemps, nous ne pouvons pas, nous l'avons dit tantôt, concevoir pourquoi cette recommandation ne peut être approuvée.

Le président: Monsieur Guay.

M. Guay (St-Boniface): Monsieur le président, le comité Woods recommande que la même chose s'applique pour la deuxième guerre mondiale. Si je me souviens bien, lorsque nous en avons discuté avec M. Ward, qui a commenté certaines recommandations du Comité, il m'a semblé que suivant le rapport que nous avons en main que cela a été recommandé et approuvé avec modifications. Cependant, je ne me souviens pas quelle explication fut donnée à ce moment.

Le président: Je crois que le Comité aura probablement d'autres questions à poser aux témoins du ministère lorsqu'ils seront cités à nouveau.

Lieutenant-colonel Lambert: Nous ne posons pas trop de questions aux gens du ministère parce que nous en savons plus long qu'eux.

M. Chadderton: Ce mot «modification» nous cause beaucoup d'inquiétude. Prenons-le par exemple, dans la proposition relative aux dommages en loi. A notre avis, comme sa lecture nous permet de le voir clairement, le Livre blanc offre une très petite partie de ce que M. le juge Woods et ses collègues avaient recommandé sur la stabilisation. La modification, monsieur, représente appréciablement moins que ce que les associations d'anciens combattants avaient suggéré et que le comité Woods avait recommandé. Nous avions proposé la stabilisation après trois ans pour l'ancien combattant de la deuxième guerre mondiale. Il n'était nullement question d'attendre qu'il ait atteint l'âge de 60 ans et il n'y avait certes pas là de période de dix ans.

M. Saltsman: J'aimerais poser une question à M. Chadderton, monsieur le président.

Combien d'anciens combattants profiteraient selon vous de la stabilisation, sauf pour les avantages psychiques et émotifs, et combien d'entre eux ont vu leur pension réduite? Connaissez-vous de nombreux cas où le ministre a réduit la pension?

M. Chadderton: Monsieur le président, d'après les recherches du Comité Woods, les pensions réduites n'auraient pas été trop nombreuses. Il s'agit ici, pour parler en vos termes, des avantages psychologiques de la stabilisation. Nous n'envisageons pas que l'ap-

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visualize it as being a very costly thing for the federal government to implement because not too many people really are reduced—but they live in the fear of being reduced.

[*Interpretation*]

plication en sera tellement coûteuse pour le gouvernement fédéral, car les pensions réduites ne sont pas tellement nombreuses, mais les gens vivent dans la crainte de la voir réduite.

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Mr. Saltsman: Yes. In some ways it may cost the federal government less money because they would not have to look at it that often. If there are not many being reduced anyway how costly could it be to effect this proposal? What you are suggesting is that the same benefits apply to Second World War veterans as to First World War veterans.

M. Saltsman: Oui, mais il en coûterait peut-être moins cher au gouvernement fédéral qui n'aurait pas à examiner ces questions si souvent. Si de toute façon, il y en a peu dont la pension doit être réduite, combien en coûterait-il pour réaliser cette proposition que vous proposez en somme, d'appliquer aux anciens combattants de la deuxième guerre mondiale les mêmes avantages que ceux qui sont appliqués aux anciens combattants de la première guerre mondiale.

Mr. Chadderton: I think that is a very good point. I think that you reach the point of no return. You keep on bringing people in front of medical officers which costs a lot of money, just to see whether their pension is still assessable at the degree they had been awarded.

M. Chadderton: Voilà à mon avis une remarque pertinente. Il y a des limites. On soumet les gens à des examens médicaux répétés, qui sont très onéreux, uniquement pour établir si leur pension peut encore être estimée à la valeur à laquelle elle a été accordée.

Mr. Saltsman: The actual experience has been that very few are reduced.

M. Saltsman: De fait, très peu de pensions sont réduites.

Mr. Chadderton: This would be my experience, indeed.

M. Chadderton: Ce serait, en effet, mon avis.

Mr. Weatherhead: Surely, Mr. Chairman, we would still be bringing them in, would we not, to see if their pensions could be increased? They usually come in to see if their pensions could be increased and not reduced. I think we would still be seeing them in any event. Is that not the case?

M. Wetherhead: Assurément, monsieur le président, ils seraient quand même appelés par la Commission pour savoir s'il y avait lieu d'augmenter leur pension, au lieu de la réduire? Nous les verrions de toute façon, n'est-ce pas?

Mr. Chadderton: That is why I said earlier, Mr. Chairman, that I would prefer the Commission people answer. I do not really know what the policy is on bringing people in once they have been stabilized. I know they can come in, there is no question about that, and if the man feels he is worse he can come in at any time, but I do not know whether the Commission brings them in regularly once they are stabilized.

M. Chadderton: Voilà pourquoi, monsieur le président, j'ai dit plus tôt que je préférerais que les gens de la Commission répondent. Je ne sache point pertinemment que la politique de la Commission exige d'appeler les pensionnés une fois qu'ils sont stabilisés. Je sais qu'ils peuvent se présenter devant la Commission, cela ne fait aucun doute; et si la personne se sent plus mal, elle peut se présenter en aucun temps; mais je ne sais pas si la Commission les convoque régulièrement, lorsque leur pension a été stabilisée.

Mr. Peters: Mr. Chairman, that was my point. It is not so much the reduction, the fact is that it is a great advantage to the veteran to decide when he wants to come in, if he has a problem. The other way of doing it is to look in the book and say that it is so many months since a person has been in, we had better call 15 people in for this week. This does not seem to bear any relationship to the

M. Peters: Justement, monsieur le président, Ce n'est pas tellement une question de réduction, mais de l'avantage que retire l'ancien combattant de pouvoir décider lui-même quand il ira devant la Commission, parce qu'il a un problème. L'autre méthode consiste à regarder dans le registre et si tant de mois se sont écoulés depuis qu'une personne s'est présentée, en conclure qu'il conviendrait de con-

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problem the veteran himself may have. It is a kind of book operation and they come in annually or bi-annually. It seems to me that this is an expensive way of doing it. It involves not only the medical profession but transportation, loss of wages and other factors, and it is usually quite inconvenient. If a difficulty arises it is to the benefit of the veteran to come in at that time.

Mr. Chadderton: Also, Mr. Chairman, we in the organization are not unmindful of the responsibility of the Commission to the taxpayer. We feel that in certain cases the amount of awarded pensions is not going to progress because the condition can improve. However, we feel that three years should give the Commission doctors plenty of time to decide whether this is an apparently permanent assessment.

Mr. Guay (St. Boniface): In reference to what the second last speaker said, Mr. Chairman, I feel that it goes away beyond even the points of discussion at the moment. For example, there could be many advantages of a review to both the government and the veterans, once the pension is stabilized. By calling him in and giving him a recheck they may find out that they can cure certain ills which otherwise would land him in the hospital and he probably would be there for a long time, which would be costly to the government. On the other hand, by proper treatment at that particular moment they could keep him out of hospital thereby benefitting both the veteran and the government, yet they would not touch his pension. There are many many things which could be discussed in this particular field.

The Chairman: Thank you. I would like to call the time to the Committee's attention.

Mr. Peters: To be fair to the Commission, to some extent this has been advantageous. I can remember right after 1946 every time that a pensioner came in he was informed that he could see the VLA, asked if he was interested in a house, improvements on his property and so on. He was sent to a number of people, if he wished to see them, and there was an advantage. Most of our legislation that affected veterans has now run out in that particular field and if they have not qualified for many of these advantages, such as insur-

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voquer cette semaine-là 15 pensionnés. Ceci ne semble pas s'apparenter au problème même que l'ancien combattant pourrait avoir. C'est purement une question d'écriture dans un livre et ils se présentent une fois l'an ou deux fois l'an. C'est là, il me semble, une façon onéreuse de procéder. Il n'y a pas seulement la profession médicale de mise en cause, il y a aussi les déplacements, la perte de traitements, et d'autres facteurs et il est rare que le moment convienne. S'il survient une difficulté, c'est à ce moment qu'il est à l'avantage de l'ancien combattant de se présenter.

M. Chadderton: De plus, monsieur le président, nous, gens de l'Association, ne perdons pas de vue les responsabilités de la Commission envers le contribuable. Nous croyons que dans certains cas, le montant des pensions n'augmentera pas du fait que l'état peut s'améliorer. Nous croyons cependant que trois ans devraient suffire aux médecins de la Commission pour décider si l'évaluation semble permanente.

M. Guay (St-Boniface): Monsieur le président, au sujet de ce qu'a dit celui qui a été l'avant dernier à prendre la parole, il me semble que cela va bien au-delà de la présente discussion. Par exemple, la révision de la pension, une fois qu'elle est stabilisée, présenterait peut-être beaucoup d'avantages pour le gouvernement et pour l'ancien combattant. On découvrirait peut-être, en le convoquant et en le soumettant à un autre examen, qu'on peut le guérir de certaines infirmités qui, autrement, lui auraient peut-être valu l'hospitalisation, qui aurait pu coûté cher au gouvernement. Par ailleurs, un traitement approprié administré au moment opportun lui aurait évité l'hospitalisation, avantageant de ce fait à la fois le gouvernement et l'ancien combattant, sans pour autant toucher à la pension de ce dernier. Il y a sur ce point particulier nombre de questions que l'on pourrait étudier.

Le président: Merci. J'aimerais signaler l'heure à l'attention des membres du comité.

M. Peters: En toute justice envers la Commission, cela a été profitable dans une certaine mesure. Je me souviens qu'aussitôt après 1946, chaque fois qu'un pensionné se présentait, on lui apprenait qu'il pouvait se prévaloir de la Loi sur les terres destinées aux anciens combattants; on lui demandait s'il voulait acheter une maison; apporter des améliorations à sa propriété, etc... Il était référé à nombre de personne, s'il en manifestait l'intention et que c'était à son avantage. Toutes les mesures de la Loi qui concernaient

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ance, VLA and so forth, they cannot now. There was a big advantage but that is not nearly as prevalent now as it was before.

Mr. Chadderton: I think, Mr. Chairman, that the drafters of the White Paper are hoist with their own petard because, if you look at

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the White Paper, what do they say? They are prepared to put into legislation what is available for World War I. We would much have preferred that if they did not like the Woods Committee recommendation that they would have come out and said, "Look, stabilization is no good". But when they turn around and say they are going to put into the legislation what has been in effect for 20 some years with regard to World War I certainly the government can have no argument about the validity of it, and if they are going to put it in the Act for World War I then why not for World War II?

The Chairman: I call the attention of the Committee to the fact that we still have some sections of the brief to hear and time is passing. If there are no further questions—I do not like to stop questioning—could we proceed with the brief.

Lt. Col. Lambert: We will proceed as speedily as we can.

The Chairman: As required.

Lt. Col. Lambert: Yes. On page 51 in the heading "Pension to be increased to 100 per cent while under treatment for a pensionable disability".

Mr. Chadderton: This provision in the Pension Act results in a $15 deduction for pensioners below 95 per cent when they are placed in departmental hospitals for treatment. The Woods Committee recommended deletion of the provision. There is no mention of the matter in the White Paper. We would wish to express our disappointment and our surprise in regard to this omission.

The disappointment comes from the fact that this provision is one of the small irritations which provoke the war disability pensioner, far out of proportion to its importance in dollars and cents. While he is in hospital, he is excluded from earning his living in the unskilled labour market. Hence he feels enti-

[*Interpretation*]

alors les anciens combattants ont maintenant pris fin dans ce domaine particulier et ceux qui n'ont pas déjà établi leur admissibilité à l'égard de ces avantages, assurance, terres destinées aux anciens combattants etc... ne peuvent plus le faire aujourd'hui. Il y avait alors un avantage notable qui n'est plus, de loin, aussi notable aujourd'hui.

M. Chadderton: Je crois, monsieur le président, que ceux qui ont rédigé le Livre blanc se sont pris à leur propre piège car, en somme,

que disent-ils? Ils sont prêts à traduire en mesures législatives ce qui existe déjà pour la première guerre mondiale. S'ils n'aimaient pas les propositions du Rapport Woods, ils n'avaient qu'à dire sans détours: «la stabilisation ne vaut rien» Mais, lorsqu'ils disent qu'ils vont ériger en loi ce qui se fait déjà depuis 20 ans à l'égard de la première grande guerre, je ne vois pas quelle raison le gouvernement aurait quant à la validité de cette loi et s'ils doivent l'intégrer à la loi pour la première grande guerre, pourquoi ne feraient-ils pas pour la deuxième grande guerre?

Le président: Puis-je signaler au Comité que le temps passe et qu'il nous reste encore certaines parties du mémoire à lire. Je n'aime pas à couper court aux questions, mais si vous avez fini, nous allons poursuivre notre étude du mémoire.

Lieutenant-colonel Lambert: Nous procéderons le plus rapidement possible.

Le président: Selon le besoin.

Lieutenant-colonel Lambert: Le mémoire porte la rubrique suivante à la page 51: *Majoration de la pension à 100 p. 100 lorsque le pensionné suit un traitement pour une invalidité ouvrant droit à pension.*

M. Chadderton: Cette disposition de la Loi sr les pensions aboutit pour les pensionnés reconnus invalides à moins de 95 p. 100, à une déduction de $15 lorsqu'ils sont hospitalisés pour traitement dans les hôpitaux du ministère. Dans son rapport, le comité Woods recommandait la suppression de cette disposition. Or, le Livre blanc n'en parle pas. Nous voudrions exprimer notre déception et notre surprise devant cette omission.

La déception provient du fait que cette disposition est un des petits détails qui irrite le pensionné invalide de guerre à un degré sans rapport avec sa valeur pécuniaire. Pendant son hospitalisation il ne peut gagner sa vie sur le marché de la main-d'œuvre non spécialisée. Il estime donc avoir droit à une pension

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tled to 100 per cent pension but is subject to a $15 monthly deduction, unless he is a 95 per cent or 100 per cent pensioner. The deduction makes no sense to him, and even less to those of us in the Association who represent him.

Our surprise in the matter comes from the fact that, for the 95 per cent and 100 per cent pensioner, governmental authorities have already moved in the direction of eliminating this $15 deduction. This was one of those compromises which did not go far enough and, in fact, it was done by the somewhat subtle manoeuvre of leaving the 100 per cent and 95 per cent pensioners on pension while in hospital, instead of placing them on treatment allowances, as is done for the pensioners of 95 per cent or below.

Most veterans organizations who have long wrestled with this matter, felt that the Government would welcome the opportunity, in conjunction with the amendments arising from the Woods Report, to correct this seeming inequity. This supposition was heightened by the reference of the Woods Committee to a report prepared by the Department of Veterans Affairs Treatment Branch under date of December 2, 1958 which described the $15 deduction as a "discrepancy" and concluded that "there appears to be no sound reason why there should be a difference in the rate depending on whether in-patient or out-patient treatment is involved or of making a deduction in maintenance during in-patient if the principle that the pensioner is 100 per cent disabled while in receipt of treatment for his service disability is accepted."

In fact, as with many other areas, this Association is grateful to the Woods Committee for the research done in regard to this matter, and for the thorough explanation thereof which will be found in volume 3, chapter 40, pages 1183 to 1199. It appears to us that the recommendation to eliminate the $15 deduction is completely logical and as we said earlier, we find it difficult to understand—and amazing as well—to learn that the Government does not intend to accept the recommendation.

The Chairman: Mr. Saltsman and then Mr. Bill Knowles.

Mr. Saltsman: I think this is one recommendation that could commend itself to Members of Parliament because all of us are aware of what happens when you have to leave a residence behind you while you are occupying temporary premises in Ottawa. And in some cases your expenses do not go down, they actually go up. I know, speaking

[*Interprétation*]

d'invalidité de 100 p. 100, mais s'il n'est pas invalide à 95 ou 100 p. 100, sa pension fait l'objet d'une déduction mensuelle de $15. A ses yeux cette déduction est illogique et elle l'est encore davantage pour ceux d'entre nous, membres de l'Association, qui le représentons. Notre surprise à ce sujet provient du fait qu'en ce qui concerne le pensionné invalide à 95 ou 100 p. 100 les autorités gouvernementales s'étaient déjà orientées dans ce sens, c'est-à-dire la suppression de cette déduction de $15. C'est l'un de ces compromis qui n'ont pas été assez loin; en fait, on avait usé d'une manœuvre subtile continuant à verser sa pension au pensionné hospitalisé, invalide à 100 ou 95 p. 100, au lieu de lui verser une allocation de traitement comme c'est le cas pour les pensionnés invalides à 95 p. 100 ou moins.

La plupart des organismes d'anciens combattants qui s'acharnent depuis longtemps à résoudre ce problème, croyaient que le gouvernement se réjouirait, à l'occasion des modifications découlant du rapport Woods, de pouvoir rectifier cette injustice apparente. Cette hypothèse était renforcée par le fait que le comité Woods citait un rapport préparé par la Direction des traitements du ministère des Affaires des anciens combattants, daté du 2 décembre 1958 qui qualifiait la déduction de $15 de «contradictoire» et concluait qu'aucune «raison logique ne semblait justifier une différence de taux qu'il s'agisse d'un traitement comme malade hospitalisé ou externe ni une déduction pour frais d'entretien pendant l'hospitalisation si l'on admet le principe que le pensionné est invalide à 100 p. 100 lorsqu'il suit un traitement pour invalidité causée pendant son service». En fait, comme c'est le cas dans bien d'autres domaines, notre Association sait gré au comité Woods de la recherche effectuée au sujet de cette question et de l'explication approfondie qu'il en donne au volume 3, chapitre 40, pages 1364 à 1373. Il nous semble que la recommandation visant à supprimer la déduction de $15 est parfaitement logique et, nous le répétons, nous avons du mal à comprendre—et nous sommes renversés d'apprendre—que le gouvernement n'a pas l'intention d'accepter cette recommandation.

Le président: Monsieur Saltsman, puis ce sera monsieur Bill Knowles.

M. Saltsman: Je crois que c'est là une recommandation valable aux yeux des membres du Parlement. Tous, nous comprenons ce qui arrive quand il faut quitter son chez-soi et occupé des locaux temporaires à Ottawa. Les dépenses augmentent et ne sont pas réduites. Je parle surtout des familles de la classe ouvrière. Ce sont souvent les maris qui s'oc-

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from personal experience, that particularly in working-class families where the husband often does the minor repairs around the house, the expenses actually rise for the family when the breadwinner is in the hospital.

It makes no sense whatsoever to me to continue this $15 deduction. I think it is eminently sensible that no deduction take place when someone is a patient in the hospital. I say this both from personal experience as a Member of Parliament and from my personal experience with constituents and their problems in my riding.

The Chairman: Mr. Bill Knowles and then Mr. Weatherhead.

Mr. Knowles (Norfolk-Haldimand): I would like to ask whether there has been any research on the cost to the government if the full pension is paid while the person is under treatment. Would you know anything about that?

Mr. Chadderton: I think it would be safe to say that it is not high, but these days almost anything could be high. We really do not know. But it is not a large item.

Mr. Knowles (Norfolk-Haldimand): Do you think this would be the reason?

Mr. Chadderton: I do not know, sir. This is why we are surprised because even the departmental officials themselves recommended some years back that this was just some sort of anachronism and it was time to remove it, and we cannot see why somebody has not taken that action.

Mr. Knowles (Norfolk-Haldimand): Certainly it is an irritation.

Mr. Chadderton: Yes.

The Chairman: Mr. Weatherhead.

Mr. Weatherhead: Mr. Chairman, are we sure the government has rejected this proposal? Which recommendation number in the Woods Committee was it?

• 1615

Mr. Guay (St. Boniface): Mr. Chairman, on page 5 of the report, No. 144 is marked "accepted unchanged." Are they making reference by using the words "accepted unchanged" to what is on page 87 of the Wood Committee report which I have here before

[*Interpretation*]

cupent des petites réparations. Les frais augmentent donc lorsque le chef de la maison est hospitalisé. Je ne vois pas quel avantage il y aurait à continuer cette déduction de $15. Je crois qu'il est tout à fait juste de recommander qu'il n'y ait pas de réduction dans le cas d'un ancien combattant hospitalisé. C'est mon expérience personnelle auprès de mes commettants et celle que j'ai acquise en tant que membre du Parlement qui me dictent ces paroles.

Le président: Monsieur Bill Knowles, puis ce sera monsieur Weatherhead.

M. Knowles (Norfolk-Haldimand): J'aimerais savoir si l'on a fait des recherches quant aux frais qui seraient encourus si le gouvernement décidait de verser le montant entier de la pension aux anciens combattants qui sont hospitalisés.

M. Chadderton: Je crois que le coût n'en serait pas très élevé, mais aujourd'hui presque tout coûte cher. Franchement, on ne sait pas. Nous ne croyons pas que ce soit une dépense extraordinaire.

M. Knowles (Norfolk-Haldimand): Croyez-vous que ce soit là la raison.

M. Chadderton: C'est pour cela que nous exprimons notre étonnement. Même les fonctionnaires du ministère ont souligné, il y a quelques années, que c'était là un anachronisme et qu'il fallait supprimer cette déduction. Nous ne voyons pas pourquoi aucune mesure n'a été prise à cette fin.

M. Knowles (Norfolk-Haldimand): Je comprends que ce soit quelque chose de frustrant pour l'ancien combattant.

M. Chadderton: La chose ne fait aucun doute.

Le président: Monsieur Weatherhead.

M. Weatherhead: Monsieur le président, êtes-vous sûr que le gouvernement a rejeté cette proposition? De quelle recommandation s'agissait-il dans le Rapport?

M. Guay (Saint-Boniface): Monsieur le président, la page 5 du rapport porte la mention «Accepté sans modification» à la suite de la recommandation 144. Est-ce qu'on mentionne les mots «Accepté sans modification» à la page 103 du rapport? Si tel est le cas, le

[*Texte*]

me? If that is the case, accepted unchanged, the words of the Woods Committee report recommendation are that this be deleted. I would take it then, that they were in accord with what we are discussing.

Mr. Chadderton: They were in agreement with No. 144.

Mr. Guay (St. Boniface): Right. In the report which we were given, we were told that No. 144 was accepted unchanged.

Mr. Chadderton: Yes, because it is redundant anyway. It is in the Act now but it does not apply because they overcame this by allowing the 100 per cent and 95 per cent pensioner to remain on pension. But the guts of this issue—if you will pardon the word—is in No. 145. And if this has not been accepted, and we understand that it has not, then this $15 deduction will still apply to any pensioner of 90 per cent or below when he goes into hospital. When he goes into hospital he is off the market. He has got to go on 100 per cent pension. But they say: "Well, no, you will get treatment allowances and that is $15 a month less."

Mr. Guay (St. Boniface): I will have to say something that we have said on previous days here that has not been said today. When the Minister presented us with this White Paper he said that it was flexible. Mr. Chairman, I am not speaking on your behalf, I am speaking for myself. In view of the words of the Minister certainly this Committee can consider this matter and possibly could make some recommendations.

The Chairman: Mr. Marshall.

Mr. Marshall: Mr. Chairman, I would like to ask Mr. Chadderton if he knows how they arrived at this $15. Did they just pick this out of the air, $15 every time a veteran goes into the hospital?

Mr. Chadderton: No, it was not picked out of the air, Mr. Chairman. As nearly as I recall—it has been in the legislation quite a long time—it was at one time thought that when a man was in hospital on treatment allowances, this represented that portion of his total income which his wife in the home would not require because he was in hospital, and it is supposedly less to keep him in hospital than it is to keep him at home. That is the theory.

[*Interprétation*]

libellé des recommandations du rapport Woods portant que cela soit supprimé indique qu'ils sont en faveur.

M. Chadderton: Ils étaient d'accord avec la recommandation nº 144.

M. Guay (Saint-Boniface): C'est vrai. Dans le rapport qu'on nous a fait tenir, on précisait que la recommandation nº 144 était acceptée sans modification.

M. Chadderton: En effet, cette mention est superflue. La Loi renferme cette disposition, mais on a évité la chose en permettant aux anciens combattants touchant une pension de 100 p. 100 ou de 95 p. 100 de demeurer des pensionnés. C'est dans la recommandation 145 toutefois que se trouve le nœud ou la question. Si cette recommandation n'est pas acceptée—on nous donne à entendre que tel est le cas—la déduction de 15 p. 100 continuera de s'appliquer à l'égard d'un ancien combattant hospitalisé qui touche une pension de 90 p. 100 ou moins. Quand il est hospitalisé, il n'est plus sur le marché du travail. Il touche une pension de 100 p. 100. On explique alors que ce n'est pas le cas. L'indemnité de traitement que vous recevez équivaut à une déduction de $15 par mois.»

M. Guay (Saint-Boniface): J'aimerais répéter aujourd'hui ce que j'ai déjà dit quand le ministre a déposé le Livre blanc et qu'il nous a dit que la teneur en était souple. Monsieur le président, il s'agit ici d'une opinion personnelle. Compte tenu des paroles du ministre, le Comité peut certes examiner la question et faire des recommandations.

Le président: M. Marshall.

M. Marshall: J'aimerais demander à M. Chadderton s'il sait comment on en est arrivé à ce montant de $15. L'a-t-on imaginé tout simplement pour l'ancien combattant chaque fois qu'il est hospitalisé?

M. Chadderton: Ce chiffre n'a certes pas été imaginé, monsieur le président. Si ma mémoire est fidèle ce chiffre est prévu dans la Loi depuis longtemps. On était alors d'avis que lorsque l'ancien combattant était traité à l'hôpital, cela représentait la tranche de son revenu dont sa femme n'avait pas besoin, parce qu'il était à l'hôpital. Il est censé en coûter moins pour son entretien à l'hôpital que pour ses soins à la maison. Voilà le principe qui a inspiré ce chiffre.

[*Text*]

Mr. Marshall: I hope whoever was responsible for that—whenever it was—they turn over in their grave for the niggardly amount of $15.

Mr. Chadderton: I believe at one time it was $30 and that goes back to the thirties, and then it was reduced to $15.

Mr. Saltsman: Mr. Chadderton, to what extent have you found in your experience that the $15 deduction sometimes acts as a deterrent, and veterans simply cannot afford to go because of this loss?

Mr. Chadderton: Not very often. I think we described it as an irritant, and I think that is the best word, sir.

Mr. Peters: Mr. Chairman, does it not change the method of payment? It changes the source of payment, and the source of payment means that there is a delay of probably a month, and in some cases more.

This is what I have found. It is not the $15 entirely, but it is the change from the Pension Branch to the Treatment Branch. Instead of the cheque coming from one source it goes through certain processes and these are always subject to the old argument of lost documents. With anything that happens that does not follow along as A,B,C, then there is a delay. This means that the wife will not get the cheque; at least she is apt not to get the cheque at the regular time. This, I think, is why Members of Parliament get involved in it all the time because the family find the cheque did not come. It is transferred from the Pension Branch to the Treatment Branch and there is a delay. This is really the biggest problem.

Mr. Guay (St. Boniface): It probably costs them more than $15 to make the changes from one branch to another. That might be another thing we should look into.

Mr. Peters: In my experience this is where the problem is. It is not the complaint by the family about the $15; it is the complaint that they did not get a cheque, period.

Mr. Chadderton: You are quite right. I would not want to imply that in our experience there is any real delay by the treasury people in DVA. We think they are pretty good. But it is just the force of circumstances of shuffling papers back and forth. It is a delay that is excusable because they are forced to do it.

The Chairman: I call to the attention of the members of the Committee that we still have quite a bit of the brief to go. Would you like to proceed?

[*Interpretation*]

M. Marshall: Alors, celui qui a eu la responsabilité de ce chiffre doit se sentir coupable maintenant. Un montant aussi parcimonieux que $15.

M. Chadderton: Dans les années 30, je crois, ce chiffre était de $30; puis on l'a réduit à $15.

M. Saltsman: Comment, selon vous, monsieur Chadderton, cette déduction de $15 peut-elle servir de préventif et dissuader un ancien combattant d'être hospitalisé?

M. Chadderton: Pas très souvent. Je crois qu'il s'agit-là d'une nuisance. C'est là le mot juste.

M. Peters: Monsieur le président, la méthode de paiement n'est-elle pas modifiée? Il y a modification dans la source de l'allocation et cela signifie un retard probable d'un mois, peut-être plus en certains cas. J'ai découvert qu'il ne s'agit pas seulement du $15, mais d'un changement de la direction des pensions et des traitements. Au lieu d'être émis exclusivement par un bureau, le chèque passe par divers paliers. On peut toujours d'ailleurs invoquer l'excuse du document égaré. Avec tout ce qui arrive, les choses ne sont pas aussi simples que l'alphabet. Il se produit certains retards. Alors, l'épouse ne reçoit pas le chèque au moment prévu. Voilà pourquoi les députés doivent intervenir. La famille n'a pas reçu le chèque, parce qu'il est passé de la Direction des pensions à la Direction des traitements hospitaliers. Alors, il se produit un retard. C'est vraiment là le problème majeur.

M. Guay (Saint-Boniface): Il en coûte probablement plus que $15 pour transférer le chèque d'une source à une autre. C'est là une question qu'il vaudrait la peine d'examiner.

M. Peters: C'est là qu'est le problème, à mon sens. La famille ne se plaint pas au sujet du $15. La plainte qu'elle formule, c'est de ne pas recevoir le chèque. Un point c'est tout.

M. Chadderton: Vous avez raison. Je ne devrais pas laisser entendre qu'il y a des retards imputables à la trésorerie du ministère des Affaires des anciens combattants. Je crois que les fonctionnaires s'acquittent bien de leur travail, mais il y a un concours de circonstances qui expliquent ces retards dans l'acheminement des formules et des documents. Ces choses sont inévitables.

Le président: Je rappelle aux membres du Comité que nous avons encore une bonne tranche du mémoire à examiner. Aimeriez-vous poursuivre la lecture de ce texte?

[*Texte*]

Lt. Col. Lambert: We will proceed, and fast.

The Chairman: No, we will take the time that is required, but I am simply calling to the attention of members...

Mr. Alderdice: I think it will read a little bit faster.

Recommendations Being Implemented Under Existing Authorities:

The White Paper suggests that about one third of the Woods Committee recommendations have been accepted and can be implemented under existing authorities. In this regard we refer to the comments made in the statement by the Chairman of the Canadian Pension Commission, in his appearance before your Committee, on April 17 last. The views of this Association were provided to your Committee by our Executive Secretary on April 19 and it is our intention, in our submission today, to touch only briefly upon the recommendations involved.

Pension Examination While Undergoing Hospital Treatment:

The Commission presumably suggested that examination was, or would be, made at the time of discharge. The Woods Committee was obviously aware that this is now being done, but was suggesting an amendment to the procedure, whereby medical examination would be made *before* discharge.

Disclosure of Information from Veterans Files:

The Commission Chairman suggested that disclosure of information was permitted only where this was considered to be in the best interests of the veterans. Our interpretation of the Woods proposal is that disclosure from the veterans pension file should not be allowed, under any circumstances. This is viewed as a very serious matter in our Association, bearing in mind that the pensioner has no access to his own file, and does not know what information it contains. If he is asked to give consent to allow a prospective employer or insurer to look at his file, he is reluctant to refuse this consent as it could raise suspicions. We feel there are valid and just reasons for the recommendation in the Woods Committee report which would ensure that the information on the pensioner's file would be available only to the Pension Commission and the Department of Veterans Affairs.

It is of particular interest that in his statement on this matter (item 22) the Chairman

[*Interprétation*]

Lieutenant-colonel Lambert: Nous allons continuer, et rapidement.

Le président: Non, nous prendrons le temps nécessaire, mais je rappelle simplement aux membres...

M. Alderdice: Je pense que je lirai un peu rapidement.

Application des recommandations par les services administratifs actuels:

Selon le Livre blanc, environ un tiers des recommandations du comité Woods ont été acceptées et peuvent être appliquées par les services administratifs actuels. A cet égard, nous nous reportons aux observations que renfermait la déclaration du président de la Commission canadienne des pensions lorsqu'il a comparu devant le comité le 17 avril dernier. Les opinions de notre Association vous ont été communiquées par notre secrétaire exécutif et nous nous proposons dans notre mémoire d'aujourd'hui, d'effleurer seulement les recommandations en cause.

Examen de la pension tandis que le pensionné suit un traitement à l'hôpital:

La Commission a probablement laissé entendre que l'examen avait lieu, ou aurait lieu, lorsque le pensionné quitterait l'hôpital. Le comité Woods savait évidemment que c'était la façon actuelle de procéder, mais il proposait qu'on la modifie et que l'examen médical ait lieu *avant* la sortie de l'hôpital.

Révélation de renseignements tirés du dossier des pensionnés:

Le président de la Commission a laissé entendre que la révélation des renseignements n'était autorisée que lorsqu'elle était considérée comme étant favorable à l'ancien combattant. Or, selon notre interprétation de la proposition du comité Woods, on ne devrait autoriser, en aucune circonstance, la révélation de renseignements consignés au dossier de pension des anciens combattants. Il s'agit, pour notre Association, d'une question extrêmement grave, lorsqu'on songe que le pensionné n'a pas lui-même accès à son propre dossier et qu'il ignore les renseignements qu'il renferme. Si un employeur ou un assureur éventuel lui demande de consulter son dossier, il hésite à refuser de crainte d'éveiller des soupçons. Selon nous, la recommandation du comité Woods qui garantirait que seuls le ministère des Affaires des anciens combattants et la Commission canadienne des pensions aient accès aux renseignements qui figurent dans le dossier du pensionné, s'explique par des motifs justes et valables. Fait particu-

[Text]

of the Commission paraphrased the Woods Committee recommendation incorrectly. The version used in his report was that instruction be amended to provide that information would only be disclosed when, in the opinion of departmental officials, the disclosure was in the best interests of the veteran, and when the consent of the veteran has been obtained. The Woods proposal was that disclosure from the veteran's pension file should not be allowed, under any circumstances.

Standard Applications Forms:

In his report (item 6) the Commission Chairman refers to the Woods Committee recommendations as follows:

> That standard application forms be used for entitlement claims and standard forms for Commission decisions be utilized.

This presumably refers to the Woods Committee recommendation number 35, but in our opinion something has been lost in the translation. To state Woods Committee recommendation number 35 in the terms used by the Commission Chairman could be misleading. It could give the appearance that the Woods Committee was recommending that forms be instituted for entitlement only. This provided the Commission with a ready-made answer, as there is already such a form. However, the Woods Committee recommendation was using the entitlement application as a model, and suggested that similar procedures be used for all other forms of benefit under the Pension Act. It is not at all clear that this recommendation is being implemented. A further proposal (item 7) purported to have been a recommendation of the Woods Committee, paraphrased in the Commission Chairman's report was as follows:

> That the Canadian Pension Commission may in its discretion accept informal applications for pension.

• 1625

The reply of the Commission Chairman was that the Commission had always accepted informal applications. We submit, here again, that in paraphrasing the Woods Committee recommendation the intent may have been lost. We refer to volume 1, chapter 9, page 359 where it suggests that, for the purposes of establishing the effective date of an award, documentary evidence such as a letter could

[*Interpretation*]

lièrement intéressant, dans sa déclaration sur cette question (article 22) le président de la Commission ait paraphrasé incorrectement la recommandation du comité Woods. Voici la version de son rapport: que l'on modifie les directives pour que les renseignements ne soient révélés que lorsque de l'avis des fonctionnaires du ministère, cette révélation était dans l'intérêt de l'ancien combattant et lorsque ce dernier y avait consenti. Selon la proposition du comité Woods, on ne devrait autoriser en aucune circonstance, la communication des renseignements consignés dans les dossiers des anciens combattants.

Formules de demande réglementaires:

Dans son rapport (article 6) le président de la Commission cite les recommandations du comité Woods, comme suit:

> «Que l'on emploie des formules réglementaires pour les demandes d'admissibilité et que les décisions de la Commission soient rédigées sur des formules réglementaires».

Ce passage fait probablement allusion à la recommandation n° 35 du comité Woods, mais selon nous, on n'a pas rendu tout son sens. Les termes employés par le président de la Commission pour citer la recommandation n° 35 pourraient induire en erreur. On pourrait croire que le comité Woods recommandait que l'on établisse des formules d'admissibilité seulement. De ce fait, la Commission avait une réponse toute prête car il existe déjà une pareille formule. Cependant, le comité Woods dans sa recommandation utilisait la demande d'admissibilité comme modèle, et il proposait que l'on emploie des méthodes analogues pour toutes les autres formes d'avantages en vertu de la loi sur les pensions. Il n'est pas du tout évident que l'on applique actuellement cette recommandation. Une autre proposition (article 7) qui, paraît-il, était censée être une recommandation du comité Woods était ainsi paraphrasée dans le rapport du président de la Commission:

> «Que la Commission canadienne des pensions puisse accepter, à son gré, des demandes officieuses de pension.»

Le président de la Commission a répondu que la Commission avait toujours accepté des demandes officieuses. Là encore, selon nous, en paraphrasant la recommandation du comité Woods, on en a peut-être perdu le sens. Nous nous reportons au Volume I, chapitre 9, page 417 où l'on dit que «la date effective de l'attribution d'une pension nous semble ressortir d'une manière suffisante et

[*Texte*]

be accepted as proof of an intention to apply. The report goes on to suggest, however, that the use of a proper application form for all requests would provide assurance that the full details are made available to the Pension Commission at the first adjudication. The Woods Committee presumably saw this as benefitting the applicant, in circumstances where, if the Commission considered only an informal application and it was turned down, the adjudication may have been based on insufficient detail.

There are, undoubtedly, other recommendations which are under consideration by the Commission or may have already been implemented, but about which we have no specific information at this date. We have no alternative, therefore, but to reserve any comment until we have had a further opportunity to determine the disposition which has been made, or will be made, in regard to put into effect without amending the legislation.

The Chairman: Are there any questions members of the Committee want to ask at this point?

Mr. Legault: Mr. Chairman, this concerns the correction which was made in the first brief about one-third of all recommendations. This is corrected to read that four-fifths of recommendations had been either accepted or accepted in a modified way. I think this should be put in the record because the brief was prepared prior to this information being available.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I do not think that should be pressed too hard. It is one thing to say that recommendations were accepted unchanged. That is clear; that is black and white. But these recommendations that have been accepted but modified, in many cases are vitiated. I think that actually there are only 40 out of the 149 that are accepted unchanged.

Mr. Legault: Mr. Chairman, the point that I bring up is not necessarily the details of it, but it is the figure of stating one-third and four-fifths. This is the only...

The Chairman: I think really we are into semantics here. Our own transcript of record will show, as we go along, those which are accepted and those which are modified. But in the interest again of being sure we hear as much as we can today, I would like to have you bear it in mind, Mr. Guay.

[*Interprétation*]

satisfaisante d'un écrit, d'une lettre par exemple, indiquant l'intention de faire une demande». Le rapport continue cependant en disant que l'emploi d'une formule appropriée pour toutes les demandes permettrait à la Commission des pensions de posséder de prime abord tous les renseignements. Le comité Woods y a probablement vu un avantage pour le requérant dans les cas où la Commission avait refusé une demande officieuse, la décision aurait peut-être été fondée sur une insuffisance de détails.

La Commission examine sans doute d'autres recommandations, ou en a peut-être même déjà appliquées mais jusqu'à maintenant nous ne possédons à leur sujet aucun renseignement précis. Nous n'avons donc pas le choix et devons nous abstenir de toute observation jusqu'à ce que nous ayons eu davantage l'occasion de voir le sort qui a été ou sera réservé à une foule de recommandations qui pourraient être appliquées sans modifier la loi.

Le président: Y a-t-il des questions que les députés aimeraient poser?

M. Legault: On a parlé dans le premier mémoire du tiers des recommandations. On a dit que $\frac{4}{5}$ des recommandations étaient acceptés sous leur forme actuelle ou sous une forme modifiée. Je crois que cela devrait être inscrit au compte rendu, parce que le mémoire a été préparé avant que l'on nous fournisse ces renseignements.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je ne crois pas que l'on doive insister trop sur cette question. On peut dire que les recommandations ont été acceptées sans modification. C'est clair comme le jour, mais les recommandations qui ont été acceptés sous une version modifiée, sont déformées dans plusieurs cas. Je crois donc qu'il n'y a en ce moment que 40 recommandations sur 149 qui ont été acceptés sans modification.

M. Legault: Il est possible que les chiffres que je cite ne soient pas exacts, je l'ai fait à titre d'exemple. C'est seulement...

Le président: Je crois vraiment que l'on s'éloigne du sujet. Le compte-rendu indiquera les recommandations qui ont été acceptées et celles qui ont fait l'objet d'une modification. De façon à ce que ces témoignages soient fructueux, j'espère que vous vous rappellerez cette précision. Monsieur Guay.

[*Text*]

Mr. Guay (St. Boniface): When we were given explanatory notes on the various recommendations, and in particular to the application form that, the reason, if I recall, why they did not really want to implement the proper application form was to make it easier for veterans to apply, whether it be by a letter or to make it easy to apply. But on page 56, I think that you have given me another light on the matter here, in that you say if there is a proper application form, the veteran, sometimes through no fault of his own, if he did not have the proper application form, might miss some important details which might benefit him. And by the fact that he would have the proper form, as you spelled out, then he would have to fill in possibly everything that he feels he should fill in, and possibly fill it all, in fact. So it might benefit him on his application, and possibly that is why you are showing your concern and you are requesting that the proper application form be available to all the veterans when they apply and then they would not miss any of the details which are required by the Commission, whoever is going to hear them. I think this is the reason for it, is it not?

[*Interpretation*]

M. Guay (St-Boniface): Lorsqu'on nous avait expliqué les diverses recommandations et en particulier la formule de demande, on nous avait dit, si je me rappelle bien, qu'on n'avait pas voulu donner suite à cette formule pour permettre aux anciens combattants de faire une demande par lettre ou autrement. Mais à la page 56, vous me donnez d'autres précisions en disant que s'il y a une formule de demande officielle, l'ancien combattant sans le vouloir pourrait, sans cette formule, ne pas fournir des détails importants qui pourraient tourner à son avantage. S'il possède cette formule, il devrait alors remplir toutes les rubriques qu'il croit nécessaires et même remplir la formule au complet. Il aurait peut-être avantage à remplir la formule officielle, alors voilà la raison pour laquelle vous avez exprimé cette préoccupation et demandé qu'on fournisse aux anciens combattants toute la formule officielle. Ils répondraient ainsi à toutes les questions de la Commission. Je crois que c'est la raison de son existence, n'est-ce pas?

Mr. Chadderton: Yes. Mr. Chairman. The Woods Committee did not suggest that the Commission stop taking informal applications. As a matter of fact, if I recall the recommendation, they said that you could use an informal application for the purpose of establishing the date on which he applied. But then you must go back and get all the details because otherwise what happens if the Commission turns down the informal application? It is quite feasible that the Commission may have turned it down because they did not get sufficient information, and it is only fair to the man that somebody go out and take the documents and complete it so that the full facts are in front of the Commission. That was the purpose of the recommendation in the Woods Committee Report, sir.

M. Chadderton: Oui, monsieur le président, le Comité Woods n'a pas proposé que la Commission refuse les lettres ordinaires. En fait, si je me rappelle bien le contenu de la recommandation, il est stipulé que vous pouvez vous servir d'une lettre pour établir la date à laquelle la demande a été présentée. Mais alors, il faut revenir en arrière et obtenir tous les détails possibles parce que autrement, qu'arrive-t-il si la Commission rejette cette demande? Il est plausible qu'elle le fasse à défaut de renseignements suffisants et il n'est que juste pour un homme que quelqu'un aille chercher les documents nécessaires afin de saisir la Commission de tous les renseignements possibles. Tel était le but de la recommandation du comité Woods, monsieur.

1630

Mr. Guay (St. Boniface): A very important point.

M. Guay (St-Boniface): Un point très important.

The Chairman: Are there further questions? Mr. Stanley Knowles.

Le président: Y a-t-il d'autres questions à poser? Monsieur Stanley Knowles.

Mr. Knowles (Winnipeg North Centre): On that question which somebody referred to as semantics. I do not wish to indulge in semantics, but I wonder if this letter from Mr. Ward to Mr. Reynolds, copies of which were given to all of us, could be included in the record, or maybe you have already done this, Mr. Chairman.

M. Knowles (Winnipeg-Nord-Centre): Je ne tiens pas à m'engager dans un débat sur la sémantique, mais je me demande si la lettre de monsieur Ward adressée à monsieur Reynolds, dont nous avons tous reçu la copie, pourrait être annexée au compte-rendu, ou peut-être l'avez-vous déjà fait, monsieur le président.

[*Texte*]

The Chairman: We did this first thing this morning.

Mr. Knowles (Winnipeg North Centre): Thank you. There is nothing semantic about it.

The Chairman: No, and we did it for precisely the purpose you have in mind at this point. Is there any further question at this time, on this section?

Lt. Col. Lambert:

Conclusion:

The purpose of a separate submission from the War Amputations of Canada at this time is to emphasize some of the features of the Woods Committee Report which are of special import to the members of our Association. Many of these problems are of long standing, and a survey of our submissions to the government going back to the early 1930's indicates that the problems existed at that time. The fact that no remedies have been forthcoming, despite our constant pleadings over more than thirty years, should not be taken as an indication that the requests are invalid.

It must be borne in mind, firstly, that there has been no major study of the Canadian Pension Commission, and the legislation it administers, since 1932 by persons outside of Parliament. Moreover, despite the fact the Parliamentary Committees from 1946 onward have been responsible for a number of effective changes in the pension legislation, it is perhaps fair to say that such committees were hampered by two factors, as follows:

(1) Invariably, they had insufficient facilities to delve into the intricacies of the pension law and its administration; and

(2) A great deal of their time was taken up in dealing with the major areas such as the basic rate of pension and the benefit of the doubt, leaving little or no opportunity to study and make recommendations in regard to many supplementary matters which do not involved large numbers of people, but which nonetheless are of extreme importance to the individuals concerned.

The Woods Committee Report must be looked upon as a blueprint which, if followed, can bring about a belated—but nevertheless most necessary—revision in much of the pension program for Canada's war disabled.

We who speak for veterans are aware that there are many pressing matters before the

[*Interprétation*]

Le président: C'est la première chose que nous ayons fait ce matin.

M. Knowles (Winnipeg-Nord-Centre): Merci. Cela n'a rien de la sémantique.

Le président: Non, et nous l'avons fait exactement dans le but que vous suivez. Y a-t-il d'autres questions à poser à ce sujet?

Lieutenant-colonel Lambert:

Conclusion:

Si l'Association canadienne des amputés de guerre présente maintenant un mémoire distinct c'est dans le dessein de mettre en lumière certaines particularités du rapport du comité Woods qui ont pour les membres de notre Association une signification spéciale. Nombre de ces problèmes datent depuis longtemps et un examen des mémoires que nous avons présentés au gouvernement depuis le début des années 30 montre que ces problèmes existaient déjà à cette époque-là. Or le fait qu'on n'ait apporté aucun remède, en dépit de nos instances constantes depuis plus de trente ans, ne devrait pas être interprété comme l'indice du manque de validité de nos demandes. Il faut se rappeler d'abord qu'aucune étude d'envergure de la Commission canadienne des pensions n'a été entreprise depuis 1932 par des personnes étrangères au Parlement. En outre, même si depuis 1946 un certain nombre de modifications utiles à la Loi sur les pensions sont attribuables aux comités parlementaires, il est peut-être juste de dire que ces derniers ont été handicappés par les deux facteurs suivants:

(1) Invariablement, ils ne disposaient pas de moyens suffisants pour fouiller les dédales de notre Loi sur les pensions et de son application; et

(2) Une énorme partie de leur temps servait à l'examen des domaines essentiels comme le taux de base de la pension et le bénéfice du doute, ne permettant pas ou très peu d'étudier et de formuler des recommandations sur une foule de sujets complémentaires qui n'intéressent pas un bien grand nombre de gens, mais qui, néanmoins, sont d'une extrême importance pour les intéressés.

Il faut envisager le rapport du comité Woods comme un plan qui aboutira, si on l'applique, à une révision tardive, mais néanmoins impérieuse du programme de pensions pour les invalides de guerre du Canada.

Nous, les porte-parole des anciens combattants, savons que le parlement actuel est saisi

[*Text*]

Parliament of the day and we recognize that the prosperity—and perhaps even the very fabrics—of our nation is involved in many of these issues. Be that as it may, we wish to bring to the attention of those in positions of responsibility the obvious fact that Canada's veterans must remain as a "first charge" upon the economy of the country. We need only reflect back to the dark days of 1914-18 and 1940-45 to realize that, without the contribution of those who served in the armed forces, this country could not have survived to enjoy the high levels of economy which have existed in the 1950's and 1960's.

So, we come to you, this group of wonderful fellows, some of the most brilliant young fellows that ever served their country; one is named Lambert, one is named Butler, one is named Lemay, one is named Crowell, and the others are Alderdice, Bedard and Worling, and there is no better than Cliff Chadderton. And we thank you, sir. We have had a great day, and so have you, and you have also learned something about veterans today that you did not know before, and we thank you for the privilege of coming here. It has been a great joy to us and we look forward to the implementation through this Committee of many of the things that we hope for. We are sure, sir, that you will deal with them in your own way. We know you cannot deal with the raising of pensions, we know that you cannot deal with the question of pensions for widows, but we are for it. They lost the 15 per cent that was never paid, so we ask them to

• 1635

pay their bill, treat us as we should be treated as veterans, love the widows as we love the widows, love the children as we love the children, and in this way this country will never have forgotten the sacrifice of those who gave their lives and suffered for it. Thank you.

The Chairman: Thank you, Mr. Lambert. Speaking for the Committee, I would like to thank you personally and all those people who attended in your delegation for their submissions today and for answering the questions which I think the members have placed quite freely to you. We very much appreciated the opportunity to meet with you.

We will adjourn now until tomorrow morning at 9.30 o'clock.

[*Interpretation*]

d'une multitude de questions pressantes et nous reconnaissons que la prospérité—et peut-être la structure même de notre nation—sont impliquées dans nombre de ces questions. Quoi qu'il en soit, nous tenons à signaler aux personnes en autorité un fait évident: *Les anciens combattants du Canada doivent continuer à être «la premèrie charge» à retomber sur l'économie du pays.* Il suffit de se reporter aux jours sombres de 1914-1918 et de 1940-1945 pour se rendre compte que, sans l'apport de ceux qui servaient dans les forces armées, notre pays n'aurait pas pu survivre pour connaître les hauts niveaux d'économie qui ont existé pendant les années '50 et '60.

Vous aviez devant vous un groupe de personnes composé de quelques jeunes gens brillants qui ont servi le pays, et qui ont pour nom Lambert, Lemay, Crowell et d'autres, Alderdice, Bédard et Worling et le meilleur d'entre tous, Cliff Chadderton. Nous vous remercions, messieurs, la journée a été agréable pour nous tout comme pour vous, et vous avez appris quelque chose au sujet des anciens combattants, des choses toutes nouvelles pour vous. Nous vous remercions d'avoir obtenu le privilège de venir témoigner devant nous. Cela nous a été très agréable et nous attendons de voir l'adoption de nombreuses recommandations que nous avons faites au Comité. Nous sommes certains que vous y donnerez suite à votre manière. Nous savons que l'augmentation des pensions ne relève pas de votre compétence, ni la question de la pension des veuves, mais nous y sommes en faveur. Elles ont perdu le 15 p. 100 qui n'a jamais été versé. Nous leur demandons donc de régler leur compte, de nous traiter comme des anciens combattants, d'aimer les veuves et les enfants comme nous les aimons, et de cette manière, le pays ne pourra jamais oublier le sacrifice de ceux qui ont donné leur vie et qui ont souffert pour lui. Merci.

Le président: Merci monsieur Lambert. Au nom du comité, je tiens à vous remercier vous-même ainsi que tous les membres de votre délégation d'être venus présenter ces mémoires et d'avoir bien voulu répondre aux questions des députés. Nous sommes heureux d'avoir pu faire votre connaissance.

La séance reprendra demain matin à 9h 30.

Appendix "D"

CURRENT PROPOSED DISPOSITION OF THE WOODS COMMITTEE RECOMMENDATIONS.

Recommendation No.	Disposition.
1	Modified.
2	Accepted unchanged.
3	Accepted unchanged.
4	Modified.
5	Accepted unchanged.
6	Modified.
7	Not adopted.
8	Modified.
9	Modified.
10	Not adopted.
11	Modified.
12	Modified.
13	Accepted unchanged.
14	Modified.
15	Modified.
16	Modified.
17	Modified.
18	Modified.
19	Modified.
20	Modified.
21	Modified.
22	Modified.
23	Modified.
24	Modified.
25	Not adopted.
25A	Modified.
26	Modified.
27	Modified.
28	Modified.
29	Modified.
30	Not adopted.
31	Not adopted.
32	Not adopted.
33	Not adopted.
34	Modified.
35	Modified.
36	Accepted unchanged.
37	Modified.
38	Modified.
39	Accepted unchanged.
40	Accepted unchanged.
41	Accepted unchanged.
42	Accepted unchanged.
43	Modified.
44	Not adopted.
45	Modified.
46	Accepted unchanged.
47	Accepted unchanged.

Appendice «D»

DÉCISIONS ACTUELLES RELATIVES AUX RECOMMANDATIONS DU COMITÉ WOODS

N° de la recommandation	Décision
1	Modifiée.
2	Adoptée sans modification.
3	Adoptée sans modification.
4	Modifiée.
5	Adoptée sans modification.
6	Modifiée.
7	Rejetée.
8	Modifiée.
9	Modifiée.
10	Rejetée.
11	Modifiée.
12	Modifiée.
13	Adoptée sans modification.
14	Modifiée.
15	Modifiée.
16	Modifiée.
17	Modifiée.
18	Modifiée.
19	Modifiée.
20	Modifiée.
21	Modifiée.
22	Modifiée.
23	Modifiée.
24	Modifiée.
25	Rejetée.
25A	Modifiée.
26	Modifiée.
27	Modifiée.
28	Modifiée.
29	Modifiée.
30	Rejetée.
31	Rejetée.
32	Rejetée.
33	Rejetée.
34	Modifiée.
35	Modifiée.
36	Adoptée sans modification.
37	Modifiée.
38	Modifiée.
39	Adoptée sans modification.
40	Adoptée sans modification.
41	Adoptée sans modification.
42	Adoptée sans modification.
43	Modifiée.
44	Rejetée.
45	Modifiée.
46	Adoptée sans modification.
47	Adoptée sans modification.

Recommendation No.	Disposition.	N° de la recommandation	Décision
48	Under review.	48	A l'étude.
49	Under review.	49	A l'étude.
50	Under review.	50	A l'étude.
51	Under review.	51	A l'étude.
52	Under review.	52	A l'étude.
53	Under review.	53	A l'étude.
54	Under review.	54	A l'étude.
55	Under review.	55	A l'étude.
56	Under review.	56	A l'étude.
57	Under review.	57	A l'étude.
58	Under review.	58	A l'étude.
59	Under review.	59	A l'étude.
60	Under review.	60	A l'étude.
61	Modified.	61	Modifiée.
62	Modified.	62	Modifiée.
63	Under review.	63	A l'étude.
64	Modified.	64	Modifiée.
65	Modified.	65	Modifiée.
66	Accepted unchanged.	66	Adoptée sans modification.
67	Modified.	67	Modifiée.
68	Accepted unchanged.	68	Adoptée sans modification.
69	Modified.	69	Modifiée.
70	Accepted unchanged.	70	Adoptée sans modification.
71	Modified.	71	Modifiée.
72	Accepted unchanged.	72	Adoptée sans modification.
73	Accepted unchanged.	73	Adoptée sans modification.
74	Not adopted.	74	Rejetée.
75	Modified.	75	Modifiée.
76	Modified.	76	Modifiée.
77	Accepted unchanged.	77	Adoptée sans modification.
78	Modified.	78	Modifiée.
79	Modified.	79	Modifiée.
80	Accepted unchanged.	80	Adoptée sans modification.
81	Not adopted.	81	Rejetée.
82	Not adopted.	82	Rejetée.
83	Modified.	83	Modifiée.
84	Not adopted.	84	Rejetée.
85	Modified.	85	Modifiée.
86	Modified.	86	Modifiée.
87	Accepted unchanged.	87	Adoptée sans modification.
88	Not adopted.	88	Rejetée.
89	Modified.	89	Modifiée.
90	Modified.	90	Modifiée.
91	Not adopted.	91	Rejetée.
92	Accepted unchanged.	92	Adoptée sans modification.
93	Modified.	93	Modifiée.
94	Accepted unchanged.	94	Adoptée sans modification.
95	Modified.	95	Modifiée.
96	Modified.	96	Modifiée.
97	Accepted unchanged.	97	Adoptée sans modification.
98	Accepted unchanged.	98	Adoptée sans modification.
99	Accepted unchanged.	99	Adoptée sans modification.
100	Accepted unchanged.	100	Adoptée sans modification.
101	Accepted unchanged.	101	Adoptée sans modification.

Recommendation No.	Disposition.	N° de la recommandation	Décision
102	Accepted unchanged.	102	Adoptée sans modification.
103	Accepted unchanged.	103	Adoptée sans modification.
104	Modified.	104	Modifiée.
105	Accepted unchanged.	105	Adoptée sans modification.
106	Not adopted.	106	Rejetée.
107	Not adopted.	107	Rejetée.
108	Not adopted.	108	Rejetée.
109	Not adopted.	109	Rejetée.
110	Modified.	110	Modifiée.
111	Not adopted.	111	Rejetée.
112	Not adopted.	112	Rejetée.
113	Accepted unchanged.	113	Adoptée sans modification.
114	Accepted unchanged.	114	Adoptée sans modification.
115	Accepted unchanged.	115	Adoptée sans modification.
116	Modified.	116	Modifiée.
117	Not adopted.	117	Rejetée.
118	Not adopted.	118	Rejetée.
119	Not adopted.	119	Rejetée.
120	Not adopted.	120	Rejetée.
121	Modified.	121	Modifiée.
122	Accepted unchanged.	122	Adoptée sans modification.
123	Modified.	123	Modifiée.
124	Modified.	124	Modifiée.
125	Modified.	125	Modifiée.
126	Accepted unchanged.	126	Adoptée sans modification.
127	Modified.	127	Modifiée.
128	Modified.	128	Modifiée.
129	Modified.	129	Modifiée.
130	Modified.	130	Modifiée.
131	Not adopted.	131	Rejetée.
132	Modified.	132	Modifiée.
133	Not adopted.	133	Rejetée.
134	Not adopted.	134	Rejetée.
135	Modified.	135	Modifiée.
136	Accepted unchanged.	136	Adoptée sans modification.
137	Not adopted.	137	Rejetée.
138	Accepted unchanged.	138	Adoptée sans modification.
139	Modified.	139	Modifiée.
140	Modified.	140	Modifiée.
141	Modified.	141	Modifiée.
142	Modified.	142	Modifiée.
143	Accepted unchanged.	143	Adoptée sans modification.
144	Accepted unchanged.	144	Adoptée sans modification.
145	Not adopted.	145	Rejetée.
146	Modified.	146	Modifiée.
147	Accepted unchanged.	147	Adoptée sans modification.
148	Accepted unchanged.	148	Adoptée sans modification.

Modified	66	Modifiée	66
Accepted unchanged	40	Adoptée sans modification	40
Not adopted	29	Rejetée	29
Under review	14	A l'étude	14
Total	149	Total	149

CURRENT PROPOSED DISPOSITION OF THE WOODS COMMITTEE RECOMMENDATIONS

Recommendations Modified

1, 4, 6, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25A, 26, 27, 28, 29, 34, 35, 37, 38, 43, 45, 61, 62, 64, 65, 67, 69, 71, 75, 76, 78, 79, 83, 85, 86, 89, 90, 93, 95, 96, 104, 110, 116, 121, 123, 124, 125, 127, 128, 129, 130, 132, 135, 139, 140, 141, 142, 146.

Recommendations Accepted Unchanged

2, 3, 5, 13, 36, 39, 40, 41, 42, 46, 47, 66, 68, 70, 72, 73, 77, 80, 87, 92, 94, 97, 98, 99, 100, 101, 102, 103, 105, 113, 114, 115, 122, 126, 136, 138, 143, 144, 147, 148.

Recommendations Not Adopted

7, 10, 25, 30, 31, 32, 33, 44, 74, 81, 82, 84, 88, 91, 106, 107, 108, 109, 111, 112, 117, 118, 119, 120, 131, 133, 134, 137, 145.

Recommendations Under Review

48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63.

DÉCISIONS ACTUELLES RELATIVES AUX RECOMMANDATIONS DU COMITÉ WOODS

Recommandations modifiées

1, 4, 6, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25A, 26, 27, 28, 29, 34, 35, 37, 38, 43, 45, 61, 62, 64, 65, 67, 69, 71, 75, 76, 78, 79, 83, 85, 86, 89, 90, 93, 95, 96, 104, 110, 116, 121, 123, 124, 125, 127, 128, 129, 130, 132, 135, 139, 140, 141, 142, 146.

Recommandations adoptées sans modification

2, 3, 5, 13, 36, 39, 40, 41, 42, 46, 47, 66, 68, 70, 72, 73, 77, 80, 87, 92, 94, 97, 98, 99, 100, 101, 102, 103, 105, 113, 114, 115, 122, 126, 136, 138, 143, 144, 147, 148.

Recommandations rejetées

7, 10, 25, 30, 31, 32, 33, 44, 74, 81, 82, 84, 88, 91, 106, 107, 108, 109, 111, 112, 117, 118, 119, 120, 131, 133, 134, 137, 145.

Recommandations à l'étude

48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63.

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Ottawa, 1969

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vingt-huitième législature, 1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

COMITÉ PERMANENT

DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS AND EVIDENCE

PROCÈS-VERBAUX ET TÉMOIGNAGES

No. 17

LIBRARY NOV - 5 1969 UNIVERSITY OF TORONTO

TUESDAY, SEPTEMBER 23, 1969

LE MARDI 23 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir Procès-verbaux)

STANDING COMMITTEE ON
VETERANS AFFAIRS

COMITÉ PERMANENT
DES
AFFAIRES DES ANCIENS
COMBATTANTS

Chairman — Mr. Lloyd Francis — *Président*

Vice-Chairman — M. Carl Legault — *Vice-président*

and Messrs. — et Messieurs

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—20.

Le greffier du Comité,

D. E. Levesque,

Clerk of the Committee.

MINUTES OF PROCEEDINGS

(*Text*)

TUESDAY, September 23, 1969.
(22)

The Standing Committee on Veterans Affairs met this day at 9:35 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Bigg, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), MacRae, Marshall, Peters, Turner (*London East*), Weatherhead, Whicher.—(10)

Other Members present: Mr. Knowles (*Winnipeg North Centre*) and Mr. Thompson (*Red Deer*).

Witnesses: From the Hong Kong Veterans Association of Canada: Messrs. C. P. Brady, National President, John Stroud, National First Vice-President, Maurice D'Avignon, President, Quebec Maritimes Branch, Robert Manchester, President, B.C. Branch, Peter L. MacDougall, Ottawa Branch, Howard Donnelly, President, Northern Alberta Branch.

The Committee heard the representation of the Hong Kong Veterans Association of Canada (National Council).

At 12:15 p.m. the Committee recessed to 2:00 p.m.

AFTERNOON MEETING
(23)

The Committee resumed sitting at 2:15 p.m.

Members present: Messrs. Bigg, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), MacRae, Marshall, Peters, Turner (*London East*), Weatherhead, Whicher.—(10)

Other Member present: Mr. Knowles (*Winnipeg North Centre*).

PROCÈS-VERBAUX

[*Traduction*]

Le MARDI 23 septembre 1969.
(22)

Le Comité permanent des affaires des anciens combattants se réunit ce matin à 9 h. 35, sous la présidence de M. Lloyd Francis, président.

Députés présents: MM. Bigg, Francis, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), MacRae, Marshall, Peters, Turner (*London-Est*), Weatherhead, Whicher—(10).

Autres députés présents: M. Knowles (*Winnipeg-Nord-Centre*) et M. Thompson (*Red Deer*).

Témoins: De l'Association canadienne des anciens combattants de Hong Kong: MM. C. P. Brady, président national; John Stroud, premier vice-président national; Maurice D'Avignon, président, Section du Québec et des Maritimes; Robert Manchester, président, Section de la Colombie-Britannique; Peter L. MacDougall, Section d'Ottawa; Howard Donnelly, président, Section du Nord de l'Alberta.

Le Comité entend l'exposé de l'Association canadienne des anciens combattants de Honk Kong (Conseil national).

A midi et quart, le Comité lève la séance, pour se réunir de nouveau à 2 heures de l'après-midi.

SÉANCE DE L'APRÈS-MIDI
(23)

Le Comité se réunit de nouveau à 2 h. et quart de l'après-midi.

Présents: MM. Bigg, Francis, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), MacRae, Marshall, Peters, Turner (*London-Est*), Weatherhead, Whicher —(10).

Autre député présent: M. Knowles (*Winnipeg-Nord-Centre*).

20761—1½

Witness: From the Department of Veterans Affairs: Mr. D. K. Ward, Chief Pensions Advocate.

The Committee continued the review of the Woods Committee Recommendations.

Recommendations Nos. 111 to 148 were reviewed. (*For recommendations Nos. 1 to 110 see the evidence of Wednesday, September 17 and Thursday, September 18*).

At 4:35 p.m., the Committee adjourned to Wednesday, September 24, 1969 at 9:30 a.m.

Témoin: Du ministère des Affaires des anciens combattants: M. D. K. Ward, avocat en chef des pensions.

Le Comité continue à examiner les recommandations du Comité Woods.

On passe en revue les recommandations 111 à 148. (*Pour les recommandations 1 à 110, voir les témoignages du mercredi 17 septembre et du jeudi 18 septembre*).

A 4 h. 35 de l'après-midi, le Comité lève la séance, pour se réunir de nouveau le mercredi 24 septembre 1969, à 9 h. 30 du matin.

Le greffier du Comité,

D. E. Levesque.

Clerk of the Committee.

[*Texte*]

EVIDENCE

(*Recorded by Electronic Apparatus*)

Tuesday, September 23, 1969

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le mardi 23 septembre 1969

• 0936

The Chairman: I will ask the Committee to come to order, please. We have with us this morning the Hong Kong Veterans Association of Canada and their national president, Mr. Brady, will present the brief. I think he would first like to introduce the delegation that is here. Mr. Brady.

Le président: A l'ordre. Nous avons parmi nous des membres de l'Association canadienne des anciens combattants de Hong Kong et son président national, M. Brady, qui va présenter le mémoire. Peut-être M. Brady aimerait-il présenter la délégation qui l'accompagne? Monsieur Brady, vous avez la parole.

Mr. C. P. Brady (National President, Hong Kong Veterans Association of Canada): Thank you, Mr. Chairman. I will just go down the line here. On my immediate right is Maurice D'Avignon from Quebec, Branch President; John Stroud, First National Vice-President; Everette Denison, a Director from Montreal; Lionel Hurd, another Director from Montreal; Bert Delbridge, Manitoba Branch President; Bob Manchester, B. C. Branch; Leslie Shore, our National Secretary; Don Nelson, Southern Alberta-Saskatchewan Branch President; Cliff Royea of Montreal, Director and Treasurer; Howard Donnelly, Branch President of Northern Alberta-Saskatchewan; Peter MacDougall, our Ottawa representative; Art Lousier, our Winnipeg executive, and Mr. Chapman of Ottawa.

M. C. P. Brady (président national de l'Association canadienne des anciens combattants de Hong Kong): Merci, monsieur le président. A ma droite, M. Maurice Davignon, président de la direction de Québec; M. John Stroud, premier vice-président national; M. Everette Denison, un des directeurs de notre bureau de Montréal; M. Lionel Hurd, un autre directeur de Montréal; M. Bert Delbridge, président de la direction du Manitoba; M. Bob Manchester, de la direction de la Colombie-Britannique; M. Leslie Shore, notre secrétaire national; M. Don Nelson, président de la direction du Sud de l'Alberta et de la Saskatchewan; M. Cliff Royea, directeur de notre bureau de Montréal et trésorier; M. Howard Donnelly, président de la direction du Nord de l'Alberta et de la Saskatchewan; M. Peter MacDougall, notre représentant à Ottawa; M. Art Lousier, notre exécutif de Winnipeg et M. Chapman, d'Ottawa.

The Chairman: We are delighted to have you with us and certainly the delegation is most welcome. We want to hear what you have to say about the Woods Committee recommendations.

Le président: Nous sommes heureux de vous compter parmi nous, ainsi que les personnes qui vous accompagnent. Nous aimerions entendre ce que vous avez à dire à propos des recommandations du Comité Woods.

Mr. Brady: It is always our aim when we have an important brief to present to always try to have representation from each branch across Canada and as National President I am mighty pleased to see the turnout we have here today from right across Canada. Before we get into the brief I just want to say that you hear a lot about Canadian unity these days and I think our association is a living example of this. We have boys in our association from coast to coast, and, as we say in French, and that is the way we operate. We are all for one and one for all. Another thing I certainly want to mention is that at the

M. Brady: Nous essayons, lorsqu'il s'agit d'un mémoire important, d'avoir des représentants de toutes les directions au Canada. En tant que président national, je suis heureux de constater que toutes les régions sont représentées. Avant de passer au mémoire, j'aimerais dire qu'on entend beaucoup parler d'unité nationale ces jours-ci et je crois que notre Association en est un exemple frappant. Nous comptons au sein de notre Association des personnes qui viennent de toutes les régions et, comme nous disons en français, et c'est ainsi que nous administrons notre Association. Nous travaillons tous pour un et un

[*Text*]

breakfast meeting Mr. Dube, the Minister of Veterans Affairs, very kindly invited us to have a representative there, and I was fortunate enough to be that representative. We were certainly very pleased with the news we received there about Recommendations 92 and 93 being accepted by the Cabinet. It still has to go through legislation, and whatnot, but as we say, it is in the bag. We told Mr. Dube that morning that it was certainly with a deep sense of relief and happiness that we heard the good news, because right off the bat we feel that 395 problems have been settled for us and 51 widows are going to be looked after. So, we are mighty pleased about this.

• 0940

I want to go a step further and thank all the Members of Parliament, and especially the members of the Veterans Affairs Committee who, over the years, have been a tremendous help to us. I do not like to pick out names, but there are men like Chester MacRae and Jack Bigg and all these people who have been helping us over the years such as Stanley Knowles—you could name them all—so I will say all the members of the Veterans Affairs Committee. We also had the honour of having the Chairman of your Committee, Lloyd Francis, with us out in Winnipeg and he gave a nice talk to us at our national convention, and we know that we have a very good friend there too. Once again to all members of Parliament, especially you of the Veterans Standing Committee, may I say thank you very much for all the efforts you have put into our cause.

Is it all right to proceed, Mr. Chairman?

The Chairman: Yes.

Mr. Brady: This brief is a copy of the one we sent in on February 18. In the White Paper there are certain things such as the basic pension rates and multiple disabilities and matters of that kind, so we felt we would go along with this brief. We propose to talk about Recommendations 92 and 93, but we say that is a *fait accompli* and we will not worry too much about that.

Before I read the brief I would like to thank you, in the name of all members of our Hong Kong Veterans Association, for giving us the chance to come here this morning to present our brief.

I cannot forget that we have many French-speaking fellows in our regiment and in our Association.

Au nom des Canadiens-français de notre Association des anciens combattants de Hong-

[*Interpretation*]

pour tous. M. Dubé, le ministre des Affaires des anciens combattants, nous avait invités à faire comparaître un représentant et j'ai le plaisir d'être ce représentant. Nous avons bien accueilli les nouvelles que nous avons reçus nous annonçant que les recommandations 92 et 93 avaient été adoptées par le Cabinet. Elles n'ont pas encore franchi toutes les étapes mais, comme on dit, c'est chose faite. Nous avons fait part à M. Dubé de notre enthousiasme et de notre joie parce qu'ainsi 395 problèmes auront été résolus et 51 veuves ne seront plus dans l'attente. Nous nous en réjouissons.

J'aimerais aller plus loin et remercier tous les députés et, spécialement, les membres du Comité des Affaires des anciens combattants, qui nous aident depuis tant d'années. Je n'aime pas citer de noms, mais je mentionnerai ceux de Chester MacRae, Jack Bigg et Stanley Knowles. Nous avons également eu le plaisir de compter parmi nous, à Winnipeg, M. Lloyd Francis, le président de votre Comité, qui nous avait parlé lors de notre convention nationale et nous reconnaissons en lui un grand ami.

Encore une fois, j'aimerais remercier tous les députés et spécialement les membres du Comité permanent des Affaires des anciens combattants.

Puis-je passer au mémoire, monsieur le président?

Le président: Oui.

M. Brady: Ce mémoire est une copie de celui que nous avons envoyé le 18 février. Le Livre blanc traite de points tels que les taux de base des pensions et les invalidités multiples et d'autres questions du même genre, et nous avons cru bon d'envoyer notre mémoire. Nous voudrions discuter des recommandations 92 et 93; nous croyons être en face d'un fait accompli et nous ne nous en préoccuperons pas plus qu'il ne faut.

Avant de lire le mémoire, j'aimerais vous remercier, au nom de tous les membres de l'Association des anciens combattants de Hong Kong, de nous donner l'occasion de présenter notre mémoire.

Je ne puis oublier que nous comptons beaucoup de francophones dans notre régiment et dans notre Association.

On behalf of the French Canadians of our Association, the Hong Kong Veterans, we

[*Texte*]

Kong, nous vous remercions sincèrement de nous avoir invités ici ce matin.

Mr. Lloyd Francis, M.P.,

Chairman, The Standing Committee on Veterans Affairs,
House of Commons,
Ottawa, Ontario.
Mr. Chairman and Gentlemen:

On behalf of our Hong Kong Veterans Association of Canada, we deem it a privilege to be given this opportunity to appear before the Veterans Standing Committee with regard to our brief concerning the recommendations of the Woods' Report relative to the Survey, the Work and Organization of the Canadian Pension Commission.

On several previous occasions over the years delegations from our Association presented briefs outlining Hong Kong Veterans' physical and mental status with respect to the residual effects of avitaminosis, to the standing Committee on Veterans Affairs.

Following our brief in 1963, the Veterans Standing Committee recommended that a special study be made on the status of the Hong Kong veterans. This study pertaining to residual effects of avitaminosis was headed by Dr. H. J. Richardson, Canadian Pension Commission. The "Richardson Survey" was a most commendable report and resulted in favorable action for Hong Kong veterans. At that time we expressed our thanks to the Veterans Standing Committee, The Canadian Pension Commission, and a special vote of thanks to Dr. Richardson and his staff of medical Advisers.

In 1966 our Association had the pleasure of appearing before the Woods' Committee on the Committee to Survey the Work and Organization of the Canadian Pension Commission.

Today we are pleased to be here to present our brief on the Woods' Committee Report. As an Associate Member of the Nationally Chartered Veterans' Organizations of Canada, we trust that utmost consideration will be given to the implementation of the recommendations of the Woods' Committee Report. The excellence of this report is held in high regard by all veterans. In the vital days ahead covering veterans' legislation and administration programs, we implore you Gentlemen for your support. We of the Hong Kong Veterans Association of Canada resolve that owing to the number of recent deaths of Hong Kong Veterans, and the fact that approximately 395, as of September 1968, are still receiving

[*Interprétation*]

thank you sincerely for having invited us here this morning.

Monsieur Lloyd Francis, député,
Président,
Comité permanent des Affaires des anciens combattants,
Chambre des Communes,
Ottawa (Ontario)
Monsieur le président et messieurs,

Au nom de l'Association canadienne des anciens combattants de Hong Kong, je veux vous remercier de l'occasion qui nous est fournie de venir témoigner devant le Comité permanent des anciens combattants et d'exposer notre mémoire concernant les recommandations du rapport Woods dans le cadre de l'enquête sur l'organisation et le travail de la Commission canadienne des pensions.

A plusieurs reprises, notre Association a présenté au Comité permanent des Affaires des anciens combattants des mémoires sur l'état physique et mental des anciens combattants de Hong Kong engendré par les effets permanents de l'avitaminose.

A la suite de notre mémoire en 1963, le Comité permanent des Affaires des anciens combattants avait recommandé une étude spéciale sur le statut des anciens combattants de Hong Kong.

Cette étude sur les effets permanents de l'avitaminose était dirigé par le docteur H. J. Richardson, de la Commission canadienne des pensions. Les résultats de l'enquête Richardson avaient été favorables aux anciens combattants de Hong Kong. Nous avions alors remercié le Comité permanent des Affaires des anciens combattants, la Commission canadienne des pensions et, tout spécialement, le docteur Richardson et son équipe de spécialistes. En 1966, notre Association a eu le plaisir de témoigner devant le comité Woods chargé d'enquêter sur l'organisation et le travail de la Commission canadienne des pensions.

Nous avons aujourd'hui le plaisir de présenter notre mémoire sur le rapport du Comité Woods. En tant que membre associé des organismes nationaux des anciens combattants canadiens, nous espérons fortement que les recommandations du rapport du Comité Woods seront mises en application. Les anciens combattants accordent beaucoup d'importance à ce rapport. Nous vous demandons de bien vouloir supporter ces mesures législatives et ces programmes visant les anciens combattants. Vu le nombre de décès récents parmi les anciens combattants de Hong Kong et à cause du fait que 395, en septembre 1968, recevaient encore des pensions d'invalidité inférieure à 48 p. 100, l'Asso-

[*Text*]

disability pensions of less than 48 per cent, the Hong Kong Veterans Association of Canada urges the Government to give early implementation to Recommendations Nos. 92 and 93 of the Woods' Report dealing, respectively, with basic minimum pension of 50 per cent for all members of the Hong Kong Force who were interned as prisoners-of-war by the Japanese, and that widows of ex-members of the Hong Kong Force be eligible for consideration of an award of widows pension under Section 25 of the Pension Act, where the ex-member has died prior to the inception of this legislation, and that this eligibility be based on the presumption that, unless rebutted, the death was attributable to service.

We the Hong Kong Veterans Association of Canada, cannot stress too strongly the importance that these Recommendations 92 and 93 of the Woods' Report be given priority due to the urgency of this.

We trust the Federal Government will give these Judge Woods' Committee Recommendations 92 and 93 favorable and quick action.

• 0945

Today we are happy to note that this has been done.

M. Maurice D'Avignon (Président de la section Québec-Maritimes):

Les Anciens Combattants de Hong Kong

Recommandation est faite pour qu'une loi spéciale soit promulguée pour prévoir une pension de base minimum de 50% à tous les anciens membres de la Force de Hong-Kong, telle pension étant fondée sur une compensation non seulement pour invalidité mais sur d'autres facteurs exceptionnels, dont les circonstances dans lesquelles cette force a dû servir, les privations endurées par ses membres, et la vraisemblable difficulté de faire une juste évaluation des effets médicaux résiduaires de leur emprisonnement Une autre recommendation est à l'effet que les veuves des anciens membres de la Force de Hong-Kong soient réputées éligibles en vertu des dispositions de l'Acte qui prévoient le cas où le décès d'un membre est présumément attribuable au service.

Mr. Brady:

The Basic Rate of Pension (Recommendation # 63)

The basic rate of 100 per cent pension is calculated on the earning power of a man in a class of untrained labor, sufficient to provide decent comfort for himself and his family. Taking a cost of living index based on day

[*Interpretation*]

ciation canadienne des anciens combattants de Hong Kong prie le gouvernement d'adopter au plus tôt les recommandations 92 et 93 du rapport Woods qui proposent une pension de base minimum de 50 p. 100 pour tous les membres de la Force de Hong Kong faits prisonniers de guerre par les Japonais et qui accorderaient aux veuves des ex-membres de la Force de Hong Kong une compensation en vertu de l'article 25 de la Loi sur les pensions, dans le cas où un ex-membre serait mort avant la mise en application de cette mesure législative et qu'il soit présupposé, sauf en cas de preuve contraire, que le décès est attribuable au service.

L'Association canadienne des anciens combattants de Hong Kong ne peut trop souligner l'importance qu'elle accorde la priorité à ces recommandations 92 et 93 du rapport Woods, vu l'urgence de la question.

Nous espérons que le gouvernement fédéral accordera aux recommandations 92 et 93 du comité du juge Woods une suite favorable et sans délai.

Nous sommes aujourd'hui heureux de constater que cela a été fait.

Mr. Maurice D'Avignon (President, Quebec Maritime Branch, Hong Kong Veterans Association of Canada):

The Hong Kong Veterans

The recommendation is made that a special Act be promulgated providing a basic minimum pension of 50% to all ex-members of the Hong Kong Force, this pension being based on a compensation not only for disability but on other exceptional factors such as the circumstances under which this Force was called upon to serve, the privations suffered by its members, and the apparent difficulty in making a true assessment of the residuary medical effects of their imprisonment. Another recommendation is to the effect that Hong Kong Force veterans' widows be considered eligible by virtue of those provisions of the Act dealing with cases wherein the death of a member is presumably attributable to Service.

M. Brady:

Taux de base des pensions (Recommandation n° 63)

Le taux de base de 100 p. 100 est calculé d'après le pouvoir de gain d'un homme sur le marché du travail non spécialisé et doit être suffisant pour assurer un confort normal pour lui-même et pour sa famille. Si l'on prend

[*Texte*]

to day necessities of living, food, clothing, shelter, and compare the 1919 index figures with 1968 index figures, it can be readily realized that war disability pensions have fallen drastically behind what it costs to provide the necessary basic essentials of living in 1968 for a man and his family. We are of the belief that the unskilled labor market is the only practical formula on which pensions can be based. We agree wholeheartedly with the Woods' Committee recommendation that unskilled labor market formula be kept. We, the Hong Kong Veterans Association of Canada, go along most emphatically with the Nationally Chartered Veterans' Organizations of Canada and endorse that the basic rate of pension for a single war disabled pensioner—100 per cent disability—be established and we will let that figure go for now.

M. D'Avignon:

Taux de Base

Le principe servant à établir le montant de la compensation pour invalidité de guerre continuerait d'être celui du revenu sur le marché du travail non spécialisé et à être déterminé par le salaire moyen pour ce genre d'emploi à la Fonction publique du Canada. Les salaires dans cette catégorie de la Fonction publique se maintiendront au diapason des conditions économiques et n'auront que peu de différence d'une région géographique à l'autre. Il n'existe aucune classification spécifique de la main-d'œuvre non spécialisée, mais l'usage de l'employé non spécialisé classifié dans la Fonction publique suppléerait à la tentative de déterminer une échelle représentative des salaires gagnés par les non-spécialisés sur le marché du travail.

Mr. Brady: We now come to another very important matter, multiple disabilities.

Multiple Disabilities (Recommendation # 64665)

In respect to assessment for multiple disabilities, the Hong Kong Veterans Association goes along with the Woods' Committee comment, "that the necessity to provide some form of supplementary pension for multiple disability casualties seems evident. The absence of adequate provision in this regard appears as a major flaw in the existing system for war disabilities".

To those veterans who have incurred multiple disabilities while in the service, the present way of assessing by the Pension Commission is unjust. This is a most important

[*Interprétation*]

l'index du coût de la vie basé sur les besoins quotidiens, soit l'alimentation, les vêtements et le logement, et si on compare les chiffres de l'indice de 1919 à ceux de l'indice de 1968, on se rend compte que les pensions d'invalidité de guerre sont très inférieures au coût de subsistance en 1968 pour un homme et sa famille. Nous croyons que le marché du travail non spécialisé est la seule formule pratique qui puisse servir à évaluer les pensions. Nous sommes entièrement d'accord avec les recommandations du Comité Woods qui veulent que la formule du marché du travail non spécialisé soit maintenue. L'Association canadienne des anciens combattants de Hong Kong, en accord avec les organismes nationaux des anciens combattants canadiens, demande que le taux de base des pensions pour un pensionné célibataire invalide de guerre—invalidité à 100 p. 100—soit établi; nous ne nous préoccuperons plus de ce chiffre pour le moment.

Mr. D'Avignon:

Basic Rates

The principle used in assessing the amount of compensation for war disability would continue to be based on unskilled labour market income and to be determined by the average wage for this type of employment in the Public Service of Canada. Wages in this category of the Public Service of Canada will be maintained in keeping with economic conditions and will differ but little from one geographic region to another. There is no specific classification of unskilled labour, but the use of unskilled labour specified in the Public Service would make up for the attempts at determining a representative wage scale earned by unskilled workers on the labour market.

M. Brady: Passons maintenant à un autre point très important, les invalidités multiples.

Invalidités multiples (Recommandation n° 64665)

En ce qui a trait à l'évaluation des invalidités multiples, l'Association des anciens combattants de Hong Kong est en accord avec le commentaire du comité Woods, qui dit que «la nécessité d'accorder une forme quelconque de pension supplémentaire dans les cas d'infirmités multiples semble évidente. L'absence d'une disposition appropriée à ce sujet est une grave lacune du régime actuel de pensions pour invalidités de guerre.»

Le présent mode d'évaluation de la Commission des pensions est injuste envers les anciens combattants qui ont subi des invalidités multiples en cours de service. Ce point est

[*Text*]

area because for war veterans severely disabled from more than one disability the pension assessments are drastically inadequate. Pensions for certain multiple disability types are assessed higher in other countries so are consequently more generous.

Canada's reputation has always been second to none in dealing with her war veterans with war-incurred disabilities. Gentlemen, on multiple disabilities assessments we back the Woods' Committee to the hilt.

M. D'Avigon:

Invalidités Multiples

Des dispositions devraient être prises pour une pension supplémentaire aux amputés de plusieurs organes, aux paraplégiques et aux pensionnés complètement aveugles, en vertu du principe que l'allocation à 100% est basée sur la perte des moyens de gagner sur le marché du travail non spécialisé, et que la pension supplémentaire devrait être accordée où d'autres facteurs existent à un degré substantiel, tels la souffrance, difformité, perte de la jouissance de la vie et raccourcissement de la vie.

L'absence de dispositions adéquates pour les estropiés multiples semble être une faille d'importance dans le système présent des pensions. Le tableau des répartitions de la pension jusqu'a 100% semble satisfaisant. Conséquemment, la solution ne réside pas dans la tentative d'un réarrangement des répartitions pour que 100% représente la catégorie la plus sérieuse de pensionnés, suivi par une revision décroissante des autres répartitions. Le système le plus réalisable serait de maintenir toutes les répartitions en-deçà du 100% lorsque justifiable. La répartition maximale suggérée pour la paraplégie est de 350%.

Mr. Brady:

Pension Appeal Board

Our Association sees the need for some form of appeal board beyond the Pension Commission. As it stands now, appeals are heard by Commissioners who are working every day with the Pension Commission people who have already worked on a claim. No appeal can be made to an independent body. When an applicant's claim is turned down, there is no other recourse. In all sense of fairness and justice, we go along with the Woods' Committee suggestion of having a proposed pension appeal board. We, the Hong Kong Veterans' Association, are decidedly in favor of an appeal board resulting in an independent point of view.

[*Interpretation*]

très important parce que les évaluations de pension sont très insuffisantes pour les anciens combattants qui souffrent de plus d'une invalidité. Les pensions pour certains genres d'invalidités multiples sont supérieures dans d'autres pays, et donc plus généreuses.

La réputation du Canada a toujours été mauvaise dans le cas des anciens combattants devenus invalides en cours de service. Pour ce qui est des évaluations d'invalidités multiples, messieurs, nous sommes en parfait accord avec le Comité Woods.

Mr. D'Avignon:

Multiple Disabilities

Provisions should be made for a supplementary pension for multiple disability casualties, paraplegics, and totally blind pensioners, by virtue of the principle that the 100% allocation is based on the loss of the means of earning a living on the unskilled labour market, and that the supplementary pension should be awarded where other factors exist to a substantial degree, such as suffering, deformity, loss of the ability to enjoy life, and shortening of life.

The absence of adequate provisions for veterans having incurred multiple disabilities appear as a major flaw in the present pension system. The scale of pension allocations up to 100% appears to be satisfactory. Consequently, the solution is not to be found in an attempt at rearranging allocations whereby 100% would represent the most seriously disabled category of pensioners, followed by a decreasing revision of the other allocations. The most workable system would be to maintain all allocations below 100% when justifiable. The suggested maximum allocation for paraplegia is 350%.

M. Brady:

Tribunal d'appel

Notre Association sent le besoin d'un tribunal d'appel indépendant de la Commission des pensions. Actuellement, les appels sont entendus par les commissaires qui travaillent tous les jours avec les personnes qui font partie de la Commission des pensions et qui ont déjà analysé les demandes. Il n'y a aucun recours possible à un organisme indépendant. Lorsqu'on refuse la demande d'un requérant, il n'y a aucun autre recours. En toute justice et équité, nous appuyons la proposition du Comité Woods sur la création d'un tribunal d'appel. L'Association des anciens combattants de Hong Kong serait favorable à un tribunal d'appel qui pourrait rendre une décision indépendante.

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M. D'Avigon:

Tribunal d'appel

Une recommandation majoritaire du Comité est l'insaturation d'un tribunal d'appel pour les pensions qui agirait en qualité d'arbitre dont la décision serait finale dans l'attribution des pensions. Présentement, le seul recours d'appel est à l'intérieur même de la Commission. Des tribunaux d'appel composés de trois commissaires tiennent des audiences pour entendre les réclamations sur des décisions antérieures, mais seulement en regard des cas d'éligibilité. Il n'existe aucune procédure en regard des bénéfices supplémentaires.

Les réclamations devraient être entendues par le tribunal proposé tant sur l'éligibilité que sur les bénéfices supplémentaires, le tribunal devant consister de cinq personnes ou plus, à être désignées d'une façon et pour une durée similaires à celles pour les commissaires de la pension. Le tribunal agirait indépendamment de la Commission canadienne des pensions et ferait rapport au ministre des Affaires des anciens combattants, mais sans y être assujetti. Des groupes consultatifs spéciaux seraient à leur disposition pour les renseigner sur les points légaux et médicaux. Les réclamants pourraient être aidés par le Bureau des anciens combattants, des organismes d'anciens combattants et autres individus. La Commission des pensions n'aurait pas voix aux audiences mais aurait la permission de présenter un exposé écrit des raisons de sa décision.

Le proposé tribunal d'appel pour les pensions déciderait aussi les interprétations de l'Acte. Le tribunal serait obligé de prendre les décisions en dedans d'une limite de trente jours lorsque étudiées pour revision, soixante jours s'il y a audience de représentations du réclamant, et six mois où le cas est entendu depuis l'origine.

Mr. Brady:

(*Automatic Age Increases*)

Under existing conditions assessment is increased automatically for gunshot wounds and amputation due to direct result of enemy action. This basic scale is as follows:

A 50 per cent pensioner is entitled to three 10 per cent increases at two-year intervals at age 55 until he reaches 80 per cent.

A 60 per cent pensioner receives two 10 per cent increases every two years at age 55.

A 70 per cent pensioner is increased to 80 per cent at age 55.

[*Interprétation*]

Mr. D'Avignon:

Pension Appeal Board

A majority recommendation of the Committee is the setting up of a Pension Appeal Board which would act as an arbitrator and whose decision would be final in allocating pensions. At present, appeals can be heard by the Commission only. Appeal Courts made up of 3 Commissioners hold hearings dealing with claims in connection with previous rulings, but only regarding eligibility cases. There is no procedure regarding supplementary benefits.

Claims should be heard by the proposed Board with regard to both eligibility and supplementary benefits. The proposed Board should consist of 5 persons or more, to be appointed in a manner and for a duration similar to that of the Pension Commissioners. The Board would act independently of the Canadian Pension Commission and would report to the Minister of Veterans' Affairs, but without being subject to his authority. Special consulting groups would be at their disposal to inform them on legal and medical points. Claimants could receive assistance from the Veterans' Bureau, Veterans' organizations and other individuals. The Pension Commission would not be entitled to give an opinion during hearings but would be permitted to present a written report regarding the reasons for its decision.

The proposed Pension Appeal Board would also rule on the interpretations of the Act. The Board would be obliged to rule within the limits of 30 days when these are examined for revision, within 60 days should there be a hearing for a claimant's representations, and within 6 months where the case is heard from the very beginning.

M. Brady:

Augmentation systématique selon les âges

En vertu des dispositions présentes, l'attribution est systématiquement augmentée pour les amputations et mutilations qui sont le résultat direct d'un acte ennemi, dans la base de l'échelle suivante:

Un pensionné à 50 p. 100 a droit à trois augmentations de 10 p. 100 à intervalles de deux ans à l'âge de 55 ans jusqu'à concurrence de 80 p. 100.

Un pensionné à 60 p. 100 reçoit deux augmentations de 10 p. 100 à tous les deux ans à l'âge de 55 ans.

Un pensionné à 70 p. 100 est augmenté à 80 p. 100 à l'âge de 55 ans.

[*Text*]

The recommendation is made that automatic age increases be made applicable to 80 per cent and 90 per cent pensioners, so that they can reach 100 per cent. Also that such automatic age increases apply to all disabilities resulting from injuries or wounds which have been assessed as apparently permanent, rather than be limited to those that have arisen only from direct action with the enemy.

As the residual effects of Avitaminosis are of a permanent nature, our Association urges that our disabilities fall into this category of permanent injuries. Once the awesome effect of malnutrition started to show its ugly head amongst our men in the early months of imprisonment, this affliction, avitaminosis, is still with all our group to this date—23 years later. For our Hong Kong members alive today, we know that there is no cure for avitaminosis at our present age of life. It is unfortunate but true—at our age it is too late; we are still putting up with the after-effects of malnutrition caused by prolonged starvation, coupled with nigh on to 4 years of forced labor. To us Hong Kong men this is most definitely a permanent injury caused by "War" while in the service of our country. At this point we would like to stress that World War I veterans be given special consideration also.

M. D'Avignon:

Augmentations systématiques selon les âges

En vertu des dispositions présentes, l'attribution est systématiquement augmentée pour les amputations et mutilations qui sont le résultat direct d'acte ennemi, sur la base de l'échelle suivante:

> Un pensionné à 50 p. 100 a droit à trois augmentations de 10 p. 100 à intervalles de deux ans à l'âge de 55 ans jusqu'à concurrence de 80 p. 100.

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> Un pensionné à 60 p. 100 reçoit deux augmentations de 10 p. 100 à tous les deux ans à l'âge de 55 ans.
>
> Un pensionné à 70 p. 100 est augmenté à 80 p. 100 à l'âge de 55 ans.

Il est recommandé que les augmentations systématiques selon l'âge s'appliquent aux pensionnés à 80 p. 100 et 90 p. 100 afin qu'ils puissent atteindre le 100 p. 100. Aussi que telles augmentations systématiques relatives à l'âge s'appliquent à toutes les invalidités résultant de blessures ou dommages qui auraient été jugés présumément permanents, plutôt que de les limiter uniquement à ceux résultant d'action ennemie.

[*Interpretation*]

Il est recommandé que les augmentations systématiques selon l'âge s'appliquent aux pensionnés à 80 p. 100 et 90 p. 100 afin qu'ils puissent atteindre le 100 p. 100. Aussi que de telles augmentations systématiques relatives à l'âge s'appliquent à toutes les invalidités résultant de blessures ou dommages qui auraient été jugés présumément permanents, plutôt que de les limiter uniquement à ceux résultant d'action ennemie.

Comme les effets de l'avitaminose sont permanents, notre Association aimerait que les invalidités qui en résultent fassent partie de la catégorie des blessures permanentes. Nos invalides ont ressenti les effets de la malnutrition dès les premiers mois de leur emprisonnement et ils en souffrent encore, vingt-trois ans après. Nous savons qu'il n'y a encore aucune cure pour nos membres de Hong Kong qui sont encore en vie. Il est malheureux, mais vrai, qu'il en soit ainsi; nous sommes encore aux prises avec les effets de la malnutrition causée par une longue privation de nourriture, accompagnée de près de quatre ans de travaux forcés. Pour nous, les hommes de Hong Kong, il ne fait aucun doute qu'il s'agit d'un dommage permanent causé par la guerre alors que nous étions au service de notre pays. Nous aimerions souligner ici que les anciens combattants de la Première Guerre mondiale méritent également une attention particulière.

Mr. D'Avignon:

Automatic Age Increases

Under present provisions, allocations are automatically increased for amputations and mutilations due to direct result from enemy action, on the basis of the following scale:

> A 50% pensioner is entitled to those 10% increases at two-year intervals at age 55 until he reaches 80%.
>
> A 60% pensioner receives two 10% increases every two years at age 55.
>
> A 70% pensioner is increased to 80% at age 55.

The recommendation is made that automatic age increases be made applicable to 80% and 90% pensioners, so that they can reach 100%. Also that such automatic age increases apply to all disabilities resulting from injuries or wounds which have been assessed as apparently permanent, rather than be limited to those which have arisen from direct action with the enemy only.

[*Texte*]

Mr. Brady:

Income Tax Exemption

The Royal Commission on taxation had recommended the removal of this exemption of pension from income tax; our Association wants to stress most strongly that we are in full agreement with the Woods' Report recommendation that exemption be continued.

M. D'Avignon:

Impôt sur le revenu

Le Comité a fait un sérieux examen sur la validité de la présente exemption de la pension d'impôt sur le revenu, notant que la Commission royale sur la taxation avait recommandé la révocation de cette exemption. Le Comité recommande que cette exemption soit maintenue, commentant que la base sur laquelle la pension est payée au Canada est suffisamment unique pour soustraire cette pension de la catégorie "revenu", car elle sert à décrire les argents reçus par un individu assujetti à l'impôt. L'étude du Comité indique que, en effet, la pension est un prolongement de la solde d'en temps de guerre, laquelle, traditionnellement, a été exempte de l'impôt sur le revenu sur le fondement que la solde militaire ne fut jamais destinée à remplacer le revenu qui aurait pu être gagné dans le civil en temps de guerre.

Mr. Brady:

Stabilization

The Hong Kong Veterans Association request a practical and justifiable stabilization policy for our survivors' War Pensions.

Mr. Guay (St. Boniface): On a point of order, Mr. Chairman. I do not know what arrangements were made prior to the Hong Kong Veterans presenting their brief this morning. Did you intimate that they would read their entire brief before any questions were put to them?

The Chairman: It is up to them to decide what they want to do. I would like them to go through their brief. If members wish to interrupt to ask questions as they do so...

Mr. Guay (St. Boniface): Are we going to give them the same attention that we have given others who have appeared before us? Yesterday, for example, we sat all day with the War Amputations. We had a wonderful day with them. We took their brief chapter by chapter on each specific issue. I feel that this gives the members of the Committee a better recollection because as we are leaving a chapter we can go right into it by question-

[*Interprétation*]

M. Brady:

Impôt sur le revenu

La Commission royale sur la taxation avait recommandé la révocation de cette exemption de la pension d'impôt sur le revenu; nous aimerions souligner avec force que nous sommes en parfait accord avec cette recommandation du rapport Woods qui vient conserver cette exemption.

Mr. D'Avignon:

Income Tax

The Committee has carried out a serious examination regarding the validity of the present income tax exemption of the pension, while noting that the Royal Commission on Taxation had recommended the removal of this exemption. The Committee recommends that this exemption be maintained, seeing as the basis on which the pension is paid in Canada is sufficiently unique to remove this pension from the "income" category because it serves to describe the money received by an individual who is subject to income tax. The Committee's study indicates that, in fact, the pension is an extension of war-time pay which, traditionally, has been exempt of income tax because of the basic fact that military pay was never intended to replace that income which could have been earned in civilian life in war-time.

M. Brady:

Stabilisation

L'Association des anciens combattants de Hong Kong demande une stabilisation pratique et justifiable des mesures touchant les pensionnés de guerre encore en vie.

M. Guay (St-Boniface): J'invoque le règlement, monsieur le président. Allez-vous laisser les anciens combattants de Hong Kong lire leur mémoire en entier avant qu'on puisse leur poser des questions?

Le président: C'est à eux de décider. J'aimerais qu'ils lisent leur mémoire. Si des membres désirent les interrompre pour leur poser des questions...

M. Guay (St-Boniface): Nous allons leur accorder la même attention qu'aux autres qui sont venus témoigner devant nous. Hier, par exemple, nous avons écouté pendant toute la journée les amputés de guerre. Nous avons passé une belle journée en leur compagnie. Nous avons étudié leur mémoire chapitre par chapitre.

Je crois que cette dernière façon est la meilleure puisqu'elle nous permet de poser

[*Text*]

ing the delegation. If you go through an entire brief like this when one comes to question the delegation one has to go back over many pages of notes that one has made. This is only a suggestion. I am not going to burden the Committee with the point, but what was the intention?

The Chairman: The brief is not long, and no doubt we will want to discuss it section by section. I thought possibly we would let the delegation complete their brief and then we could go through it and make our comments on it section by section. Certainly it is not a brief of the length of some of the others we have received, which makes it easier to proceed in this way.

What is the wish of the Committee?

Some hon. Members: Proceed.

M. D'Avignon:

Stabilisation

La recommandation est pour que les pensions découlant du service au cours de la IIe Guerre soient stabilisées lorsqu'elles ont été en vigueur depuis trois ans ou plus. Le rapport note, qu'en effet la stabilisation avait été accordée pour les pensions de la Ire Guerre mondiale en 1936—approximativement 18 ans après la fin de la Ire Guerre. Donc, vu qu'il s'est écoulé un laps de 21 années depuis la fin de la IIe Guerre mondiale, il serait maintenant pratique et justifiable de mettre en vigueur une politique de stabilisation des pensions se rapportant aux forces en temps de paix à certaines conditions.

Mr. Brady:

Benefit of the Doubt

If the benefit of the doubt clause in the Pension Act means anything at all, it should be invoked to ensure that the members of this Force and their dependents are afforded the maximum protection possible under the Pension Act. Speaking of protection, as to the cost to the Government for the establishment of a basic 50 per cent pension for the 395 survivors of the Hong Kong Force who are still under the basic 50 per cent, bearing in mind that many of these men are presently carrying a pension somewhere between 25 per cent to 40 per cent it seems safe to assume that the cost to the Canadian taxpayer, of bringing the entire Hong Kong Group to 50 per cent, would represent a minor expenditure.

[*Interpretation*]

des questions sur ce que nous venons tou juste d'entendre. S'il faut attendre que l mémoire ait été lu en entier, celui qui veu poser des questions devra consulter de nombreuses pages de notes qu'il a écrites. J'ai cru bon de proposer cette méthode. Je ne veux pas insister davantage, mais j'aimerais savoir quelle sera notre façon de procéder?

Le président: Le mémoire n'est pas long et nous voudrons certainement en discuter article par article. Je crois qu'il serait préférable de laisser les témoins terminer leur mémoire et nous pourrons ensuite passer à nos commentaires sur les différents articles. Le mémoire n'est pas long et il sera donc assez facile de l'analyser de cette dernière façon.

Qu'est-ce que le Comité désire faire?

Des voix: Continuer.

Mr. D'Avignon:

Stabilization

The recommendation is made that pensions arising from service during World War II be stabilized when they have been in force three years or more. The report notes that, in fact, stabilization had been granted in 1936 for World War One pensions, that is approximately 18 years after the First World War. Therefore, seeing as 21 years have elapsed since the end of World War II, it would now be practical and justifiable to enforce, under certain conditions, a pension stabilization policy concerning the peacetime Forces.

M. Brady:

Bénéfice du doute

La clause du bénéfice du doute dans la Loi sur les pensions devrait assurer aux membres de cette Force et à leurs personnes à charge le maximum de protection possible en vertu de la Loi sur les pensions. Le coût qu'il en coûterait au gouvernement pour établir une pension de base de 50 p. 100 pour les 395 survivants de la force de Hong Kong dont la pension est inférieure à ce taux de base de 50 p. 100, dans plusieurs cas, entre 25 p. 100 et 40 p. 100, ne représenterait qu'une dépense légère pour leurs contribuables.

[*Texte*]

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M. D'Avignon:

Bénéfice du doute

Le rapport traite longuement de la clause du «Bénéfice du doute», laquelle a été le sujet de sérieux reproches depuis qu'elle fait partie de la législation sur les pensions en 1930. Le rapport suggère que la plus grande difficulté réside dans l'inaptitude d'interprétation de la clause telle qu'elle existe dans la Loi et propose une nouvelle clause qui dirait que, de fait, le réclamant ne serait pas requis de présenter une évidence prépondérante pour supporter sa réclamation, quand des déductions raisonnables s'avèrent en sa faveur.

Le rapport remarque que ladite clause du bénéfice du doute en est venue à être acceptée comme étant, en fait, à tous égards, l'expression de l'Acte. En conséquence, il est recommandé qu'un nouvel article soit arrêté promulguant que les but et objet soient de pourvoir «à toute considération raisonnable pour les mutilés et invalides de guerre». Cet article toucherait tous les aspects de la Loi et de son administration.

Mr. Brady:

Conclusion:

Of the total of 1956 Canadians who went to Hong Kong, 290 were killed in action or died of wounds,—267 died in Japanese prisoner-of-war camps. Post war developments,—some 160 deaths since our return to Canada. Having regard for their age group, this can be considered premature death. Dr. Richardson, Deputy Chief Medical Adviser, Canadian Pension Commission, in a letter dated October 21, 1968, reads in part,—"As requested, as of September 30, 1968, of the 1,228 Hong Kong disability pensions,—395 veterans are below 48 per cent". Since the start of the Richardson Survey, January 1, 1964 to September 30, 1968,—61 deaths reported. This Association is deeply concerned today with the mounting number of our surviving Hong Kong veterans who cannot cope with their every day work,—who have to retire prior to "retirement age". The men who have to earn their living by manual labour are the hardest hit. Let us face it,—this is the legacy left our men to live with daily,—the residual effects of malnutrition caused by starvation and abetted by brutal forced slave labour, physical violence, inadequate clothing and shelter,—for an agonizing 44 months.

Since the war many deaths were due to heart disease. The Canadian Pension Commission would rule that death was not attributa-

[*Interprétation*]

Mr. D'Avignon:

Benefit of the Doubt

The Report deals at length with the Benefit of the Doubt clause which has been seriously blamed since it became part, in 1930, of legislation dealing with pensions. The Report suggests that the major difficulty resides in the inaptitude of interpreting the clause that exists in the Act, and it proposes a new clause which would state that, in fact, the claimant would not be required to present preponderant evidence in order to support his claim, when reasonable deductions prove to be in his favour.

The Report notes that said "Benefit of the Doubt" clause has come to be accepted as being, in fact, in all regards, the expression of the Act. Consequently, it is recommended that a new clause be drawn up promulgating that the aim and object be to make provision "for all reasonable consideration of war cripples and invalids". This clause would have a bearing on all aspects of the Act and its administration.

M. Brady:

Conclusion

Du nombre des canadiens qui sont allés à Hong Kong en 1966, 290 sont morts sur le champ d'honneur ou par suite de blessures, 267 sont morts dans les camps de prisonniers au Japon et 160 sont morts après notre retour au Canada. Si l'on tient compte des groupes d'âges, on peut considérer qu'il s'agit de morts prématurées. Le docteur Richardson, adjoint au médecin en chef de la Commission canadienne des pensions, disait, dans une lettre datée du 21 octobre 1968, que le 30 septembre 1968, 395 des 1,228 pensionnées de Hong Kong recevaient une pension inférieure à 48 p. 100. Depuis le début de l'enquête Richardson, du 1er janvier 1964 au 30 septembre 1968, 61 personnes sont mortes. Notre Association s'inquiète du nombre toujours croissant de nos anciens combattants de Hong Kong encore en vie qui ont pris leur retraite avant l'âge prévu et qui ne peuvent satisfaire aux exigences du travail quotidien. Les personnes les plus atteintes sont celles qui doivent gagner leur vie par un travail manuel. Le legs quotidien laissé à nos hommes se constitue des effets permanents de la malnutrition causée par la faim et associée à des travaux forcés d'esclavage, à la violence physique à un habillement et à un logement insuffisants, et ce depuis 44 mois.

Depuis la guerre, beaucoup de décès provenaient de défaillance cardiaque. La Commission canadienne des pensions décidait que le

[*Text*]

ble to service,—being below 48 per cent, the widow and dependents lost out completely. In Dr. Richardson's report of recent years he tells us that imprisonment under such harsh conditions experienced by the Hong Kong force can cause heart disease. When the surviving Hong Kong veterans arrived back in Canada in the fall of 1945, they were suffering from the hideous effects of hunger, misery, compulsory work, captivity due to nearly 4 years of deprivation, absence of medical supplies, sanitation non-existent. Under these appalling conditions it is a miracle there were any survivors. When the survivors started reporting to DVA across the country for medical check-ups and treatment, the irony of the whole thing was the lack of knowledge by medical personnel on the residual effects and complexities of avitaminosis. In prison camps our boys were subjected to a diphtheria epidemic,—losing 7 to 10 men a day at its height,—this is in the records.

The following diseases prevailed at the camps,—malnutrition, pellagra, wet beriberi, dry beriberi, hot feet, numbness, dysentry, beriberi heart, pneumonia, acute enteritus, t.b., malaria, acute gastroenteritis, mental disease, endocarditis, colitis, beriberi heart failure, paralytic beriberi, lung problems, kidney failures. These prevailing ailments throughout our stay in prisoner-of-war camps under the Japanese are actually recorded as causes of death in the Printer to the King's Most Excellent Majesty, Ottawa, 1945, corrected to the 18th of September 1945. This book entitled "Canadian Prisoners-of-War and Missing Personnel in the Far East", Part 1 lists prisoner-of-war,—Part 2—missing personnel,—Part 2-E, refers to Canadian Army personnel who died in prison camps,—and causes of deaths (the above-mentioned diseases),—there it is in black and white, no need of medical evidence to substantiate. This is not our report, it was put out by the Canadian government.

What we want to put across is this, our boys were broken down both physically and mentally when they came back. As our medical people took a "wait and see" attitude, we the survivors took the short end of the stick when it came to assessing war disability pensions at that time.

[*Interpretation*]

décès n'était pas attribuable au service et comme il s'agissait de pensionnés à moins de 48 p. 100, la veuve et les personnes à charge se retrouvaient complètement dépourvues. Dans son rapport, le docteur Richardson révèle que l'emprisonnement dans des conditions pénibles telles que celles qu'ont eu à subir les anciens combattants de Hong Kong peut entraîner une insuffisance cardiaque. Lorsque les anciens combattants de Hong Kong survivants sont arrivés au Canada à l'automne de 1945, ils souffraient des effets néfastes de la faim, de la misère, du travail obligatoire, d'une captivité de près de 4 ans d'absence de fournitures médicales et de services médicaux. C'est un miracle qu'il y ait eu des survivants. Lorsque les survivants ont commencé à se présenter au ministère des Affaires des anciens combattants pour des examens et des traitements médicaux, la chose la plus surprenante a été le manque de connaissances du personnel médical sur les effets permanents et les divers aspects de l'avitaminose. Dans le cas de prisonniers, nous avons été aux prises avec une épidémie de diphtérie et les pertes atteignaient de 5 à 10 hommes par jour; vous trouverez toutes ces données dans les régistres.

Voici les maladies qui ont sévi dans les camps: malnutrition, pellagre, béribéri œdémateux, béribérie sec, brûlement des pieds, engourdissement, dysenterie, cœur béribérie, pneumonie, entérite aigu, tuberculose, malaria, gastro-entérite aigu, affectation mentale, endocardite, colite, insuffisance cardiaque secondaire au béribéri, paralysie secondaire au béribéri, troubles pulmonaires, insuffisance rénale. Ces maladies qui ont sévi dans les camps de prisonniers au Japon figurent comme causes de décès dans une publication de l'Imprimeur de Sa Très Excellente Majesté le Roi, Ottawa, 1945, édition revisée au 18 septembre 1945. Ce livre s'intitule «Canadian Prisoners-of-War and Missing Personnel in the Far East»; la Partie 1 énumère les prisonniers de guerre, la Partie 2 le personnel manquant, la partie 2-E traite du personnel des Forces canadiennes mort dans les camps de prisonniers et les causes de décès (les maladies susmentionnées); c'est écrit en noir et blanc et aucune preuve médicale n'est nécessaire. Il ne s'agit pas d'un de nos rapports, mais bien d'un rapport du gouvernement canadien.

Ce que nous voulons souligner, c'est que nos hommes sont revenus physiquement et mentalement dérangés. Comme le personnel médical qui s'occupait de nous a préféré attendre avant de faire quoi que ce soit, nous avons été défavorisés dans l'évaluation des pensions d'invalidité de guerre.

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Today, 23 years later, we are appealing to you gentlemen, to carry out in all haste the implementation of the Woods' Report Recommendations 92 and 93—dealing with the Hong Kong veterans,—that is, 50 percent minimum was disability for all surviving Hong Kong veterans and full pension benefits for widows and dependents.

• 1005

To the men who made up the Woods Committee—Judge Woods, Judge Lindal, and Colonel Nantel—thanks for a job well done.

To the Royal Canadian Legion—thanks for allowing use of French extracts from their *Legionary* magazine.

In closing, Mr. Chairman and gentlemen—we will be pleased to answer any question you may have.

To members of Parliament—thanks for giving us the time and opportunity to present our brief. We know we can rely on your support.

We added an appendix to this because of those happy developments on September 9.

When our association was presented with a copy of the White Paper, September 9, 1969, by the Minister of Veterans Affairs, Hon. J. E. Dubé, it was with relief and happiness when it was announced that Hong Kong Veterans will receive a minimum 50 per cent pension and that widows and orphans of the Hong Kong veterans are to be assured of pensions.

As a member association of the National Veterans Organization of Canada we concur with the priorities as outlined in the "Joint Statement" meeting of Thursday, September 18 before the Standing Committee on Veterans Affairs: Order of priorities basic rate, multiple disabilities, independent pension appeal board. In the Woods Report—special act of Parliament recommended by the Woods Committee that the first 50 per cent of pension should be based on factors other than the assessable degree of disability and should be authorized as special legislation. The Woods Committee considers that pensions up to 50 per cent should be awarded to ex-members of the Hong Kong force in the form of an award for meritorious service, based on the following: (a) the circumstances under which this force served, (b) the privations experienced by these members in Japanese prison camps, (c) the seeming difficulty in making an accurate estimate of the residual medical effects of this imprisonment.

[*Interprétation*]

Aujourd'hui, 23 ans après, nous vous demandons d'adopter au plus vite les recommandations 91 et 93 du rapport Woods qui traitent des anciens combattants de Hong Kong, à savoir, une pension d'invalidité de guerre d'au moins 50 p. 100 pour tous les survivants des anciens combattants de Hong Kong et de pleines prestations pour les veuves et les personnes à charge.

J'aimerais remercier les personnes qui constituaient le comité Woods, à savoir le juge Woods, le juge Lindal et le colonel Nantel.

Je veux également remercier la Légion royale canadienne de nous avoir permis d'utiliser des extraits de sa revue française *Le Légionnaire*.

Enfin, monsieur le président et messieurs, nous serons heureux de répondre à toutes vos questions.

Je remercie également les députés qui nous ont accordé le temps et l'occasion de présenter notre mémoire. Nous savons que nous pouvons compter sur vous.

Nous avons ajouté une annexe à la suite des évènements réjouissants du 9 septembre.

Lorsque notre Association a reçu un exemplaire du Livre blanc, le 9 septembre 1969, du ministre des Affaires des anciens combattants, l'honorable J.-E. Dubé, c'est avec enthousiasme et joie que nous avons appris que les anciens combattants de Hong Kong allaient recevoir une pension minimum de 50 p. 100 et que les veuves et orphelins des anciens combattants de Hong Kong allaient recevoir une pension.

A titre de membre des organismes nationaux des anciens combattants canadiens, nous sommes d'accord avec les priorités soulignées dans le communiqué conjoint présenté le jeudi 18 septembre au Comité permanent des Affaires des anciens combattants: taux de base, invalidités multiples, tribunal d'appel indépendant. Dans son rapport, le Comité Woods recommandait une loi spéciale du Parlement voulant que les premiers 50 p. 100 de la pension soient fondés sur des facteurs autres que le degré appréciable d'invalidité et que cette loi fasse l'objet de mesures législatives spéciales. Le Comité Woods considère que des pensions atteignant jusqu'à 50 p. 100 devraient être accordées aux ex-membres de la force de Hong Kong comme récompense de services méritoires, basées sur les points suivants: (a) les circonstances entourant le service, (b) les insuffisances auxquelles ont été soumis les membres dans les camps de prisonniers au Japon, (c) les difficultés apparentes à faire une juste estimation des effets permanents de cet emprisonnement.

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We still have heart claims for some of our surviving members being turned down by the Canadian Pension Commission. These are men who may be receiving partial entitlement. They cannot cope with their work, so we urge most strongly that they be given 100 per cent disability.

Dr. Albert Haas, Director, Cardio-Pulmonary Laboratory, New York Medical Center, is a leading and world-wide specialist in this field. He is also an ex-P.O.W. who survived the dreadful concentration camps of Europe in World War II. Here is a man of experience who pointed out that hunger stress of prison life and slave labour can influence cardiac troubles, even in younger men. Dr. Haas is willing to appear before this Veterans Affairs Committee as a medical witness provided he can be given two weeks' notice. Dr. Haas told our National President, C. P. Brady, it would be an honour for him to come to Ottawa on an invitation from this Committee to substantiate our existing heart claims. Dr. Haas can be contacted by telephone at area code 212-679-3200, New York, University Medical Center, Institute of Rehabilitation Medicine, 400 East 34th Street, New York City, 10016, U.S.A.

We trust that the Woods Committee recommendation that confirmation of continuation of pension for child to age 25 when undergoing course of instruction will be implemented.

In conclusion, we are pleased to note that the government will take in future a more generous view of the benefit of the doubt clause, also to make pensions retroactive for up to five years prior to date of entitlement to improve the situation for the pension widow who remarries and to award pension for consequential disabilities.

The Chairman: Thank you, Mr. Brady.

I know the members of the Committee have a number of questions and I thought we might just take it paragraph by paragraph from the beginning of your brief and invite comments. Are there any comments or question the members want to raise with respect to page 1?

Mr. MacRae: I have a question. I think it perhaps relates to page 1, Mr. Chairman. It is a general question and I will address it to Mr. Brady. In our discussion of this matter a few days ago the fact was brought out that there were eight Hong Kong veterans who were not receiving any disability pension whatsoever. We were led to believe that in some cases some of these chaps have just been lost track

[*Interpretation*]

Il y a aussi les demandes provenant d'insuffisance cardiaque qui ont été refusées par la Commission canadienne des pensions. Ces hommes ont droit à une compensation partielle. Ils ne peuvent s'acquitter de leurs travaux, et nous vous recommandons fortement de leur accorder l'invalidité à 100 p. 100.

Le docteur Albert Haas, directeur du laboratoire cardio-pulmonaire du centre médical de New York est un expert et une autorité reconnue dans ce domaine. Il est également un ancien prisonnier de guerre qui a connu les camps de concentration en Europe durant la Seconde Guerre mondiale. Il a démontré que la faim associée à l'emprisonnement et aux travaux d'esclavage pouvait entraîner des troubles cardiaques, même chez les jeunes. Le docteur Haas serait prêt à venir témoigner devant le Comité des Affaires des anciens combattants à titre d'expert médical pourvu qu'on l'avertisse au moins deux semaines à l'avance. Le docteur Haas a dit à notre président national, M. C. P. Brady, que ce serait un honneur pour lui de venir à Ottawa, à la demande de votre Comité, pour appuyer nos demandes d'insuffisance cardiaque. Vous pourrez communiquer avec le docteur Haas au numéro 212—679-3200, New York, University Medical Center, Institute of Rehabilitation Medicine, 400 East 34th Street, New York City, 10016 U.S.A.

Nous espérons que la recommandation du Comité Woods voulant que la pension ne soit pas retirée à un enfant de 25 ans encore aux études soit mise en application.

Nous sommes heureux de voir que le gouvernement interprétera plus largement la clause du bénéfice du doute et accordera des pensions avec rappel jusqu'à concurrence de 5 ans à partir de la date d'acceptation pour améliorer la situation de la veuve remariée et accorder des pensions pour invalidités subséquentes.

Le président: Merci, monsieur Brady.

Je sais que les membres du Comité ont des questions à poser et je crois que nous pourrions étudier votre mémoire, paragraphe par paragraphe, en commençant par le début. Y a-t-il des commentaires ou des questions au sujet de la page 1?

M. MacRae: J'aurais une question. Je crois que la question se rapporte à la page 1, monsieur le président. C'est une question générale que je poserais à monsieur Brady. Au cours de notre discussion, il y a quelques jours, on a mentionné que huit anciens combattants de Hong Kong n'avaient reçu aucune pension d'invalidité. Nous avions cru que, dans certains cas, certaines personnes n'avaient pu

[*Texte*]

of entirely. Perhaps Mr. Brady might know of one or two who are not receiving a disability pension of any kind, not being assessed, and perhaps Mr. Brady could tell us about those eight. I am interested in this. If there is one man who is not getting a fair deal out of this, then we want to try to find him and see that he does.

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Mr. Brady: With respect to the question about the eight who have not been getting any pension, I think it is up to the fellow himself. I know of one case where a man turned down the financial end of things. Instead of getting $100 a month pension, he turned that down, he did not want it. However, he said, "I would like to keep the medical treatment". That is a case I know about. There are cases like that. I think some of them may be involved with men who are—I will put it this way—independently wealthy and they may not think they need it, or something to that effect, but it has nothing to do with the Canadian Pension Commission. With reference to these eight, it is up to the individual. Now that all our branch presidents are here today I think they should get their hotline going to find out from our members, if they know of any particular guys who do not get this.

Mr. MacRae: I think, Mr. Brady, too that through the department you would be able to get the names. Quite likely the records would be absolutely complete and you would be able to get the names and you would have something to work from there, too.

Mr. Brady: That is a very good suggestion and we will follow through on it.

The Chairman: I think part of the difficulty lies in the fact that these men have not been in touch with the department, Mr. MacRae.

Mr. MacRae: Yes, of course and some of them may be dead, too.

The Chairman: I have a similar question I would like to put. I received a letter from a Royal Canadian Air Force veteran who was in Singapore and was taken prisoner in Singapore and claims he went through substantially similar conditions to you. Do you have knowledge of any members of other forces who were incarcerated with you, went through imprisonment with you. Have you any idea of the numbers that might be involved?

Mr. Brady: I think Mr. Manchester may have some answer on that. Are there not some veterans out in British Columbia belonging to the British forces that are living out there, Bob?

[*Interprétation*]

être retracées. Peut-être M. Brady en connait-il un ou deux qui ne recoivent pas de pension d'invalidité, puisqu'il n'y a pas eu d'évaluation, et peut-être pourrait-il nous parler des huit personnes qui ont été mentionnées? Si un homme est lésé, nous corrigerons la situation.

M. Brady: Pour ce qui est des huit personnes qui ne recoivent aucune pension, je crois que c'est un état qui dépend d'eux. J'en connais une qui a refusé une pension de $100 par mois parce qu'elle n'en voulait pas. Toutefois, elle m'a dit qu'elle aimerait continuer à recevoir les traitements médicaux. C'est un cas que je connais. Il y a d'autres cas de ce genre. Je crois que ces personnes sont assez riches et ne veulent pas de cette pension ou d'une compensation quelconque, mais ceci n'a rien à voir avec la Commission canadienne des pensions. Pour ce qui est des huit personnes, cela dépend de chacun d'eux. Tous nos présidents de direction sont ici aujourd'hui et je crois qu'ils devraient essayer de savoir si, parmi nos membres, il y a des personnes qui ne recoivent pas de pension.

M. MacRae: Bien sûr, il faut chercher à avoir les noms par vos services je pense que d'après vos dossiers, vous pourriez obtenir les noms et retracer ces personnes. Ces gens n'étaient pas en rapport avec le Ministère, il ne faut pas l'oublier.

M. Brady: C'est une bonne idée, c'est ce que nous ferons.

Le président: Une partie de la difficulté provient de ce que ces personnes n'ont pas pris contact avec le ministère, M. MacRae.

M. MacRae: Oui et quelques-unes d'entre elles sont peu être décédées.

Le président: J'ai une question à poser, j'ai reçu une lettre d'un ancien combattant de l'Aviation canadienne qui était à Singapour et qui y a été fait prisonnier, cette personne était dans une situation semblable à la vôtre. Savez-vous s'il y a des aviateurs, ou d'autres membres des forces armées qui ont aussi été emprisonnés. Avez-vous une idée du nombre des aviateurs en cause?

M. Brady: Je pense que M. Manchester pourrait nous répondre; y a-t-il des aviateurs en Colombie-Britannique qui appartenaient à l'aviation britannique?

[*Text*]

Mr. Robert Manchester (President Hong Kong Veterans Association of Canada British Columbia Branch): Mr. Chairman it does not really pertain to your question. There are members of the British forces who reside in British Columbia. They are not Canadian force members. In respect to the veterans of other services belonging to the Canadian Forces, I understand that there are groups of Air Force personnel and perhaps some Navy personnel scattered out through Canada. I have no figures on the numbers who may have served or were imprisoned in the camps in the Far East, but there are a few existing.

Mr. J. R. Stroud (President of Hong Kong Veterans Association of Canada Ontario Branch): I think that pretty well this list that we refer to in our brief on page 12 indicates other forces that were prisoners of war in the Far East. It names the RCAF and the Navy personnel who were in Singapore, Malaya and various other camps. Some of them were prisoners of war right in our own camps in Japan, although they did not serve in Hong Kong. I can refer to Air Commodore Birchall whom we knew well. He was in our camp and he was shot down close to India. I think you will recall that.

Mr. Bigg: Were there any Canadian female prisoners in your organization?

Mr. Brady: Yes, sir.

Mr. Bigg: We had two nursing sisters.

Mr. Brady: Are they accounted for?

Mr. Bigg: They were repatriated if I remember correctly eight months after we were taken prisoner.

Mr. Brady: No, they came back. As a matter of fact, one of the nurses is our honorary president.

Mr. Bigg: Do you know whether they are being handled by separate legislation or are they included in your problem.

Mr. Brady: They would fall in with us, but I think they are coming to present a brief here, too.

Mr. Stroud: Yes later on. One of our nursing sisters will be with that delegation when they appear here.

[*Interpretation*]

M. Robert Manchester (Président de l'Association canadienne des Anciens combattants de Hong-Kong, Division de la Colombie-Britannique): M. le président, ma réponse ne se rapporte peut-être pas exactement sur votre question, il y a des aviateurs britanniques qui se sont installés en Colombie-Britannique. Ils ne sont pas membres des Forces canadiennes. Au sujet des anciens combattants des autres services qui appartiennent aux Forces canadiennes je crois savoir qu'il y a un certain nombre d'aviateurs et de marins dispersés à travers le Canada, mais je n'ai pas les chiffres des personnes qui ont pu servir ou être emprisonnées dans des camps en Extrême-Orient, il y en a un petit nombre.

M. J. R. Stroud (Président de l'Association canadienne des anciens combattants de Hong-Kong, Division de l'Ontario): Je pense que cette liste à la page 12 indique qu'il y a des membres d'autres services de l'armée qui ont été faits prisonniers en Extrême-Orient. Il y a des membres de l'aviation et de la marine qui ont été dans les camps de prisonniers à Singapour, en Malaisie, et dans divers autres camps. Quelques uns d'entre eux ont subi la captivité dans nos propres camps au Japon bien qu'ils n'aient pas servi à Hong-Kong. Je pense en particulier à Birchall un capitaine aviateur que nous connaissions bien, il était dans notre camp et il a été tué tout près des frontières de l'Inde. Je pense que vous vous en souvenez.

M. Bigg: N'y a-t-il pas des Canadiennes qui ont subi la captivité dans votre organisation?

M. Brady: Oui, Monsieur.

M. Bigg: Nous avons deux religieuses infirmières.

M. Brady: Est-ce qu'elles sont en cause?

M. Bigg: Elles ont été rapatriées si je me souviens bien huit mois après que nous ayons été faits prisonniers.

M. Brady: Non, elles sont revenues. En fait l'une d'entre elles a été nommée présidente honoraire.

M. Bigg: Savez-vous si leur cas a été étudié grâce à une mesure spéciale ou distincte ou si elles sont comprises dans vos problèmes.

M. Brady: Elles sont comprises dans notre groupe mais je crois qu'elles ont aussi un mémoire à presenter.

M. Stroud: Oui, je pense que l'une de ces religieuses viendra ici présenter un mémoire plus tard.

[*Texte*]

Mr. Turner (London East): Mr. Chairman and Mr. Bigg whay type of pension do prisoners of war of other countries get? Have you any idea?

Mr. Brady: I may as well be frank with you, I would not know. I imagine the best source is the Canadian Pension Commission because we do not have those figures. We know pretty well about our own but we do not know what type of pension or what assessment other people get.

The Chairman: Any other questions? Mr. Guay?

Mr. Guay (St. Boniface): Mr. Chairman, I would like to make reference at the moment to page 12.

The Chairman: Yes. You are dealing with the general point that has been raised, is that it?

Mr. Guay (St. Boniface): Yes.

The Chairman: Fine, because I am going to call the brief page by page.

Mr. Guay (St. Boniface): Then I will wait until then.

The Chairman: Is that all right with you? Mr. Peters?

Mr. Peters: Do we have some information on this? As I understand it, the other coun-

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tries that have veterans in our country in the main will supply them with our type of coverage. Though this may not be quite in line with what they would do if they were living at home as nationalists. What effect will this idea of our judging the medical disabilities to be 50 per cent have on these other nationals because of its, I suppose, lack of definition.

The Chairman: I am sure that is not easy to answer, Mr. Brady, but any comments would be interesting.

Mr. Brady: I think the CPC people here today may be able to comment on it. We know how it is going to affect our own group but how they are going to treat, say, a fellow who was in the British army in Hong Kong and is now living in Canada will be up to the discretion, I suppose, of the CPC and the government. If I remember correctly, I think there is some kind of a working agreement between the British and the Canadians. If a Canadian goes over to Britain a fellow can get medical treatment there and vice versa.

[*Interprétation*]

M. Turner (London East): Monsieur le président, et M. Bigg en ce qui concerne les prisonniers de guerre d'autres pays, quel genre de pension reçoivent-ils? Avez-vous une idée à ce sujet?

M. Brady: En toute franchise, je ne le sais pas. Je pense que la meilleure source c'est d'aller à la Commission canadienne des pensions pour obtenir ces renseignements. Nous savons assez bien ce qui se passe chez nous, mais ailleurs, nous ne savons guère, à vrai dire quel genre de pension et quelles évaluations ils obtiennent.

Le président: Y a-t-il d'autres questions? Monsieur Guay?

M. Guay (Saint-Boniface): Monsieur le président, je voudrais poser une question relativement à la page 12.

Le président: D'accord, je pense que nous en sommes à une discussion générale pour l'instant.

M. Guay (Saint-Boniface): Oui.

Le président: Ensuite, je demanderai des commentaires sur chacune des pages.

M. Guay (Saint-Boniface): Alors, j'attendrai jusque-là.

Le président: Etes-vous d'accord sur ce point, Monsieur Peters?

M. Peters: Je crois savoir que d'autres pays qui ont des anciens combattants au Canada ont les moyens de les aider ou de leur donner des pensions, conformes aux nôtres ceci n'est peut-être pas tout à fait conforme à ce qu'ils feraient si les intéressés vivaient dans leur pays d'origine. A quoi rime de cette évaluation d'invalidité à 50 p. 100, pour les autres pays je pense qu'il y a ici un manque de définition.

Le président: Cette question est assez difficile à répondre, tout commentaire serait intéressant à entendre.

M. Brady: Je pense que les gens du CTC sont ici aujourd'hui pour faire des commentaires à ce sujet. Nous savons quelle sera la portée pour notre propre groupe, mais nous ne voyons pas comment ceci influera sur la situation, en ce qui concerne, par exemple, les militaires de l'armée britannique qui étaient à Hong Kong et qui vivent maintenant au Canada, je crois que ce sera à la discrétion du C.T.C. et du gouvernement. Si je me souviens bien je pense qu'il y a entente entre les Britanniques et les Canadiens là-dessus. Un

[*Text*]

However, I do not know how far they take this, to what extent they will go with it.

The Chairman: This is a matter in which we may want to ask some questions later; the treatment that would be afforded to people who served in armed forces of allied countries and who are now in Canada.

Mr. Peters: Could I ask, in the Hong Kong Veterans Association of Canada, do you have other nationals who served with you in the prison camps?

Mr. Brady: We have some of them as members of our Association.

Mr. Peters: You represent them too, in some cases?

Mr. Stroud: Yes, we have some of them in the Toronto Branch, for instance, on whose behalf we made representations on pension claims. Some of these fellows had come to Canada, went back to England then came to Canada to live and joined our Association. We have had pension cases and we find, quite frankly, their health is just as bad as our own boys here and we have helped them. However, they come under The British Pension (Increase) Act even though they are in Canada.

Mr. MacRae: Are there some Americans too?

Mr. Stroud: We have no Americans. We have been in touch with American prisoners of war who were in our camps because we were working right with the Americans.

Mr. Whicher: Mr. Chairman, without giving specific cases, in general, how are these British fellows treated compared to yourselves? I am not talking about medical treatment but in actual dollars and cents as far as pensions are concerned? The reason I ask this, Mr. Chairman, is that the Hong Kong Veterans Association of Canada will find during the day that they have every sympathy around this table from all political parties. It is not necessarily given in a sympathetic way. I mean we regard what you are getting as right and we are on your side. On the other hand, I think as Canadians we should have some pride in the fact that we are trying to do a little bit better than other countries have done. For this reason I am wondering if you could tell us just what they are doing in

[*Interpretation*]

Canadien peut aller en Grande-Bretagne, subir des traitements médicaux là-bas et l'inverse est également vrai pour un Britannique. Toutefois je ne sais pas jusqu'où cela peut aller et jusqu'où ils peuvent aller.

Le président: C'est une question sur laquelle nous devrons revenir plus tard en ce qui concerne le traitement accordé aux personnes qui ont servi dans des pays alliés et qui vivent maintenant au Canada.

M. Peters: Puis-je poser une question au sujet de l'Association des anciens combattants de Hong-Kong? Avez-vous d'autres nationaux qui ont été avec vous dans les camps de prisonniers?

M. Brady: Oui, nous en avons un certain nombre parmi les membres de notre Association.

M. Peters: Vous les représentez aussi parfois?

M. Stroud: Oui, nous en avons quelques uns à la section de Toronto, nous avons présenté des réclamations en leur nom en vue de la pension. Certains sont venus au Canada, sont retournés en Grande-Bretagne, puis sont revenus au Canada pour y vivre ils font maintenant partie de notre association. Nous avons constaté qu'il fallait les aider car leur santé est aussi précaire que celle de nos propres camarades mais ils relèvent de la Loi sur les pensions britanniques même s'ils vivent au Canada.

M. MacRae: Y a-t-il aussi des Américains?

M. Stroud: Nous n'avons pas d'Américains. Nous avons été en contact avec les Américains qui étaient prisonniers dans les mêmes camps que nous car nous poursuivons le même but.

M. Whicher: Monsieur le président, sans nous donner des cas spécifiques, comment ces Britanniques ont-ils été traités en général comparativement avec vous? Je ne parle pas des traitements médicaux mais en ce qui concerne, par exemple, le montant de la pension? Si je pose cette question, monsieur le président, c'est que l'Association des anciens combattants de Hong-Kong pourra constater au cours de la journée qu'ils ont la sympathie de tous les partis politiques ici, mais ce n'est pas tout d'être sympathique. Nous considérons que ce que vous obtenez est un droit et nous vous appuyons. D'autre part, je pense, qu'à titre de Canadiens nous devons être fiers du fait que nous essayons de faire un peu mieux que les autres pays ont fait. Voilà pourquoi je me demande si vous pour-

[*Texte*]

England for the veterans who had identical conditions to your own?

Mr. Brady: I think I will call on Peter MacDougall to say a few words on that because he lived over in England for a while and maybe he talked to some of the British boys over there. Perhaps he could throw some light on it for us.

Mr. Peter L. MacDougall (Ottawa Representative of the Hong Kong Veterans Association of Canada): Gentlemen, I lived over there...

The Chairman: Please come to the microphone for purposes of recording the transcript please?

Mr. MacDougall: Thank you. Gentlemen, I lived for a period of about 5 years in England and we ran a very active Department of Veterans Affairs. They gave very sympathetic treatment to anything you took in to them. If you wished to reboard for increase in pension or treatment, they arranged that all this be done. However, I talked to my various associates who served with me in Hong Kong from the British Armed Forces and they came under the National Health Scheme, as I remember it. Once, the first time, I was sent by the Department of Veterans Affairs before the National Health Scheme in England. It was really disgraceful the manner in which I was treated. I went back to Veterans Affairs

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and complained, and from then on I was treated by specialists in the City of London. I do not think that same privilege is generally given to British prisoners of war resident in the United Kingdom, nor do I believe that their pension rate is anywhere near what we ourselves are receiving.

Mr. Bigg: I would like to suggest that we obtain further more detailed information on the way other veterans are treated. I do not think that this will affect what we are going to do for our Hong Kong boys, because we want to be proud of the treatment we give our own veterans. However, I would like to know comparative scales of payment, if they are available.

The Chairman: That will be considered, Mr. Bigg.

[*Interprétation*]

riez nous dire ce qu'on fait en Angleterre pour les anciens combattants qui sont dans les même conditions que les nôtres?

M. Brady: Je demanderai à Peter MacDougall de dire quelques mots à ce sujet parce qu'il a vécu en Angleterre et peut-être parlé avec les Britanniques. Je l'inviterai à commenter la situation.

M. Peter L. MacDougall (Représentant à Ottawa de l'Association canadienne des anciens combattants de Hong-Kong): Messieurs, j'ai vécu là-bas...

Le président: Pourriez-vous vous approcher du microphone aux fins de la transcription?

M. MacDougall: J'ai vécu environ cinq ans en Angleterre, nous avions un ministère des Affaires des anciens combattants qui était très actif là-bas. Nous y avons été accueillis de la façon la plus sympathique, que ce soit pour demander une augmentation de pensions, pour obtenir des traitements médicaux, etc ils s'occupaient de tout. Toutefois, après avoir parlé avec mes divers camarades qui ont servi avec moi à Hong Kong dans les Forces britanniques, ils relèvent maintenant du Régime national de santé. Une fois que j'ai été envoyé par le ministère des Affaires des anciens combattants pour comparaître devant les gens du National Health Scheme en Grande-Bretagne, je n'ai pas été très bien traité, par eux, je suis retourné me plaindre au ministère des Affaires des anciens combattants et par la suite j'ai été traité par des spécialistes à Londres.

Je suis retourné au ministère des Affaires des anciens combattants où je me suis plaint, puis je me suis fait traiter par des spécialistes de la ville de Londres. Je ne crois pas que de façon générale, on accorde les mêmes privilèges aux prisonniers britanniques, qui sont restés comme résidents dans le Royaume-Uni après la guerre ni que le taux de leur pension puisse se comparer avantageusement avec ce que nous recevons nous-mêmes.

M. Bigg: J'aimerais proposer que nous obtenions plus de détails à ce sujet. Je ne crois pas que cela modifiera ce que nous voulons faire dans le cas des anciens combattants de Hong-Kong, car nous voulons être fiers du sort que nous réservons à nos anciens combattants. Cependant, cela m'intéresserait de connaître les différentes échelles de pension, si elles sont disponibles.

Le président: Nous y penserons, monsieur Bigg.

[*Text*]

Mr. Guay (St. Boniface): There is one other point, Mr. Chairman. While some of the Hong Kong veterans may possibly say that Canada is treating them better, this does not mean that we should stop there.

Some hon. Members: No, no.

Mr. Guay (St. Boniface): I think that possibly it is because the people of Canada recognize their responsibility more than others, there may be a multiplicity of reasons. By all means, if we have gone this far, maybe we can still do better. I appreciate the comments of the gentleman on how he was treated in England, I appreciate his frankness in giving us that report, but at the same time I think that many members of the Committee are aware of this and were really asking the questions just to put it on the record.

The Chairman: Fine, we will take a five minute break at this point.

(Upon resuming)

The Chairman: We were discussing page 1 of the brief and there were some general comments. Are there any further general questions members want to raise?

Mr. Marshall: Mr. Chairman, I would like to ask Mr. Brady for an opinion. I am sure there are veterans in Canada, not Hong Kong war veterans, who were in prisoner-of-war camps and suffered under the same conditions that Hong Kong war veterans suffered in Japanese war camps. How are these veterans covered?

Mr. Brady: We know how we ourselves stand. I think that is a very good point. I agree that all veterans who suffered, let us say, identical treatment as prisoners-of-war in Germany, should be given the same consideration.

They had a rough time too. I know of one case in particular. I always thought a friend of mine had a war pension but he did not. He was directed from one person to another and, finally, we heard his story and got behind him. He had a rough time of it. He was a prisoner of war for I think eight months. It does not sound long but in that eight months he had a real rough go of it because the Germans and the allies, being back and forth, criss-crossing and so on, did not have too much time to look after the POWs, they were

[*Interpretation*]

M. Guay (Saint-Boniface): Je voudrais soulever une autre question, monsieur le président. Si quelques anciens combattants de Hong-Kong peuvent dire qu'ils sont mieux traités au Canada, cela ne veut pas dire qu'il faille se croiser les bras.

Des voix: Non, non.

M. Guay (Saint-Boniface): C'est peut-être parce que le peuple canadien connaît mieux, pour toutes sortes de raisons, quelles sont ses responsabilités. En tout cas, si nous sommes allé si loin, peut-être pouvons-nous aller encore plus loin. Je remercie le monsieur qui nous a livré ses commentaires sur la façon dont il a été traité en Angleterre. Je le remercie de sa franchise, mais je crois que beaucoup de membres qui siègent au Comité connaissent la situation et qu'ils posaient les questions tout simplement pour que le témoignage figure dans le compte-rendu.

Le président: Bien, nous ferons maintenant une pause de cinq minutes.

(Reprise de la séance)

Le président: Nous étions à la page 1 du mémoire. Y a-t-il d'autres questions générales que les députés aimeraient poser. Monsieur Marshall.

M. Marshall: J'aimerais demander l'opinion de M. Brady. Il y a des anciens combattants au Canada, selon moi, qui n'étaient pas des prisonniers de guerre mais ce sont d'anciens combattants qui ont subi les mêmes privations que ceux qui ont été emprisonnés dans les camps japonais. Est-ce qu'ils bénéficient des mêmes conditions et comment sont-ils protégés par la loi?

M. Brady: Pour répondre à cette question, je pourrais dire que nous connaissons notre position personnelle à nous, mais c'est une très bonne question que vous avez soulevée, et j'aimerais que tous les anciens combattants qui ont subi les mêmes privations bénéficient des mêmes conditions.

Ils ont connu de durs moments aussi parce que je connais un cas en particulier où un ami à moi qui devait avoir une pension de guerre et qui ne l'a pas obtenue. On le renvoyait de l'un à l'autre et enfin nous avons entendu son histoire et nous avons appuyé sa demande. Il a été prisonnier de la guerre, je crois, pendant huit mois il a connu de durs moments; parce que les Allemands et les alliés avançant et reculant s'entrecroisant et ainsi de suite, on n'avait pas le temps de s'occuper des prisonniers de guerre on les

[*Texte*]

being shunted all over, their diet was bad and they put them on forced labour. We were very much surprised when we found out he did not get a pension at all. So we started the ball rolling by getting him on veterans allowance just to get him going. Then he was brought into hospital and had a leg operation which I am sure was due to his war service. Then we initiated a pension claim for him which, today, is in the hands of the Canadian Pension Commission and we are waiting for a decision on it.

This is the type of man you are talking about, a veteran who had a rough time—imprisonment, forced labour and things like that. We go along with you 100 per cent: those veterans should be looked after and fall into the category that we are—fortunate in having.

Mr. Marshall: Would you say that it would be reasonable for this Committee to recommend that something similar to the disability pensions that your veterans are getting be put in the legislation to cover such veterans?

Mr. Brady: Speaking for all our branches here, I know the fellows would jump in behind it and would go along with that one hundred per cent.

Mr. Marshall: Thank you.

The Chairman: Are there other questions? If not, are there any questions on page 2 of the brief?

Mr. Knowles (Winnipeg North Centre): I would like to ask a question. I suppose they will tell me that somebody in the Department has to answer it.

The point has been made by Mr. Brady that it may be that some of these eight that Mr. MacRae referred to earlier, which we are all aware of, actually do not want a disability pension. I am told there are one or two who say they are healthy and fine, do not want it but are interested in the medical. Is there any way that that protection can be covered. I realize that medical usually comes in relation to an assessable disability. If a veteran does not have an assessable disability can he have the medical coverage?

I realize, Mr. Chairman, this is a rhetorical question, I do not suppose you can answer it and I do not suppose they can answer it, but is this something that his Committee should look into?

[*Interprétation*]

mettaient sur des voies de dérivation, leur régime alimentaire était mauvais et on les mettaient aux travaux forcés. Nous avons été tout surpris d'apprendre que cette personne n'avait pas reçu de pension, alors nous avons amorçé des démarches pour lui obtenir une allocation d'ancien combattant et lui permettre de survivre, puis elle a été hospitalisée, elle a eue une opération de la jambe qui j'en suis sûr, résultait de ses services de guerre. Ensuite nous avons reclamé une pension en sa faveur. Aujourd'hui le cas est soumis à la Commission des pensions, nous attendons la décision à ce sujet. Dans le cas dont vous parlez, c'est un ancien combattant qui a connu de durs moments, des privations, qui a été prisionnier quia été mis aux travaux forcés et nous appuyons totalement la demande de ces anciens combattants qui devraient faire partie de la catégorie privilégiée existente.

M. Marshall: Pouvez-vous dire si le Comité devrait recommander un article de la loi—pour protéger ces anciens combattants, pour leur verser une pension d'invalide comme celle que vous et les anciens combattants touchez.

M. Brady: Oui, parlant au nom de toutes nos sections, nous partageons entièrement cette recommandation.

M. Marshall: Merci.

Le président: Y a-t-il d'autres questions à poser? Sinon y a-t-il des questions à propos de la page 2 du mémoire?

M. Knowles (Winnipeg-Nord-Centre): J'aimerais poser une question et c'est peut-être un délégué du Ministère qui pourrait y répondre mais M. Brady a déclaré qu'il y a peut-être, parmi ces huit anciens combattants mentionnés plus tôt par M. Brady dont nous connaissons tous l'existence, certains qui ne veulent pas une pension d'invalide. On me dit qu'il y en a un ou deux qui se disent assez prospère et qui n'ont pas besoin de cette pension mais qui veulent avoir un traitement hospitalier. Y a-t-il une formule qui pourrait assurer cettte protection? Je me rends compte que le traitement hospitalier doit résulter d'une invalidité évaluée. Pourrait-il avoir une protection médicale sans invalidité évaluée et je sais, M. le président, qu'il s'agit d'une question hypothétique et je ne pense pas que vous puissiez y répondre ni qu'ils puissent y répondre mais c'est une question que le comité devrait examiner.

[*Text*]

The Chairman: I suggest, Mr. Knowles, that you make a note of this. We can certainly ask this question of Departmental witnesses and explore it further. I myself would not hazard a reply.

Mr. Knowles (Winnipeg North Centre): I might also add that some in this age group who feel that they do not want the pension might leave widows who would have a different view about the matter.

Mr. Brady: Along those same lines, this one particular chap I was talking about wanted the entitlement we were talking about for medical but he did not want any money. That is his own prerogative. You mentioned about the widows and their dependants. When legislation does come about and some man still insists that he does not want it and something happens to him, we would like to see his widow and dependants covered.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, perhaps, we could flag this matter and have the Department give us the facts they have about those eight.

The Chairman: Fine, Mr. Knowles. Mr. Weatherhead.

Mr. Weatherhead: Mr. Chairman, I think the White Paper and the pending legislation for the Hong Kong veterans would give Mr. Brady and his people a good excuse to search out these eight people and to make them aware particularly of the pending benefits for their widows and orphans. It might be that they thought they just had a ten per cent disability and did not bother to apply because

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they are doing all right in ordinary life. But now that their widows will be covered for the first time if they had small disabilities, perhaps it would be a good excuse, Mr. Brady, to try to trace down these people to see if they are fully aware of what the new legislation will give to them and, more particularly, their widows.

Mr. Brady: We are definitely going to follow this through with the Candian Pension Commission people, find out who these eight are, and whatever area in Canada they live in we will have our branch presidents there track them down, see what the setup is and outline to them the protection available for their widows and dependants.

[*Interpretation*]

Le président: Monsieur Knowles l'on pourra transmettre cette question au ministère et examiner le cas plus à fond. Je n'aimerais pas personnellement répondre à une telle question.

M. Knowles (Winnipeg-Nord-Centre): On pourrait ajouter aussi que certaines personnes de ce groupe d'âge qui ne veulent pas de pension peuvent laisser des veuves qui peuvent avoir des opinions différentes là-dessus.

M. Brady: Dans le même contexte, la personne que je mentionnais voulait avoir droit aux avantages médicaux que nous mentionnions mais ne voulait pas de rémunération financière. Alors c'est son droit, mais nous espérons que les personnes à charge et les veuves reçoivent des avantages même dans le cas qu'il arrive quelque chose au mari.

M. Knowles (Winnipeg-Nord-Centre): Peut-être, monsieur le président devrions-nous faire mousser cette affaire et demander au ministère de nous donner des détails concernant ces huit personnes.

Le président: Bien, M. Knowles. A vous, M. Weatherhead.

M. Weatherhead: Monsieur le président, le Livre blanc et les nouveaux projets de loi en faveur de l'Association des anciens combattants de Hong Kong donneront à M. Brady et à ses collègues l'occasion de retrouver ces huit personnes et de leur faire connaître les avantages latents qui sont accordés aux veuves et aux orphelins; car il est fort possible que celles-ci pensaient n'avoir droit qu'à une pension de 10 p. 100 d'invalidité et ne se sont pas préoccupées de présenter de demande, car elles gagnent bien leur vie comme civils; mais maintenant, du fait que leurs veuves pourront, pour la première fois, devenir bénéficiaires au cas où leurs maris soient invalides à 10 p. 100, ce serait peut-être bien là l'occasion de retrouver ces huit personnes pour leur demander si ces dernières sont entièrement au courant de ce que la nouvelle législation leur accorde et, en particulier, de ce qu'elle accorde à leurs veuves.

M. Brady: Nous allons très certainement, à la Commission des pensions, nous occuper de retrouver ces huit personnes et demander à nos présidents de section, quels que soient les secteurs où celles-ci se trouvent, de voir quelle est leur situation et de leur exposer quelle est la protection légale qui est accordée à leurs veuves et à leurs personnes à charge.

[*Texte*]

The Chairman: Mr. MacDougall has something he would like to say. Would you come forward, Mr. MacDougall.

Mr. MacDougall: I would like to ask Mr. Stroud to answer this question. We have a veteran living in the United States, the Department of Veterans Affairs have written registered letters, we know where he lives, the registered letters are returned unopened, and I think that Mr. Stroud can go into this in more detail. I think that some of these eight people may be mental cases and you just cannot get through to them.

Mr. Stroud: This is one of the cases that came to our attention through the Canadian Pension Commission, particularly the medical adviser in the Canadian Pension Commission who asked whether we could do something. The Department has written letters and they have come back unopened with "refused" marked on the envelope. So we took it on ourselves to have our representative, who is in the Windsor-Detroit area, visit this chap. I might say that we were unsuccessful in making contact. He just refuses to have anything to do with hospitals or anyone in authority. I discussed this with Dr. Richardson, I said I knew this chap when he was in Toronto convalescing and also in camp and he does definitely, in my estimation, have a mental disorder, a disability. The Doctor agreed that this was the case but he said he did not know how to get this man in, that they had done everything possible. But here is a man with a mental condition and he just refuses to come into any type of hospital whatsoever or have anything to do with anyone in authority. That is one of our eight cases.

Mr. Peters: Could I ask how he is doing financially and socially?

Mr. Knowles (Winnipeg North Centre): He is probably doing very well.

Mr. Whicher: He is probably happier than we are.

Mr. Stroud: The only way to answer it is that he is in a world of his own. That is the report I got back.

Mr. Peters: I think that there might be an obligation on our part if he is not able to look after himself. If he becomes a ward or a public charge, or is close to that level, then we would have a responsibility. Even if we could legitimately say he had a mental problem I think we would have a responsibility.

[*Interprétation*]

Le président: Monsieur MacDougall a quelque chose à dire; pouvez-vous vous approcher M. MacDougall?

M. MacDougall: J'aimerais que M. Stroud réponde à cette question: Nous avons un ancien combattant qui habite aux États-Unis et le ministère des Anciens combattants lui a envoyé des lettres recommandées; nous savons où il demeure mais les lettres recommandées nous sont retournées sans avoir été décachetées; sans aucun doute M. Stroud en sait plus long que moi sur cette affaire; je pense que certaines de ces huit personnes peuvent être atteintes de maladie mentale et que nous ne pouvons tout simplement pas nous mettre en rapport avec elles.

M. Stroud: C'est une question que la Commission des pensions a portée à notre attention et, en particulier, qui a été examinée par le conseiller médical de la Commission qui nous a demandé si nous pouvions faire quelque chose à ce sujet. Le Ministère a alors écrit des lettres qui lui ont été retournées non décachetées mais avec la mention «refusée» indiquée sur l'enveloppe. Alors nous avons pris la liberté de demander à notre représentant de la région de Windsor et de Détroit de visiter cette personne et nous avons pu la rencontrer, mais elle ne voulait pas entendre parler de traitements hospitaliers ou de parler à des représentants attitrés, alors j'en ai parlé au docteur Richardson et je lui ai exposé avoir connu cet homme alors qu'il était convalescent à Toronto et au camp aussi et que je pensais qu'il avait des troubles mentaux certains et le docteur a admis que c'était vrai, mais qu'il ne voyait aucune possibilité de faire hospitaliser cette personne. Voici un homme qui a des troubles mentaux et qui refuse d'être hospitalisé quelque soit l'établissement ou de traiter avec les autorités et cet homme represente un des huit cas.

M. Peters: Puis-je demander quelle est sa situation financière et sociale?

M. Knowles (Winnipeg-Nord-Centre): Il gagne probablement fort bien sa vie.

M. Whicher: Il est probablement plus heureux que nous.

M. Stroud: La question c'est qu'il habite dans son propre univers d'après ce que l'on m'a dit.

M. Peters: Ça devient une obligation de notre part s'il ne peut pas subvenir à ses propres besoins, s'il tombe en tutelle ou devient un fardeau pour le public. Alors nous avons une responsabilité à son égard. Même si nous pouvons légitimement affirmer qu'il est frappé de troubles mentaux.

[*Text*]

The Chairman: But he still has some rights too, the right to do as he chooses with his own life.

Mr. Whicher: Mr. Chairman, let us not interfere with him and make him unhappy. It would be like what we did with the Indians.

The Chairman: Mr. Bigg had his hand up

Mr. Bigg: On this same point, a day or two ago I was suggesting that we need more flexibility in the Act, at the same time granting statutory rights. Now the numbers were covered very carefully. We got as far as the fact that there are 395 who will automatically benefit, if this legislation is implemented and there are only eight that are not. I would like to go on record as saying that I think we should give them the statutory right, which will clear up these very difficult borderline cases. Now they do not have to come forward and claim the statutory right but I know, from my experience in handling cases, that where the widow later is claiming her rights under the veterans charter she is not tied by the red tape of saying that her husband did not apply. It is very difficult also for the family, we do not want the family to have to prove that the father was non compos mentis just before he died. There is no need to drag that skeleton out of the closet in order for her to get her pension. If we were to say that she has the pension as of right now, it would be very helpful. Perhaps some of these people are hiding because of the very fact that the family knows that he is not mentally capable and if it came before a pension board he would immediately be claimed as being of unsound mind, and in this superstitious age in which we still live most people would rather starve to death than have their father claimed to be a mental case. We can get around this by putting a piece of sensible legislation on the statute book saying the family has a right whether or not they claim the monetary benefits under the Act.

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The Chairman: Mr. Thompson?

Mr. Thompson (Red Deer): I do not have any question, Mr. Chairman. I would say, however, that the progress that has been made in the last five, six or seven years in respect of bringing a satisfactory basis of settlement as far as the Hong Kong veterans are concerned is really tremendous. I think we are basically in agreement with the various points that have been brought up in this

[*Interpretation*]

Le président: Mais il lui reste tout de même le droit de chosir sa vie.

M. Whicher: Monsieur le président n'allons pas nous en mêler et les rendre malheureux, rappelons-nous ce que nous avons fait aux Indiens.

Le président: Monsieur Bigg.

M. Bigg: Dans ce contexte, je pense que nous avons besoin d'une législation plus souple tout en accordant des droits statutaires. Nous avons étudié soigneusement les cas et nous avons été jusqu'à établir que 395 anciens combattants bénéficieront automatiquement de cette mesure si cette législation est mise en vigueur et que seules y font exemption ces huit personnes. J'aurais aimé pouvoir ajouter que nous devrions leur accorder un droit statutaire, ce qui éclaircirait ces cas-limites. Mais ces personnes n'ont pas à s'avancer et à réclamer ce droit statutaire et je sais par expérience, pour m'être occupé de certains cas, que lorsque la veuve doit plus tard réclamer ses droits, on ne l'oblige pas à prouver, administrativement parlant, que son mari n'a pas présenté de demandes. Nous n'aurions pas que la famille se voit obligée de prouver que le père était malade mentalement avant sa mort. Il n'y a aucun raison de faire revivre des événements pénibles, pour obtenir à la veuve la pension à laquelle elle a droit. Nous préférerions affirmer tout de suite qu'elle a droit à la pension. Certaines de ces personnes se cachent peut-être en ce moment pour cette même raison qu'elles savent que le père était malade mentalement et que ceci apparaîtrait immédiatement si la cause était portée devant une commission des pensions et qu'en ce siècle de superstition, et que malgré tout nous vivrons toujours, la plupart des gens préféreraient mourir de faim que d'admettre que leur père souffrait de troubles mentaux. Nous pouvons certainement surmonter ce problème en passant une législation raisonnable donnant à la famille ce droit même dans le cas où celle-ci n'a pas réclamé d'avantages financiers en vertu de la loi.

Le président: M. Thompson?

M. Thompson (Red Deer): Je n'ai aucune question à poser, M. le président, mais j'aimerais dire que les progrès enrégistrés depuis cinq, six ou sept ans pour établir une formule satisfaisante de règlement des cas des anciens combattants de Hong Kong sont immenses. Je pense que nous sommes, au fond, d'accord sur les différents points qui sont exposés dans ce mémoire, mais qu'en

[*Texte*]

brief. However, I think that our responsibility as Members of Parliament, and your responsibility as members of the Hong Kong Veterans Association of Canada National Council, now focuses upon the expected legislation, and as this legislation comes up we must be very careful to follow through on these points that are brought up and not be too concerned about those who are able to take care of themselves, or who, on the basis of their own wishes and rights, do not expect the help. But we must make sure that every veteran and every veteran's dependant is properly cared for, in terms of the legislation, and that we maintain a close liaison when the legislation does come up, when it is dealt with and when it actually becomes law.

I would just say further that I believe the veterans have shown an excellent example of democracy and responsible participation in the job they have done in bringing to the attention not only of we who are responsible for legislation, but of the general public as well, their particular needs and the responsibility the government has towards them as veterans. In view of our discussion at this point, in view of the White Paper, in view of the commitments the Minister has made and in view of the general agreement there is between Association and legislators, we have to make sure we carry through and finish the job. I think this is the most important thing that is before us at the present time.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, I wish to state how sorry my friend, David Groos, the member of Parliament for Victoria, is that he could not be with us today. As you know, he was present last week but he had to go out West to attend some functions on the Coast. However, as I am sure the delegates from the Hong Kong Council know, David has for a great number of years—since long before he became a member of Parliament—taken a great interest in the problems of the Hong Kong veterans. He was very sorry that he could not meet his old friends today and take part in these discussions.

Mr. Chairman, I gather that Hong Kong Canadian veterans, no matter where they live in the world today, receive the same benefits. Is that the case?

Mr. Brady: Canadian veterans.

Mr. Weatherhead: If, for instance, they have gone to the United States and become American citizens they do not lose their benefits?

[*Interprétation*]

tant que députés, nous avons la responsabilité et vous aussi en tant que membres de l'Association des anciens combattants du Conseil national du Canada, de nous préoccuper de la loi qui sera présentée. Nous devons être prudents et examiner ces arguments sans trop nous préoccuper de ceux qui peuvent subvenir à leurs propres besoins ou ceux qui décident de leur plein gré de se passer de notre aide. Mais nous devons nous assurer que tous les anciens combattants et leurs familles peuvent bénéficier des dispositions de cette loi; nous devons garder le contact lorsque le projet de la loi sera présenté et étudié avant son entrée en vigueur.

Je pourrais ajouter qu'il s'agit-là d'un parfait exemple de la démocratie et d'une participation responsable de la part des anciens combattants et des efforts qu'ils ont faits, parce qu'ils ont signalé non seulement à nous-mêmes, qui sommes chargés de prendre les mesures législatives, mais aussi à l'attention publique leurs besoins particuliers et les responsabilités qui incombent au gouvernement envers eux. A la suite de notre discussion à ce sujet dans le cadre du Livre blanc, des promesses faites par le ministre et de l'accord général entre l'association et les législateurs, nous voulons donner suite à cette intention et achever le travail. C'est là la chose la plus importante à l'heure actuelle.

Le président: Monsieur Weatherhead.

M. Weatherhead: Je voudrais tout d'abord vous dire combien mon ami David Groos, le député de Victoria, est désolé de ne pas pouvoir être avec nous aujourd'hui. Il était avec nous la semaine dernière mais il a dû se rendre dans l'Ouest pour affaires sur la côte. Je suis certain que les anciens combattant de Hong-Kong savent que David a consacré bon nombre d'années, avant même d'être député, à se préoccuper du sort des anciens combattants de Hong-Kong, il regrette de ne pouvoir être présent aujourd'hui et de ne pouvoir participer à cette discussion.

Monsieur le président, j'en conclus que ces anciens combattants, là où ils habitent partout dans le monde, reçoivent les mêmes avantages. Ai-je raison?

M. Brady: Les Canadiens, oui.

M. Weatherhead: Alors ceux qui sont partis aux États-Unis et qui sont devenus citoyens américains ont-ils perdu leurs avantages?

[*Text*]

Mr. Brady: No, they would still be entitled to it.

Mr. Weatherhead: So if they were Canadian soldiers at the time of the fall of Hong Kong they will be receiving the same benefits that we are giving to them now. Is this the situation?

Mr. Brady: That is right.

Mr. Whicher: If they were serving with the Canadian army the Canadian government looks after them. Is that not true?

Mr. Brady: That is right.

Mr. Stroud: Yes.

Mr. Brady: We had a couple of fellows who had just come out of the Canadian army due to service—they retired—and they came in for a war pension and were assessed and everything is fine.

On the subject of Mr. David Groos, I was planning to talk about him later on. Now that you have brought up his name, may I say I was talking to him on Friday morning of last week. As you have mentioned, he has been a terrific help to us over the years. We were going to mention his name anyhow, because he has been a very good friend of ours.

Mr. Knowles (Winnipeg North Centre): He is still an active politician! He has not passed away!

Mr. Brady: One further name I would like to mention before I forget is that of Bill Herridge.

Mr. Bigg: Are there merchant-seamen members of your organization, as well. Were there any of them in your camp?

Mr. Brady: There were some Americans in the camp, but they do not fall in line with us; they were in the prison camp, though.

Mr. Bigg: There were no Canadian merchant seamen?

Mr. Brady: No.

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Mr. Thompson (Red Deer): As a matter of interest may I ask about the Dutch merchant seamen who were with you in camp? A number of them, as you will recall, are sharing the same cemetery with Canadians. Are there any Dutch?

Mr. MacDougall: Excuse me for interrupting.

The Chairman: No; you are very welcome. Go ahead, please.

[*Interpretation*]

M. Brady: Non. Ils auront toujours droit à ces allocations.

M. Weatherhead: Alors s'ils étaient des soldats canadiens au moment de Hong-Kong, ils recevraient les mêmes allocations que nous versons maintenant.

M. Brady: C'est exact.

M. Whicher: S'ils ont été membres de l'armée canadienne le gouvernement canadien s'occupe de leur sort, n'est-il pas vrai?

M. Brady: C'est j uste.

M. Stroud: Oui.

M. Brady: Nous avons plusieurs de nos collègues qui ont terminé leur période de service, qui ont pris leur retraite et qui touchent une pension de guerre et tout va bien. Pour revenir au cas de M. Groos, j'avais pensé vous en parler plus tard maintenant que vous avez mentionné son nom, je lui ai parlé, vendredi matin la semaine dernière, et comme vous l'avez mentionné il nous a énormément aidés au cours des années. Il a été un très bon ami de notre cause et nous ne l'oublierons pas.

M. Knowles (Winnipeg-Nord-Centre): Il est toujours un politicien bien actif, il n'est pas encore mort!

M. Brady: J'aimerais aussi mentionner le nom de Bill Herridge avant que je l'oublie.

M. Bigg: Dans votre organisation, y a-t-il des marins de la marine marchande. Y en avait-il dans votre camp?

M. Brady: Il y avait quelques Américains dans le camp, mais non pas aux mêmes conditions que nous, mais ils étaient dans le même camp de prisonniers.

M. Bigg: N'y avait-il aucun marin de la marine marchande?

M. Brady: Non.

M. Thompson (Red Deer): Quel était le cas de ce marin hollandais qui était emprisonné avec vous? Vous vous rappelez il en a quelques-uns qui sont enterrés dans le même cimetière que les Canadiens. Y a-t-il eu beaucoup d'Hollandais?

M. MacDougall: Excusez-moi de vous avoir interrompu.

Le président: Non, je vous en prie monsieur McDougall.

[*Texte*]

Mr. MacDougall: To clear up the point, the only seamen who came into our prison camp after the fall of Hong Kong were members of one Dutch submarine crew. I believe these are the Dutch sailors you are referring to.

Mr. Bigg: And they were navy?

Mr. MacDougall: They were navy; they were not merchant seamen.

The Chairman: Are there any further questions on page 2 of the brief? Page 3 raises the question of the basic rate of pension. As I have said to other associations, the terms of reference of the Committee raise problems in dealing with basic rates. The Committee will probably be making further statements on this matter. We have heard representations from your association and from others, but the degree to which we are free to make recommendations on this matter is open to some doubt.

Mr. Brady: All we wish to say is that we back up the national chartered veterans organizations. Perhaps Don Thompson is in the room. He is the national secretary. Bob Kohaly, the Chairman of the National Veterans Organizations, did a terrific job on Thursday afternoon of going over the basic rate of pension and the appeal board. We do not want to keep repeating what you have already heard. We go along with what they submitted as a joint statement of policy.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, we would like to commend this delegation for being concerned not only about the matter that directly affects them but about these other matters. I am sure we welcome their endorsation of the priorities that Mr. Kohaly stated last week.

The Chairman: Yes.

Mr. Brady: We go right along with Bob Kohaly on those three top priorities of basic rate, mulitiple disabilities and appeal board.

The Chairman: Page 4? Page 5 raises the problem of multiple disabilities. Are there any questions on this? Yes, Mr. Brady?

Mr. Brady: I would like to make a statement on this problem of multiple disabilities. I know this concerns people such as the war

[*Interprétation*]

M. MacDougall: Pour mettre les choses au clair, les seuls marins qui sont venus partager notre captivité dans notre camp après la chute de Hong-Kong faisaient partie d'un équipage de sous-marin hollandais. C'était peut-être les marins hollandais dont vous parlez.

M. Bigg: Et ils étaient marins de la marine de guerre.

M. MacDougall: C'était des marins de la marine de guerre, mais pas de la marine marchande.

Le président: Y a-t-il d'autres questions à poser à propos de la page 2? Page 3. Pour ce qui est des taux de base des pensions j'ai dit aux autres associations que le mandat accordé au Comité soulève le problème, mais le Comité fera probablement d'autres déclarations là-dessus. Nous avons entendu les représentants de votre association, et ceux des autres. Mais nous doutons que nous puissions faire d'autres recommendations là-dessus.

M. Brady: Tout ce que nous pouvons dire c'est que nous appuyons la position des associations nationales d'anciens combattants. Don Thompson qui est ici, il est le secrétaire national et Bob Kohaly le président des associations des anciens combattants ont fait des efforts louables jeudi après-midi en proposant de nouvelles recommandations au sujet du nouveau taux de base et du bureau d'appel mais nous ne voulons pas répéter ce que vous avez déjà entendu. Nous sommes entièrement d'accord avec leurs propositions, qui ont déjà été soumises, et qui feront l'objet d'une déclaration commune.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, nous aimerions féliciter cette association qui se préoccupe non seulement des cas particuliers mais aussi de tout le reste. Nous approuvons, j'en suis sûr, la liste des priorités qu'a énoncé M. Kohaly, la semaine dernière.

Le président: Oui.

M. Brady: Nous sommes d'accord avec M. Kohaly lorsqu'il traite de ces priorités, c'est-à-dire, le taux de base, les invalidités multiples et le Conseil d'appel.

Le président: Page 5. Y a-t-il des questions à poser au sujet des invalidités multiples.

M. Brady: J'aimerais commenter un peu cette question d'invalidités multiples. Nous voulons préciser une nouvelle fois, comme

[*Text*]

amputees and the war-blinded. We want to repeat for the record as we say in our brief, that we back the Woods recommendations to the hilt. I do not want to be repetitious, but we are a member of all veterans associations and all our fellows support it. We would like to see those with multiple disabilities get a good break, because actually I was amazed at the figure mentioned on Thursday afternoon, that there are only 420 multiple disabilities. Is this correct?

The Chairman: Something like that; I cannot quite remember the correct figure.

Mr. Brady: That is a very small number. That is why we would like to go all out. Anything you people can do in your legislation to help them we would appreciate immensely.

Mr. Knowles (Winnipeg North Centre): I think that figure is for those whose multiple disabilities are 100 per cent or more.

The Chairman: Yes, I think that is so. It was qualified in some way, but I cannot quite recall it.

Mr. Knowles (Winnipeg North Centre): I am glad we have been given that figure. Earlier we were given a figure of 5,000 for multiple disabilities, but that included those with two things wrong that might have added up to only 10 or 15 per cent. But in terms of double amputees and multiple disabilities that amount to more than 100 per cent I think the figure is...

The Chairman: Who would be affected by the proposal relative to the 100 per cent ceiling. Yes, I think that is right, Mr. Knowles.

Mr. Bigg: I think the answer clarifies that if you had multiple disabilities below the 100 per cent they were added up arithmetically already. Therefore, it would be only when it was a total over 100 per cent that it would become a problem for us to straighten out.

Mr. Brady: Am I correct that as it stands now the most that a man with multiple disabilities can get is a 100 per cent pension?

Mr. Bigg: Yes.

Mr. Brady: And he gets an attendance allowance, or something like that?

The Chairman: Yes.

[*Interpretation*]

dans notre mémoire, nous sommes entièrement en faveur des recommandations contenues dans le Rapport Woods. Nous ne voulons pas rabâcher mais nous sommes très en faveur de l'amélioration du sort des anciens combattants nous adhérons à ce principe et nous aimerions qu'on se préoccupe du sort de ceux qui souffrent d'invalidités multiples. J'ai été surpris d'apprendre jeudi après-midi qu'il n'y avait que 420 anciens combattants qui entraient dans cette catégorie. Ce chiffre est-il exact?

Le président: Quelque chose comme cela, je ne peux me souvenir du chiffre exact.

M. Brady: C'est un très petit nombre. Voilà pourquoi nous aimerions appuyer tous les efforts que vous comptez faire sur le plan législatif pour nous aider, et nous vous en serions très reconnaissants.

M. Knowles (Winnipeg-Nord-Centre): Je crois que ce chiffre se rapporte à ceux dont les invalidités multiples sont évaluées à 100 p. 100 et plus.

Le président: Oui je crois que c'est cela. Il en a été question mais je me rappelle pas des détails.

M. Knowles (Winnipeg-Nord-Centre): Je suis satisfait que ce chiffre nous soit donné. Plus tôt il avait été question de 5,000 anciens combattants avec infirmités multiples mais ce chiffre comprenait ceux qui ont deux problèmes ce qui aurait pu augmenter le nombre de 10 ou 15 p. 100 seulement. Au sujet des amputés de deux membres et de ceux qui souffrent d'invalidités multiples d'un pourcentage de plus de 100 p. 100 je crois que le nombre s'élève à...

Le président: Qui seraient touchés par la proposition relative au plafond de 100 p. 100. Oui M. Knowles, je crois que c'est cela.

M. Bigg: Je crois que la réponse c'est que si vous souffrez d'infirmités multiples au-dessous du niveau de 100 p. 100 elles s'ajoutent déjà automatiquement. Par conséquent c'est seulement si le total dépasse 100 p. 100 qu'il nous faudrait résoudre le problème.

M. Brady: D'après ce que je vois la situation présente est telle que le plus que peut espérer un ancien combattant qui souffre d'infirmités multiples c'est une pension à 100 p. 100?

M. Bigg: Oui.

M. Brady: Et il reçoit une allocation de soins ou quelque chose de semblable?

Le président: Oui.

[*Texte*]

Mr. Brady: We would like the Woods Committee recommendation to take effect, so that if a man is lacking two arms and a leg he gets 200 per cent or 150 per cent. I think the Woods Committee recommended a maximum of 350 per cent. We would like to see it along those lines, where such people would get the benefit.

The Chairman: What do you think of the White Paper recommendations which take a different approach to the problem but do allow additional payments?

Mr. Brady: That was left open on Thursday afternoon, was it not—the $400 to $1,200 maximum?

The Chairman: Yes.

Mr. Brady: There was the question of who was going to qualify for the $400 and who was going to qualify for the $1,200. There is a range there. I think you were discussing that. Has anything been decided, or have any suggestions been made since we last met?

The Chairman: We are inviting your comments, Mr. Brady. What do you think of the alternative proposal? This is one of the concerns the Committee has. There are two ways of dealing with the problem, and the principle, or the method of approach, is different in each—substantially different.

Mr. Brady: Mr. Stroud wants to say something along this line.

Mr. Stroud: Gentlemen, we have discussed this prior to coming here and we feel that definitely the recommendations of the Woods Report should be considered, rather than the White Paper because there is such a small number in this category. I might say that some of our own boys are affected by this multiple disability. It has probably been brought up before, but we have quite a number of war blind who are also war amputees. These fellows run into this multiple disability, this 420 figure. Now 420 people are not very many to be involved and I think this consideration that Woods recommended should be definitely considered rather than the White Paper. I do not think that is ample pension for these people who are in this category. We know of them in Toronto; we know they are handicapped and they have a terrific handicap. I am sure everyone here agrees that the Woods recommendation is much more generous and I think it should be implemented.

The Chairman: I am sure every member of the Committee is completely sympathetic with this group. The question is what is a recom-

[*Interprétation*]

M. Brady: Nous aimerions que les recommandations du Comité Woods soient mises en vigueur de façon que si un ancien combattant a perdu deux bras et une jambe il reçoive une pension d'un pourcentage de 200 ou 150 p. 100. Je crois que le Comité Wood recommandait un maximum de 350 p. 100. Je voudrais que ces mutilés bénéficient de ces mesures.

Le président: Que pensez-vous des recommandations du Livre Blanc où le problème est abordé de manière différente mais qui autorise des versements supplémentaires?

M. Brady: La question qui est restée en suspens jeudi après-midi n'était-ce pas le maximum de $400 ou $1,200?

Le président: Oui.

M. Brady: La question c'était qui allait avoir droit à $400 et qui allait avoir droit à $1,200, cela fait une différence. Je crois que la discussion portait sur ce sujet. A-t-on décidé quelque chose ou a-t-on proposé quelque chose depuis notre dernière rencontre?

Le président: Dites-nous ce que vous en pensez M. Brady. Que pensez-vous de l'autre proposition? C'est une des préoccupations de notre comité. Il y a deux façons d'aborder le problème et le principe de l'une est très différent de l'autre.

M. Brady: M. Stroud a quelque chose à dire.

M. Stroud: Eh bien! nous avons discuté de cette question avant de venir ici et nous avons estimé qu'il fallait tenir compte des recommandations du rapport Woods plutôt que des recommandations du Livre blanc. Je dirais que nos propres membres sont touchés par cette disposition sur l'invalidité multiple et ceci tient compte des aveugles de guerre qui sont aussi des amputés de guerre. On peut dire 420, c'est-à-dire un nombre pas très considérable et je pense qu'il faut tenir compte de cette recommandation plutôt que de la recommandation du Livre blanc. Je ne crois pas que ces gens reçoivent une pension suffisante. Nous sommes au courant à Toronto, nous savons qu'il s'agit d'invalides atteints de graves invalidités et de grands mutilés et je pense que vous serez tous d'accord que les recommandations du rapport Woods sont plus généreuses que l'autre et il faut donc lui donner suite.

Le président: Je ne doute pas que tous les membres du comité sont sympathiques à l'égard de ce groupe et ils accepteront toute

[*Text*]

mendation which is reasonable that can be accepted. If you were to go to the $4,100 base then take 350 per cent of the $4,100 base and add the attendance allowance on top of that, that would set something like $17,000 or $18,000 pensions for those cases. Is this the objective?

Mr. Stroud: No, not quite, but we definitely feel that the percentage should go higher than 100 per cent. However, there is no doubt there has to be a maximum ceiling. We have some old chaps who actually have over 200 per cent pension disability but of course are receiving 100 per cent of the present basic rate. I am sure when thinking of the legislation there should be a ceiling set. As you say it could be $16,000 or $18,000, but again we stress that there is no amount of money that could ever compensate these fellows for the loss of their sight and their arm.

The Chairman: There is no disputing that. Money will never compensate; this we know. Many of us are veterans here and we realize there is no way you can compensate for the suffering, especially of this group in monetary terms. However, the question in terms of setting up the structure which has some sort of internal consistency to it and which has a reasonable prospect of being accepted, is the kind of problem the Committee has to cope with. The White Paper has proposed a very different approach in principle to the recommendations. What I am trying to do is see if there is any interest whatsoever in your group in the alternative approach which has been put forward in the White Paper.

Mr. Stroud: We prefer not to mention dollars and cents, but there definitely should be some consideration over and above the 100 per cent and over and above the dollars and cents in the White Paper. We still maintain it should be on a percentage basis and not on a dollar basis.

Mr. Knowles (Winnipeg North Centre): Mr Chairman, previous delegations made the point that it was not the amount they were concerned with, but the principle that it should be as of right, rather than on a welfare basis.

The Chairman: This again is a fundamental point, Mr. Knowles, and it is a question of principle which is, as you say, the Committee should be thinking about at this point; the method of approach and the principles behind it. Mr. Bigg.

Mr. Bigg: There is a very great doubt, and this may sound strange coming from me, because I think over the years I have been

[*Interpretation*]

recommandation raisonnable, mais si on tient compte du $4,100 de base alors prenons 350 p. 100 de $4,100 et ajoutons l'allocation de présence en sus et nous obtiendrons une pension de $17,000 ou $18,000. Est-ce là l'objectif?

M. Stroud: Non, pas tout à fait. Je pense que ceci pourrait aller au-delà de 100 p. 100 mais il n'y a pas de doute qu'il doit y avoir un plafond maximum. Nous avons des pensionnés qui sont invalides à 200 p. 100 et qui reçoivent une pension de 100 p. 100 du montant de base. Je ne doute pas que lorsqu'on songera à une loi, il faudra établir un plafond mais nous savons qu'il n'y a aucune somme d'argent, évidemment, qui peut compenser la perte d'un membre ou de la vue.

Le président: Bien sûr, l'argent ne compensera jamais pour la perte d'un membre, ou une invalidité grave. Il n'y a pas de façon de compenser ou de réparer les souffrances subies par ces gens. En ce qui concerne une structure à établir, je pense qu'il faut considérer que le comité doit faire face ici à un problème grave. Nous cherchons à voir si votre groupe aurait des solutions de rechange à proposer par rapport à ce qui est énoncé dans le Livre blanc.

M. Stroud: Eh bien! en ce qui concerne l'argent, je pense qu'il faut songer à donner plus que le 100 p. 100 ainsi que le rapport du Livre blanc l'indique. Il faut tenir compte d'un rapport de pourcentage plutôt que du rapport d'argent à verser.

M. Knowles (Winnipeg-Nord-Centre): Ce n'est pas le montant qui est mis en question mais le principe, c'est un droit et non pas une mesure de bien-être.

Le président: Oui, c'est un point tout à fait fondamental que vous venez de signaler, M. Knowles, c'est un point de principe, une question de principe que notre comité doit étudier. Il s'agit des méthodes d'approche et des principes qui appuient ces recommandations.

M. Bigg: Il y a certains aspects qui peuvent sembler bizarres ici d'autant plus que j'étudie depuis des années la question des Anciens

[*Texte*]

very sympathetic to all claims from veterans; however, we claim on the one hand to remain consistent and base everything on the ability to make your living as a labourer, yet this White Paper, I think generously, has suggested that the taxpayer of Canada is willing to go beyond that in extreme cases of suffering and sacrifice.

What we, in the Committee, are worrying about is to try to bring these two conflicting elements together and that is why we ask the question. We have our own private views on it, but we are wondering just how much thinking you people have done on it when you ask us on the one hand to be consistent and on the other hand to be inconsistent. It is something which we have to resolve. The White Paper, as I have said, has broken the ice at least and said we consider something over and beyond the labouring level.

The Chairman: Recognition of a problem and saying that something should be done, yes.

Mr. Bigg: Another principle on which we can work in limited cases.

Mr. Knowles (Winnipeg North Centre): Except that I do not think that it is inconsistent to recognize the special handicap that goes with several disabilities.

The Chairman: I do not think anyone is disputing that. The problem is what is a recommendation that will give a consistent range of awards of pensions to everyone receiving a pension. If you were to take a small group and put them through to a very high ceiling what would this do to the structure of pensions? The ceiling proposed is 350 per cent of basic and there are additional allowances beyond that. Mr. Whicher.

Mr. Whicher: You, and others, have emphasized that no amount of money can possibly pay these fellows for the pain and suffering—

The Chairman: There is no way.

Mr. Whicher: —for what they have done. But the question to the gentleman at the head table and the delegation is: what is a figure that can be described, for no other word probably, as reasonable?

Adopting what is given in the White Paper some chaps are going to get about $10,000 a year. Certainly I would not take their position if I got $50,000 a year and I am sure that the other members of the Committee agree with that too, but what is a reasonable figure? We, and I am sure the government, want to be fair, that they get roughly $10,000 a year

[*Interprétation*]

combattants, d'une part, nous voulons rester logiques et fonder toutes nos recommandations sur la possibilité de permettre à ces gens de gagner leur vie et, d'autre part, le Livre blanc, nous suggère que, les contribuables du Canada sont prêts à aller plus loin dans les cas d'extrêmes souffrances et d'invalidités graves. Ce qui nous inquiète au comité, ou ce que nous cherchons à faire en fait, c'est de concilier les deux éléments opposés. Voilà pourquoi nous posons la question, nous avons nos vues personnelles à ce sujet mais nous voulons savoir jusqu'à quel point vous avez étudié la question et comme il faut être logique, il faut résoudre le problème ici parce que le Livre blanc, nous a permis d'aller au-delà du niveau de travail.

Le président: Oui, reconnaître le problème et déclarer qu'il faut faire quelque chose.

M. Bigg: Je pense que nous pouvons étudier ces questions dans certains cas limités.

M. Knowles (Winnipeg-Nord-Centre): Je crois qu'il serait opportun de reconnaître le désavantage particulier qui accompagne plusieurs invalidités.

Le président: Non, personne n'est contre ce principe. Il s'agit de savoir quelle est la recommandation qui permettra de donner une pension raisonnable à toutes les personnes qui reçoivent des pensions. Quelle serait l'influence de cette recommandation par rapport à la structure des pensions? Le plafond proposé est de 350 p. 100 de l'allocation de base et il pourrait y avoir des allocations au-delà de cette allocation.

M. Whicher: Vous avez souligné qu'aucune somme d'argent ne peut compenser les Anciens combattants qui sont invalides ou qui ont souffert pendant la guerre.

Le président: Il n'y a pas moyen.

M. Whicher: Mais, nous voudrions savoir des délégations, quel est le chiffre qui peut être considéré comme un chiffre raisonnable et, en adaptant ce qui est donné dans le Livre blanc, certains membres obtiendront $10,000 par année et certes, je ne voudrais pas me mettre à leur place même si j'avais $50,000 par année. Je pense que tous les membres du comité sont d'accord avec moi là-dessus mais quel est donc le chiffre ou la somme raisonnable? Je pense que le gouvernement veut être juste et, si c'est $10,000 par année sans augmenter la pension de base, sans impôt, diriez-

[*Text*]

without increasing, I might add, the basic pension at all along with their care allowance with no tax on it. The Chairman has pointed out that if we went up to what was suggested by some associations, then perhaps these fellows would be getting $16,000 to $17,000 a year. Yes, and I am trying to be somewhat conservative as far as the figures are concerned, tax free. Many people could say this is not enough.

Why not give them $50,000? What is a fair figure? Surely a fair figure is one where they have all the wants of life satisfied that they are capable of having. They should have no financial worries whatsoever. They would be able to have a car and so on. It was also suggested by the War Amps yesterday that the $250 care allowance per month not be taken away while the veteran goes into the hospital. With that I think that the Committee as a whole agrees but this is another benefit that we have to think about in the over-all picture. Therefore the question is: Somewhere along the line you have to get at a figure. I know you do not want to mention that, but the government has to think about these figures and we have to think about it and the taxpayer has to think about it too. There is just not a big enough dollars and cents figure to pay these fellows, we all agree with that. There is a reasonable one somewhere. Some of these chaps are getting roughly $10,000 a year now without any increase with what is suggested in the White Paper. How high can we go? Can you give us any suggestions at all?

Mr. Brady: Well I can give you a suggestion. I will not give you a figure, because we belong to the national chartered veterans organizations and they are studying the White Paper, really digging into it, and Don Thompson is here today. I am sure when their turn comes up, the Royal Canadian Legion, they will be throwing a figure at you. Therefore we do not want to say one figure and have them say something else. We will put it this way: Why not take the best of the Woods Report and the best of the White Paper and we will buy that for them, because after all there are only a few war amps.

The Chairman: What about people who are just under 100 per cent? Would they not immediately feel that there was far too great a gap between the rate of pension that they were receiving and the other amounts that a small few would get?

Mr. Brady: You will run into that, that is human nature, so to speak. I think all and all no matter what veteran, whether he belonged to the Army, the Air Force or the Navy, will

[*Interpretation*]

vous comme le président l'a dit, si nous acceptons cette suggestion, tous les membres pourraient obtenir peut-être $16,000 ou $17,000 par année et je suis prudent quand il s'agit de chiffres, et ce n'est pas soumis à l'impôt et, on pourrait même dire que ce n'est pas assez.

Pourquoi ne pas donner $50,000 à ce compte-là. Qu'est-ce que c'est un chiffre raisonnable? Certes, c'est un chiffre qui permet à tout le monde, qui permet aux Anciens combattants de ne pas avoir de soucis financiers, d'avoir une voiture, etc. Il a été suggéré par les amputés de guerre, que la somme de $250 par mois pour l'allocation de soins ne soit pas retenue au cours d'un séjour à l'hôpital par le pensionné. Je pense que le comité est d'accord que c'est un chiffre raisonnable mais il y a également d'autres avantages dont il faut tenir compte. Donc, voici la question globale, à un certain moment, il faudra déterminer un chiffre. Je sais que vous ne voulez pas le mentionner mais le gouvernement devra tenir compte de certains chiffres ainsi que le comité et le contribuable canadien également. Donc, nous savons tous que l'argent ne suffit pas pour compenser ces gens mais, en tous cas, il faut arriver à un montant. Ce que le Livre blanc propose, c'est $10,000 par année sans augmentation mais jusqu'où pouvons-nous aller? Pouvez-vous nous proposer un chiffre?

M. Brady: Eh bien! je ne vous donnerai pas de chiffres parce que nous appartenons à une association d'Anciens combattants et nous avons étudié à fond le Livre blanc et M. Don Thompson est ici, je suis certain que lorsque le tour de la région canadienne arrivera elle pourra nous communiquer un chiffre. Nous ne voudrions pas établir de chiffre, et qu'ils en établissent un autre. Nous préférons attendre. Mais, voici ce que je propose. Pourquoi ne pas prendre ce qu'il y a de mieux dans le rapport Woods et ce qu'il y a de mieux dans le Livre blanc, car après tout, il n'y a que quelques amputés de guerre.

Le président: Eh bien! que dire des gens qui ont juste moins de 100 p. 100. Est-ce qu'il y aura un écart trop grand entre la pension qu'ils reçoivent et les autres montants que les quelques autres toucheront?

M. Brady: Eh bien! Il faut tenir compte de la nature humaine bien sûr mais je pense que les amputés de guerre obtiendront 100 p. 100, parce qu'il s'agit, comme John Stroud l'a men-

[*Texte*]

go along 100 percent to see the war amps being treated fairly because these fellows are, as John Stroud mentioned, basket cases and people such as that. They are very few in number, so what if you even gave them $20,000 a year, let them enjoy it. Like you say, that will help him with a car, and all that. He will not live that high off the hog. He will have a car and may get better attention, and things like that, but looking at it through the eyes of a war amp and a basket case, I think we should give him all the enjoyment we can.

Mr. Whicher: We all agree with that. What about the poor fellow who has a real bad heart which was brought about by war service—and this has happened on many occasions—who may only be drawing a 90 per cent pension and we know darn well he cannot work and he cannot enjoy life at all, he cannot drive a car and there are many things he cannot do.

Mr. Brady: Now that you have brought up the heart claims, that is going to be dealt with later on in our brief. Do you want to carry on?

The Chairman: I appreciate that, and we are asking difficult questions, Mr. Brady. We are interested in your views on the problem. Mr. Thompson had his hand up.

Mr. Thompson (Red Deer): I would just like to comment that I think the amount is going to be taken care of. I am not so concerned with the amount or with the man whose multiple disabilities can be measured by the loss of an arm or a leg or his eyesight. I am concerned about—and in my opinion this delegation has a better understanding of this than any other group of war veterans—the residual effects of certain conditions that cannot be measured in terms of the loss of a limb. In your brief you speak of avitaminosis and malnutrition, and all the rest of it that was involved, that brings out disabilities that you cannot measure and heart conditions are one of them. I have at least three pensioners who are not Hong Kong veterans, although I will use this as an example, who are positively being turned down by the Advocate General. I got into a very bitter exchange on a couple of these cases, and he sauced me back by saying, "If some of you parliamentarians would wake up and change some of the regulations so that we could take care of these people, perhaps we would, but we have to go by the regulations", and this is where I think some attention should be given.

[*Interprétation*]

tionné, d'invalides. Ils sont en somme assez peu nombreux. Si on leur accorde $20,000 par année, permettez-leur d'en jouir. Comme vous le dites, cela les aidera à se procurer une voiture et de l'aide. Il faut donner aux amputés de guerre et aux invalides toutes les possibilités de jouir de la vie.

M. Whicher: Nous sommes tous d'accord. Que dire des personnes qui ont des affections cardiaques par suite de leur participation à la guerre? Nous savons très bien que certaines personnes qui reçoivent seulement une pension de 90 p. 100 ne peuvent pas travailler, ne peuvent pas jouir de la vie et qu'elles ne peuvent même pas conduire une automobile, qu'il y a des choses qu'elles ne peuvent pas faire.

M. Brady: Bon! alors, vous parlez des personnes qui ont des affections cardiaques. C'est une autre question. Voulez-vous poursuivre le débat là-dessus, monsieur le président?

Le président: Oui. Il s'agit de questions difficiles, M. Brady. Nous désirons connaître vos vues sur le problème. M. Thompson, vous avez une question à poser?

M. Thompson (Red Deer): Je voudrais faire tout simplement un commentaire. Je pense qu'on tiendra compte du montant. Je ne m'inquiète pas tellement du montant ou des invalidités multiples qui peuvent être évaluées, par exemple, la perte d'un bras, d'une jambe ou de la vue, ce qui me préoccupe ici, (à mon avis, la délégation a une meilleure compréhension de cette situation que tout autre organisme d'anciens combattants) ce sont les conséquences résiduelles qui ne peuvent pas être mesurées en fonction de la perte d'un membre. Dans votre exposé, vous parlez d'avitaminose, de sous-alimentation et de tout ce qui cause des invalidités qui ne peuvent être évaluées. Par exemple, les maladies cardiaques. Je vais me servir d'un exemple. Je connais le cas de trois pensionnés qui ne sont pas des anciens combattants de Hong Kong. Leur cas n'est pas reconnu par l'avocat général. J'ai eu de très violentes discussions avec lui au sujet de deux de ces cas. Il m'a répliqué: «Nous nous occuperions de ces gens, si certains d'entre vous, membres du Parlement, preniez la peine de vous réveiller et de modifier les règlements de façon à nous permettre de tenir compte de ces gens. Nous, nous devons nous en tenir au règlement. C'est

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I agree with you, whether it is $20,000, $10,000, or whatever is considered a decent, respectable standard of living. It is for some of the multiple disabilities that show up in later years, as you say in your brief, which the Pension Commission say are not attributable to service.

Mr. Bigg: But they die.

Mr. Thompson (Red Deer): Worse than that is the living death that some of them have and death is a release from it. I think this is the kind of problem that we have to be very careful about and very attentive to. I do not know the answer but I am sure that it is the responsibility of the Committee and of those who are drafting the regulations to make sure that the new regulations that come out are not going to restrict those people who actually are in need of help and who have multiple disabilities that you cannot just measure in terms of a cliché.

The Chairman: Are there any further comments? There are a number of other points in the brief. Pages 5 and 6 deal with multiple disabilities and on page 6 the question of the Pension Appeal Board is raised and this has been the subject of discussion on previous occasions.

Mr. Brady: As the representative of the Hong Kong Association I attended the opening meeting of the National Chartered Veterans Organization on Thursday and I would like to go on record as saying that we back what Dominion Chairman Kohaly said on Thursday afternoon. For the benefit of our

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fellows we gave our point of view on the Pension Appeal Board, that we would like to see an independent appeal board, but I do not think we will delve into all this again because you fellows went over it very carefully on Thursday afternoon and we do not want to be repetitive. You know our feelings on it; they were given out pretty well by Chairman Kohaly at that meeting on Thursday, unless our fellows have something to say on it.

The Chairman: Are there any question anyone wants to ask? Pages 6 and 7 also deal with the Appeal Board. Page 8 raises the problem of automatic age increases. Are there any questions on this subject? Mr. Weatherhead.

[*Interpretation*]

là un point qui doit faire l'objet d'une certaine attention.

Je suis de votre avis, que le montant soit de $20,000, de $10,000 ou tout simplement une somme permettant d'avoir un niveau de vie raisonnable. Les invalidités multiples qui se manifestent plus tard, comme vous l'avez dit, dans votre mémoire, lorsque la Commission des pensions décide que ce n'est pas une conséquence du service militaire constituent un problème dont il faudra tenir compte et étudier très attentivement.

M. Bigg: Mais, ils meurent.

M. Thompson (Red Deer): Pis que cela. Pour certains d'entre eux, la vie est pire que la mort. La mort les délivre de leurs peines. Je ne connais pas la réponse à ce problème, mais je suis sûr qu'il incombe au comité et à ceux qui rédigent les règlements, de voir, de veiller à ce que les nouveaux règlements n'imposent pas de restrictions aux gens qui ont besoin de soins et qui souffrent d'infirmités multiples, qui ne peuvent pas être mesurées ou évaluées de façon simple.

Le président: Désirez-vous faire d'autres observations? Les pages 5 et 6 du mémoire traitent des infirmités multiples. La page 6 parle de la Commission d'appel des Pensions qui a fait l'objet de discussions au cours de rencontres précédentes.

M. Brady: A titre de représentant de l'Association des anciens combattants de Hong Kong j'étais présent à l'assemblée d'ouverture de l'Organisme national des anciens combattants tenue jeudi. Je dois dire que nous approuvons ce qu'a dit M. Kohaly, président d'une association du Dominion, jeudi après-midi. Nous avons exprimé notre point de vue au sujet de la Commission des appels, nous avons dit que nous aimerions cela s'il existait une Commission d'appels indépendante. Nous ne reviendrons pas sur cette question parce que jeudi après-midi vous avez étudié toute cette question à fond et il est inutile de se répéter je pense. Vous savez quelles sont nos idées à ce sujet; notre président, M. Kohaly, vous les a fait connaître à la réunion de jeudi, à moins que nos compagnons auraient quelque chose à ajouter.

Le président: Y a-t-il d'autres questions messieurs? Les pages 6 et 7 traitent de la Commission d'appel. A la page 8, il s'agit des augmentations automatiques en ce qui concerne l'âge des anciens combattants. Y a-t-il d'autres questions? M. Weatherhead.

[*Texte*]

Mr. Weatherhead: Mr. Brady, are you recommending that all 80 and 90 per cent pensioners be automatically increased to 100 per cent at a certain age?

Mr. Brady: That is correct. We are going along with the Woods Committee Report. They opened it up. Before it used to be that the automatic age increase was just because of gunshot wounds or direct enemy action, and the way we read the Woods Report it opened it up for permanent injury and not necessarily direct enemy action, so we figured—being in a prison camp for nearly four years—that avitaminosis is permanent injury, none of the fellows have yet been cured of it, so we would like to fall into this group. When our fellows get to be 55, or ages like that, they would get an automatic age increase. We have classified avitaminosis as a permanent injury.

Mr. Weatherhead: Does the White Paper recommend at the present time that all permanent disabilities be put into this category and not just gunshot wounds?

Mr. Brady: As I understand it, yes.

Mr. Weatherhead: Is there some question about whether avitaminosis would fall in this category or not?

Mr. Brady: This is actually the first time we have had a chance to talk about this permanent injury and we are hoping that you people or the CPC will classify people with avitaminosis in the category of permanent injury.

Mr. Weatherhead: At the present time you are not sure whether they will classify it that way or not?

Mr. Brady: At the present time we are not sure. As far as we know, we are not in that category.

Mr. Weatherhead: Mr. Chairman, perhaps we could have Mr. Reynolds or someone make a note of that and we might question the Canadian pension officials on this later on.

The Chairman: Yes, I think it is a matter on which we will be asking further questions. Certainly the White Paper does not appear to grant the request in the form in which it is put before us.

On page 9 income tax exemption is referred to I think we stated to the group the

[*Interprétation*]

M. Weatherhead: M. Brady, est-ce que vous recommandez de porter automatiquement à 100 p. 100 la pension de ceux qui reçoivent 90 p. 100 de la pension, dès qu'ils atteignent un certain âge.

M. Brady: Oui. Nous suivons le rapport du comité Woods. Autrefois, les augmentations automatiques pour raison d'âge ne s'appliquaient que dans le cas des blessés de guerre. Le rapport Woods vise les lésions de nature permanente, pas nécessairement les blessures subies au combat. C'est pourquoi nous pensons que l'avitaminose dont souffrent ceux qui ont séjourné presque quatre années dans un camp de prisonniers est une lésion de nature permanente. A notre connaissance, personne n'en a été guéri. Nous aimerions donc être classés dans ce groupe et obtenir une augmentation automatique pour raison d'âge à 55 ans ou à un âge semblable. Nous avons classé l'avitaminose parmi les lésions de nature permanente.

M. Weatherhead: Est-ce que le Livre blanc propose en ce moment que toutes les invalidités permanentes soient classées dans cette catégorie?

M. Brady: D'après ce que je crois comprendre, oui.

M. Weatherhead: Est-ce qu'on s'est demandé si l'avitaminose doit faire partie de cette catégorie?

M. Brady: C'est la première fois que nous avons l'occasion de discuter cette lésion de nature permanente. Nous espérons que les membres du comité et les membres du CPC classent l'avitaminose dans cette catégorie également.

M. Weatherhead: En ce moment, vous n'êtes pas tout à fait certains qu'elle peut l'être.

M. Brady: En tous les cas, nous ne sommes pas dans cette catégorie je pense, en ce moment.

M. Weatherhead: Non. Monsieur le président, on pourrait peut-être prendre acte de cette question puis on pourrait peut-être interroger ensuite les agents de la commission canadienne des pensions plus tard.

Le président: Oui, bien sûr, nous poserons des questions supplémentaires à ce sujet. Certes, le Livre blanc ne semble pas donner droit à cette demande. A la page 9, il est question de la déduction d'impôt sur le revenu. Je pense, M. Brady, que nous l'avons dit aux autres l'autre jour, qu'il y aurait des

[*Text*]

other day, Mr. Brady, that there will be public hearings on the publication of the White Paper on taxation and that an opportunity will be given for various veterans' groups to appear and make representations in so far as the proposed changes in the tax law affect them. I question whether it is within the terms of reference of this Committee as given to us by the House to deal with this problem. We are interested in your views and we certainly do not want to stop you from putting on the record what you are concerned about, but I think in terms of the task of this Committee it falls a little outside our scope.

Mr. Brady: I would like to go on record as saying that as far as the income tax exemption goes we feel that we should be exempted; it should remain as it. That we should pay no income tax on it because the pension is a right and the fellows did it for the service of their country and when they came back they had their disability pensions for what they suffered for their country, and all that. I guess the only thing we can say is that we would like to see it remain as is—all war pensions exempted from income tax.

The Chairman: Mr. Whicher?

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Mr. Whicher: The other day, or yesterday, when we were talking with The War Amputations of Canada, it was suggested if they did go before a committee on taxation to express this view—and you might also wish to express it—it would be a good idea if you let members of the Veterans Affairs Committee know when you are appearing so that we could be there to give you not only oral but moral support. I feel that the majority of us agree with you on this particular subject. I do, I might add.

Mr. Guay (St. Boniface): This is what I had in mind yesterday, Mr. Chairman, when I brought this matter up.

The Chairman: Yes, Mr. Guay. In other words, if you decide to make a representation, or to join with other veterans groups in making a representation, I am sure there are members of the Committee who would like to be informed so that they could attend and lend their moral assistance to you, because I am sure that most of those here are in agreement with that view.

Mr. Brady: We thank you for that support. No doubt Mr. Don Thompson, the National

[*Interpretation*]

audiences publiques et la publication d'un Livre blanc sur la fiscalité, que les différents groupes d'anciens combattants auront l'occasion de se présenter au cours des audiences en vue de faire connaître leurs idées sur la fiscalité. Je me demande si le mandat de notre comité, qui nous a été donné par la Chambre des communes, nous permet d'étudier ce problème, Nous ne voudrions pas dire que cette question ne nous intéresse pas, mais la tâche du comité n'est pas, ne comprend pas tout à fait ce problème-là; c'est un peu à l'extérieur de la portée du travail du comité.

M. Brady: En ce qui concerne les déductions d'impôt ou les exemptions d'impôt, nous pensons que nous devrions avoir des exemptions parce que la pension est un droit, les gens qui sont allés à la guerre pour défendre leur pays ont acquis des droits à la pension d'invalidité. Tout ce que nous pouvons ajouter c'est que nous voudrions que la disposition reste telle qu'elle est, que tous les pensionnés de guerre soient exempts d'impôt.

Le président: Monsieur Whicher.

M. Whicher: L'autre jour ou hier, je pense, lorsque les amputés de guerre du Canada sont venus témoigner on a proposé que s'ils allaient se présenter devant un comité sur la fiscalité pour exprimer leur opinion, ce que vous aimeriez peut-être faire, ce serait une bonne idée de faire connaître aux membres du Comité des affaires des anciens combattants, la date de votre témoignage afin que nous puissions y assister pour vous donner un appui verbal et moral. Je pense que la plupart d'entre nous partage votre avis là-dessus. Je dois dire que je fais partie de cette catégorie.

M. Guay (St-Boniface): C'est ce que je pensais hier lorsque j'ai soulevé la question.

Le président: Oui monsieur Guay. Autrement dit, si vous décidez de présenter des instances ou de vous joindre à d'autres groupes d'anciens combattants pour le faire, je suis convaincu que certains membres du Comité aimeraient en être informés, afin d'assister à ces réunions et de vous apporter leur appui moral, car je pense que la plupart des personnes qui se trouvent dans cette enceinte partagent cet avis.

M. Brady: Nous vous remercions de cet appui. Il ne fait aucun doute que monsieur

[*Texte*]

Secretary of The National Veterans Organizations of Canada, will be in touch with us about this.

The Chairman: On page 10 the point raised is stabilization of pensions. There are two paragraphs, in English and in French. Has any member any question on pension stabilization?

Page 10-a, "Benefit of the Doubt": It is my understanding that the proposals of the White Paper would meet a good part of what you are discussing in this section, Mr. Brady. What is your understanding?

Mr. Brady: We are pleased with what we hear is supposed to happen. The CPC officials are supposed to have a more generous view on the benefit of the doubt. We certainly hope they do, because we have some claims before the CPC at the moment. Mr. Thompson was talking a while ago about heart conditions and claims such as that. We hope they will open it up so that the benefit of the doubt will be given with that generous consideration to the applicant. This is what we want to go on record for.

Mr. Stroud: I believe one of the reasons for our concern about the benefit of the doubt—I am speaking for the Toronto branch—is that we have produced a number of Hong Kong cases that are suffering from arthritis, as an example; and there were several with heart conditions, who appeared before the Canadian Pension Commission and were denied entitlement and pensions; and there are also cases of defective hearing among our Hong Kong boys in their middle and late forties, and they have been denied entitlement. This is why we are concerned about the benefit of the doubt.

After all these years they go back to what we originally complained about when we were discharged. They say, "There is no mention on your file". We have no medical records on many of our prisoner-of-war camps that we can refer to for these heart conditions. This is why we want a more generous interpretation of the benefit of the doubt for those who are suffering from these disabilities which are showing up among our men at this age.

The Chairman: The automatic 50 per cent pension will meet a good part of these, will it not?

Mr. Stroud: I think so, yes.

[*Interprétation*]

Don Thompson, secrétaire national des organisations nationales des anciens combattants du Canada communiquera avec vous à ce sujet.

Le président: A la page dix, on soulève la question de la stabilisation des pensions. Il y a deux paragraphes, en anglais et français. Y a-t-il des questions sur la stabilisation de la pension?

A la page 10a, il y a la question du bénéfice du doute. Je crois savoir que les propositions du Livre blanc permettraient de répondre dans une large mesure à ce que vous demandez, monsieur Brady. Comment interprétez-vous cette disposition?

M. Brady: Nous sommes très heureux d'entendre vos prévisions. Les fonctionnaires supérieurs de la Commission canadienne des pensions sont censés avoir une opinion plus large sur le bénéfice du doute. Nous l'espérons parce que nous avons présenté certaines plaintes à la Commission canadienne des pensions. Vous vous rappelerez que monsieur Thompson parlait, il y a quelques instants, de troubles cardiaques et de plaintes de ce genre. Nous espérons que ces gens se montreront généreux et qu'on accordera le bénéfice du doute, et portera une attention bienveillante à l'égard du requérant. C'est ce que nous voudrions insérer au compte rendu.

M. Stroud: Une des raisons pour lesquelles nous nous sommes intéressés à cette question,—je parle au nom de la succursale de Toronto—c'est qu'un certain nombre d'anciens combattants de Hong Kong, qui souffrent d'arthrite et plusieurs de troubles cardiaques qui se sont présentés devant la Commission canadienne des pensions, se sont vu refuser la pension. Il y a aussi des cas d'audience d'anciens combattants de Hong Kong entre 45 et 50 ans à qui on a refusé toute pension. Voilà pourquoi nous nous intéressons à la question du bénéfice du doute. Après toutes ces années, on revient à ce qu'on s'opposait lorsqu'on a été libéré. Ils disent qu'on n'en fait pas mention sur le dossier. Pour plusieurs camps de concentration, il n'existe pas de dossiers médicaux qui soulignent ces troubles. C'est pourquoi nous demandons une interprétation plus large de l'article du bénéfice du doute pour les personnes qui ont souffert des infirmités qui se manifestent chez nos hommes à cet âge.

Le président: La pension automatique de 50 p. 100 répondra en grande partie à ces questions, n'est-ce pas?

M. Stroud: Je le crois, en effet.

[*Text*]

The Chairman: Mr. Bigg had a question.

Mr. Bigg: Mr. Stroud, do you have any lawyers in your Association working on these legal problems such as the interpretation of the Act, and so on? Does your association have any legal advice?

Mr. Stroud: No, actually we do not. We are just all Hong Kong veterans in the organization. We just have our Ottawa representative, Mr. MacDougall. Sometimes we are not too sure and we have to get him to hunt out the information either from the Canadian Pension Commission or other departments.

Mr. Bigg: The reason I ask is that I have a further question, whether you thought that the new presumption might be more valuable than presumptions in favour of the veteran written into the Act, and might be more valuable than a mere pious hope that the Act would be interpreted in favour of the veteran? Presumptions a lawyer can handle generally with much more assurance of success on the particular point.

For example, in the case of medical evidence the Commission is seized with trouble when they are giving the veteran the benefit of the doubt, but they cannot do other than weigh the evidence before them. The doctors will only bring certain types of evidence

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before them. For instance, they refuse to discuss cardiac problems and then the Commission is handcuffed in making a decision in favour of the veteran under Section 70. Whereas a presumption that cardiac trouble could be caused by being a prisoner-of-war, as our Chairman has said, is covered for the Hong Kong veterans under the blanket 50 per cent, and very rightly, I think, too.

Not only of that; you are representing other veterans groups by being part of them. Perhaps only soldier because of his service might have cardiac trouble. Therefore if we had that presumption we would have a presumption which the Crown would have to destroy rather than forcing the veteran to prove it. In this way, apart from Section 70, you have a much better first entry into the whole question. Otherwise he is out in the cold. These nervous and cardiac troubles are the most difficult cases and up until now I feel that the presumption has not been on the right side of the fence.

Mr. Stroud: Exactly; actually another consideration in relation to the benefit of the

[*Interpretation*]

Le président: Monsieur Bigg avait une question à poser.

M. Bigg: Dans votre Association, avez-vous des avocats qui étudient des questions d'ordre juridique, telles que l'interprétation de la loi et autres? Votre Association fait-elle appel aux conseils d'un avocat?

M. Stroud: Non, pas en ce moment. L'Association n'est formée que d'anciens combattants de Hong Kong. Nous avons un représentant à Ottawa, monsieur MacDougall. Parfois, nous ne sommes pas certains d'une chose et nous devons lui demander d'obtenir le renseignement soit de la Commission canadienne des pensions ou des autres ministères.

M. Bigg: Je vous pose cette question parce que j'aimerais savoir si la nouvelle hypothèse serait peut-être plus valable que celles qui sont en faveur des anciens combattants, dans la Loi et si elle serait plus valable que le simple désir que la loi soit interprétée en faveur des anciens combattants? Ces présomptions peuvent être traitées avec beaucoup plus de chances de succès par un avocat. Par exemple, dans le cas de la preuve médicale, la Commission est saisie du trouble lorsqu'elle donne à l'ancien combattant le bénéfice du doute, mais elle ne peut pas décider de la preuve devant eux. Les médecins lui présenteront certains genres de témoignage. Par exemple, ils refusent de traiter des troubles cardiaques et ainsi, la Commission n'est pas libre de rendre un jugement favorable à l'ancien combattant en vertu de l'article 70. Les troubles cardiaques qui peuvent provenir d'un emprisonnement de guerre, comme l'a dit monsieur le président, sont protégés pour les anciens combattants de Hong Kong par le 50 p. 100 et en toute justice, je le crois.

Pas seulement cela, par essence, vous représentez d'autres groupes d'anciens combattants. Il est possible que tout soldat puisse avoir des affections cardiaques par suite de son service. S'il y a donc ce préjugé, la Couronne devrait le détruire au lieu de forcer l'ancien combattant à prouver son cas. De cette manière, à part l'article 70, vous pouvez mieux comprendre toute la question. Autrement, il est laissé à lui-même. Ces cas de troubles cardiaques et nerveux sont difficiles et jusqu'à maintenant, l'hypothèse ne parlait pas du bon point de vue.

M. Stroud: En effet, en ce moment, nous nous intéressons à une autre question qui a

[*Texte*]

doubt clause about which we are concerned is the entitlement to treatment. We actually have case histories of men having gone to Department of Veterans Affairs hospitals, having been diagnosed as having arthritis, or having a heart condition, and having been turned down because they had no entitlement to it. These are definite cases. I presented 12 such cases to the Canadian Pension Commission on arthritis. They admit they have been diagnosed as having arthritis, but they have been refused.

An hon. Member: I know of a couple of cases that were diagnosed as being arthritis and they ended up as cardiac trouble. In one case they did not know for 10 years that it was really his heart that was bothering him and now unfortunately he is on his death bed and is not capable of making even a satisfactory submission or application; he is too sick to sign the papers, and all hopes of using Section 70, or the presumption, are gone. Have you had similar experiences? Have they been reported to you?

Mr. Stroud: The only case that I recall was one—and it is interesting—that happened only about a year ago. We had a case of a man who was receiving entitlement and a pension for a stomach ulcer condition. Modern medicine is now able to detect hiatus hernia. When he came into Sunnybrook Hospital they said he had a hiatus hernia and did not have this ulcer. Consequently, his entitlement for his ulcer was taken away from him. Six months later that man had a perforated ulcer. Apparently it was in a part of his stomach where it would not show up on X-rays. Fortunately we got him to the hospital and they were able to operate within six hours, or he would have been dead. Here is indecision. One minute they give you the entitlement and then they come along and detect something else. How can we blame the doctors. This did not show up on the X-rays there is no doubt about that; there was no ulcer on the X-ray. It was in the pit of his stomach and was active, and he did have it.

Mr. Bigg: I might make the presumption that if you ate army food for five years you might have ulcer.

Mr. Stroud: Very true.

An hon. Member: Or no stomach!

The Chairman: Mr. MacRae?

Mr. MacRae: I have a very brief question for Mr. Stroud on a point he raised a moment ago. When the Hong Kong force returned to

[*Interprétation*]

trait au bénéfice du doute, le droit aux traitements. Nous possédons des cas de personnes qui sont entrées aux hôpitaux du ministère des Affaires des anciens combattants, dont le diagnostic a décelé des traces d'arthrite ou de maladies cardiaques et ont dû être refusées parce qu'elles n'avaient pas droit. Il s'agit de cas bien précis. J'ai présenté 12 cas d'arthrite à la Commission canadienne des pensions. Ils admettent qu'on a diagnostiqué chez eux de l'arthrite, mais ils ont été refusés.

Une voix: Je connais une couple de cas dont on avait diagnostiqué des traces d'arthrite qui, après coup, se sont révélés des troubles cardiaques. Une personne en particulier, pendant dix ans n'a pas su que son cœur était à la source de ses difficultés et malheureusement aujourd'hui il est sur un lit de mort, incapable de faire une demande satisfaisante. Il est trop malade pour signer des documents et tout espoir de se référer à l'article 70 s'est évanoui. Avez-vous connu des cas semblables. Vous en a-t-on parlé?

M. Stroud: Le seul cas dont je me souviens est aussi un cas assez intéressant qui s'est produit l'an dernier. Il y avait le cas d'un homme qui a reçu une pension pour un ulcère d'estomac. La médecine moderne peut maintenant déceler une hernie de l'hiatus. Lorsqu'il est entré à l'hôpital Sunnybrook, on a dit qu'il avait une hernie, mais pas d'ulcère. Par conséquent, la pension à laquelle il avait droit à cause de son ulcère lui a été retirée. Six mois plus tard l'ulcère crevait. Apparemment, cela se trouvait dans une section de l'estomac qui était invisible aux rayons X. Heureusement, nous l'avons transporté à l'hôpital où on a pu l'opérer dans les six heures qui suivirent, sans quoi, il serait mort. Voilà un cas d'indécision. On accorde la pension un jour et ensuite, on trouve autre chose. Pouvons-nous jeter le blâme sur les médecins. C'était impossible de voir l'ulcère au rayon X. Cela se trouvait dans le creux de son estomac.

M. Bigg: Je serais porté à croire que si vous aviez mangé de la nourriture de l'armée pendant cinq ans, vous développeriez peut-être un ulcère.

M. Stroud: En effet.

Une voix: Ou vous n'auriez pas d'estomac.

Le président: Monsieur MacRae.

M. MacRae: J'aimerais poser une brève question à monsieur Stroud sur un sujet qu'il a soulevé plus tôt. Lorsque le contingent de

[*Text*]

Canada in 1945 I take it they brought back no medical records at all. That is, neither the medical officer nor any of the other officers were permitted to keep medical records. No provision was made for that. Therefore, you are not in the same position as the rest of us who have files. You have no medical records for the internment there?

Mr. Stroud: That is right. Actually, we were spread out in various camps in Japan. For example, at the beginning, in Niigata, Japan, we had no medical staff. All we had were the ordinary fellows who had taken a first aid course. They were our so-called medical doctors.

Mr. MacRae: There were no doctors?

Mr. Stroud: No doctors; later on, American doctors did come into our camp, but when we were first taken to Japan we had no medical doctors; just orderlies. They were the only ones.

The Chairman: Mr. Shore wishes to say a word of two. Mr. Shore.

Mr. Leslie W. Shore (National Secretary, Hong Kong Veterans Association of Canada): At the camp I was in in Japan we had a Dr. Reid who was sent in with about 500 prisoners. Dr. Reid did a wonderful job. I can assure you he brought back all the records from Japanese prisoner-of-war camps. I saw

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those records. I made a copy of them and gave them to my medical orderly when I had to go north. As far as I know, they were presented to the Canadian government when that man returned. I know for sure that Dr. Reid flew over to Canada as soon as he could and that these records were given to the Canadian Government.

The Chairman: But that would only cover a certain limited number of POW's, would it not.

Mr. Shore: We had 500 in our camp, sir, and we were the largest camp in Japan. From the time we arrived, as soon as he could get paper together, he made a record of every man. I read those records, I made a copy, and as far as I know my medical orderly gave these records to the Canadian Government—I think he did. At least Dr. Reid did. And up to the time I left Dr. Reid, in April, 1945, there was a very good record kept. Where these

[*Interpretation*]

Hong Kong est revenu au Canada en 1945, je crois qu'il n'avait pas rapporté de dossiers médicaux. Ainsi aucun officier n'avait le droit de tenir des dossiers médicaux. Aucune disposition n'a été prévue dans ce sens. Par conséquent, vous n'êtes pas dans la même position que nous qui possédons des dossiers. Vous ne possédez aucun dossier médical d'internement à Hong-Kong?

M. Stroud: En effet. Les militaires étaient internés dans divers camps au Japon. Ainsi, au début, à Niigata au Japon, nous n'avions pas de personnel médical. Nous avions tout simplement des gens qui avaient suivi un cours de premiers soins. On les appelait nos médecins?

M. MacRae: Il n'y avait pas de médecins?

M. Stroud: Non, plus tard, des médecins américains sont venus au camp, mais au début nous n'avions pas de médecin, mais uniquement des ambulanciers. C'était tout ce qu'il y avait.

Le président: Monsieur Shore voudrait faire un commentaire à ce sujet-là. Monsieur Shore.

M. Leslie Shore (secrétaire national de l'Association canadienne des anciens combattants de Hong-Kong): Au camp où j'étais prisonnier au Japon, le docteur Reid a été envoyé avec 500 prisonniers. Il a fait un travail merveilleux. Je puis vous assurer qu'il a rapporté tous les dossiers de prisonniers des camps du Japon. J'ai vu ces dossiers d'ailleurs, j'en ai fait une copie et je l'ai donnée à mon infirmier quand j'ai dû aller dans le Nord. Autant que je sache, ces dossiers ont été présentés au gouvernement canadien lorsqu'il est revenu au pays. Je suis certain que le docteur Reid est revenu au Canada aussi rapidement que possible pour veiller à ce que ces dossiers soient remis au gouvernement canadien.

Le président: Mais cela ne comprend qu'un certain nombre de prisonniers de guerre, n'est-ce pas?

M. Shore: Nous étions 500 dans ce camp et nous étions le plus gros camp de prisonniers au Japon. Et cet homme a dressé un dossier de tous les prisonniers de ce camp dès qu'il a pu se procurer de quoi écrire. J'ai lu ces dossiers, j'en ai pris une copie et pour autant que je sache, mon infirmier a envoyé ce rapport au gouvernement canadien. En tout cas, le docteur Reid l'a fait et quand j'ai quitté le docteur Reid en avril 1945, un excellent dos-

[*Texte*]

records went to, I do not know, but Dr. Reid flew over especially.

Mr. MacRae: Did you say he was an American?

Mr. Shore: Dr. Reid is in Vancouver today.

Mr. MacRae: But was he an American?

Mr. Shore: No, he was a Canadian, one of our Canadian doctors—one of the four doctors. I know he turned those records in. Now what happened, I do not know. But he made a special trip, and he was the first out of Japan at the time.

Mr. Bigg: Do you have your copy of these records?

Mr. Shore: Unfortunately, no. I gave it to my medical orderly because I was afraid that when I went north they would be confiscated. All I had left was a diary which the Canadian Government did get, and I have a copy of that. There is no medical record in that, just a bunch of day-by-day records and the men who died. But I assure you Dr. Reid turned in his records.

Mr. Lionel Hurd (Past President, Quebec Branch, Hong Kong Veterans Association of Canada): I served a certain period of time as the National President and during that time I tried to get all the information about what happened to the medical records. I am sure what Mr. Shore has told you is true in his case. I asked about the records that are kept at Bowen Road Hospital, where most of our bad cases received medical attention. That was originally the British Army hospital in Hong Kong and it became the prison hospital during our internment. I was given to understand that a few days before the surrender the Japanese doctor, who was a war criminal, went in and had those destroyed. That was given to me. I cannot prove this but I have to take the word of the source of this information. In Argyle Street Camp there were 20 Canadian officers put in the British officers camp. That was strictly for officers. I happened to be one of those 20 that were taken there. Those doctors there kept records for 20 of us. I had a copy, I brought mine home and I think Doctor Richardson photostatted it. As far as I know, that is the only copy in that camp that survived. Twenty is only a small number but they would all be helpful. Every one of them would be helpful. It would be like a survey, it would paint quite a good

[*Interprétation*]

sier était établi. Où sont passés ces dossiers, je ne le sais pas, mais le docteur est venu spécialement en avion pour remettre ces dossiers.

M. MacRae: Était-il Américain?

M. Shore: Le docteur Reid habite actuellement à Vancouver.

M. MacRae: Mais était-il Américain?

M. Shore: Non, il était Canadien. C'est un des quatre médecins canadiens. Je sais qu'il a déposé ces dossiers. J'ignore où ces dossiers sont passés, mais il a fait le voyage spécialement et il a été le premier à quitter le Japon à l'époque.

M. Bigg: Avez-vous des exemplaires de ce rapport?

M. Shore: Non, je ne les ai malheureusement pas. Je les ai confiés à mon infirmier parce que j'avais pour qu'on les confisque quand je suis allé vers le Nord. Ce que j'ai gardé c'est un journal que j'ai pu remettre au gouvernement canadien et j'en ai une copie. Mais il n'y a pas de dossiers médicaux dans ce journal qui consiste en comptes rendus journaliers et où je notais le nom des prisonniers décédés. Mais je vous assure que le docteur Reid a remis ces dossiers.

M. Lionel Hurd (Président honoraire pour le Québec de l'Association Canadienne des anciens combattants de Hong-Kong): J'ai été pendant un certain temps le président national de l'Association et pendant tout ce temps j'ai voulu me renseigner pour savoir ce qui était arrivé aux dossiers médicaux. Je puis vous assurer que ce que M. Shore nous a expliqué est exactement ce qui s'est passé. Je me suis renseigné au sujet des dossiers qui sont conservés à l'hôpital Bowen Road où on a donné des soins à la plupart de nos prisonniers qui étaient sévèrement atteints. C'était en fait l'hôpital de l'armée britannique à Hong-Kong qui a servi d'hôpital de la prison pendant notre période d'internement. J'ai cru comprendre que quelques jours avant la capitulation, le médecin japonais qui était un criminel de guerre a fait détruire ces dossiers. Je ne peux pas le prouver, mais c'est ce qu'on m'a laissé entendre. Au camp Argyle Street, il y avait vingt officiers canadiens qui étaient internés dans les camps des officiers britanniques. Ce camp était uniquement réservé aux officiers.

J'étais un de ces vingt officiers. Les médecins du camp ont établi des dossiers pour chacun d'entre nous. J'ai eu une copie que j'ai rapportée à la maison et c'est, je crois, le docteur Richardson qui l'a photocopiée. Pour

[*Text*]

picture of the other people as well because we all suffered much from the same causes. I never could find out what happened to those 20. Why they did not come back with our people, I do not know, and I could not find out.

The Chairman: Mr. Peters had his hand up. Mr. Brady has something he would like to put on the record here too.

Mr. Brady: We were talking about loss of medical records and so on. If you refer to page 12 of our brief, you will note that we brought up a point there about this book that was put out by the Canadian Government, Printer to the King, entitled *Canadian Prisoners-of-War and Missing Personnel in the Far East*. Now in this book they list the fellows that came back, the fellows that died in prison camps and these diseases that we listed on there are all marked in there. The fellows that died in the prison camps, what they died of—beriberi heart, pellagra and things like that—are right in the government's record books. So proof that these diseases did exist are the records of our own Canadian Government in 1945.

The Chairman: There must be some medical records which were used for that purpose but no doubt in many cases records did not exist. It has been interesting to hear the comments of the delegation.

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Mr. Guay (St. Boniface): Mr. Chairman, did the Hong Kong Veterans organization make representations to the Woods Committee at all and, if so, were they similar to the representations you are making to us today?

Mr. Brady: Yes, we did, and they were similar.

Mr. Guay (St. Boniface): And did you also make the various statements pertaining to medical evidence?

Mr. Brady: We had three members before the Judge Woods Committee. There was John Stroud, Everette Denison and myself. We were before him I think in April, 1966. As a matter of fact we have a copy of the brief here that we presented at that time.

Mr. Bigg: Were available photographs also permitted, Mr. Brady?

Mr. Brady: Yes, they were.

[*Interpretation*]

autant que je sache, c'est le seul exemplaire du camp qui ait survécu. Vingt officiers n'est évidemment pas beaucoup, mais ils peuvent tous aider à retracer ce qui s'est passé. Cela pourrait aider le sort des autres prisonniers parce que nous avons tous connu des privations. J'ignore ce qui est arrivé à ces vingt, s'ils sont revenus ou non, je l'ignore et je ne pourrais le savoir.

Le président: M. Peters veut dire quelque chose. M. Brady a aussi quelque chose à verser au compte rendu.

M. Brady: Au sujet de la perte des dossiers médicaux vous noterez à la page 12 de notre mémoire, nous avons parlé d'un livre publié par le gouvernement canadien, chez l'imprimeur du Roi et intitulé «Canadian Prisoners-of-War and Missing Personnel in the Far East». Dans ce livre, on donne la liste des militaires qui sont revenus et de ceux qui sont morts dans les camps de prisonners, ainsi que de la cause de leur mort: le béribéri, les maladies de cœur, la pellagre et autres; tous les détails se trouvent dans ce livre. Et les dossiers de 1945 du gouvernement canadien peuvent confirmer que ces maladies existaient bien.

Le président: Il doit bien y avoir des dossiers médicaux qu'on a utilisé à cette fin, mais dans de nombreux cas, il n'existait pas de dossiers. Il a été fort intéressant d'entendre les commentaires de la délégation.

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M. Guay (Saint-Boniface): Cette organisation a-t-elle fait des instances au comité Woods, les mêmes instances que vous nous avez soumises aujourd'hui?

M. Brady: Oui, elles sont semblables.

M. Guay (Saint-Boniface): Avez-vous aussi fait des déclarations à propos des témoignages médicaux?

M. Brady: Nous avons fait comparaître trois membres devant le juge du Comité Woods; il s'agissait de M. Stroud, M. Everette Denison et moi-même. C'était en avril 1966. Nous avons même une copie du mémoire que nous avons présenté à l'époque.

M. Bigg: Pouvait-on présenter des photographies disponibles, monsieur Brady?

M. Brady: Oui.

[*Texte*]

Mr. Peters: You said you believe some of these documents were available in Canada. Has a veteran in individual cases been able to use this limited documentation that was indicated for one of the camps, and has it occasionally gone against him in some cases?

Mr. Brady: Just the other day one of the doctors in the Canadian Pension Commission—I am not going to go into details—had a glucose case or something like that and he wanted to find out if a certain treatment for malaria was given. One prison camp doctor said that it was not and another doctor told us it was. So we are still working on this case and we are going to turn this information over to the medical advisor who requested it. So it is such information as that that we pick up as we go along.

Mr. Peters: But are they ever used against a veteran.

Mr. Brady: Not to my knowledge.

Mr. Stroud: No. We have had cases where definitely some records were available. Actually they were put on toilet paper and tissue and they were very difficult to make out. But such documents were brought back from Hong Kong in some cases. I can personally say that in no case have such records ever been used against the veteran. On the contrary these definitely have helped our cause. When we have made a pension claim for entitlement; once these documents were made available we had no trouble in getting the man his entitlement. However, cases where we had no camp medical records, no proof other than from, say, one of the man's buddies that he recalled John Jones having such and such, have not always been accepted by the Pension Commission, and this is where we are having our trouble?

Mr. Peters: In this regard Mr. Brady mentioned a specific case where I presume it is going to make some difference in treatment if certain procedures were carried out in relation to malaria. Because you represent a very specific kind of group which has had specific types of diseases, has the Pension Commission been able to get sufficiently advanced treatment procedures and information to do all we should be doing for some of the people who have suffered from diseases that we normally have no knowledge of in our Canadian medical profession?

Mr. Brady: Well I would like to answer that on the basis of Dr. Richardson's survey. That was a terrific survey. He called in a lot of people who had experience. Treating mal-

[*Interprétation*]

M. Peters: Vous avez dit que vous croyez qu'on pourrait trouver quelques-uns de ces documents au Canada. Cette documentation peut-elle servir aux différents anciens combattants ou joue-t-elle en leur défaveur en certains cas?

M. Brady: L'autre jour, un des médecins de la Commission canadienne des pensions, je ne veux pas entrer ici dans le détail, le médecin voulait savoir si on donnait certains soins pour guérir la malaria; un médecin du camp a dit que non et un autre a prétendu le contraire. Alors, nous examinons toujours ce cas et nous voulons soumettre ces renseignements au conseiller médical qui nous les avait demandés. Ce sont de tels détails que nous recueillons au fur et à mesure de nos enquêtes.

M. Peters: Arrive-t-il qu'on se serve de ces renseignements au détriment d'un ancien combattant?

M. Brady: Pas à ma connaissance.

M. Stroud: Non. Il y a eu des documents qu'on pouvait trouver mais en fait, ils étaient rédigés sur du papier hygiénique et il était très difficile de les déchiffrer. Ce sont de tels documents qui ont parfois été ramenés de Hong Kong. Je dois ajouter qu'on ne s'est jamais servi de ces documents au détriment des anciens combattants. Au contraire, ils ont servi notre cause. Lorsque nous avons demandé une pension, une fois que ces documents ont été fournis, nous n'avons pas eu de problème à obtenir satisfaction, mais lorsqu'il n'y a pas de dossiers médicaux nous n'avons aucun témoignage, aucune preuve. Ces témoignages n'ont pas toujours été acceptés par la Commission des pensions. Voilà l'origine des difficultés.

M. Peters: M. Brady a parlé d'un cas précis où il y aura des conditions différentes selon que des formalités ont été prises au cours de la malaria. Étant donné que vous représentez un groupe précis où les prisonniers avaient contacté des maladies spéciales, la Commission des pensions a-t-elle pu selon vous obtenir tous les renseignements nécessaires sur les soins qu'on aurait dispensés aux malades qui souffraient de maladies que nous ne connaissons pas ici au Canada.

M. Brady: J'aimerais répondre en m'appuyant sur l'enquête faite par le docteur Richardson, enquête qui était magnifique. Il a convoqué bon nombre de personnes qui

[*Text*]

nutrition and so on and our association as a group really benefited from that survey. He dug up a lot of information. That is why we said in the opening of our brief that we owe Dr. Richardson a lot of credit because of the way he carried it out and the way the Pension Commission followed through on it.

The Chairman: Mr. Weatherhead.

Mr. Weatherhead: Mr. Chairman, following Mr. Peters' initial line of argument, do I understand that there are many Hong Kong veterans who have really no medical record from their prisoner-of-war days?

Mr. Stroud: Two or three are here from the Niigata Camp: Fred Chapman, Bob Manchester and myself. As I stated earlier, we had no medical staff when we first went to that camp. I might say that 90 per cent of our boys were in pretty rough shape because we travelled to Japan underneath the hull, in the

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hole of a coal ship, with very little food or water. As I say, these men were in very bad condition when we arrived in Niigata, Japan and the only medical staff were orderlies—two Canadians who had a first-aid course. Approximately eight months later the first Americans coming in from Bataan and Corregidor came to our camp, subsequent drafts came in by Americans. Eventually we did get an American doctor, but for the first year we did not have even a medical staff. The fellow who looked down our throats was just a first aid attendant and could not tell us whether we had diphtheria, diarrhea or what it was.

An hon. Member: Did you have dental care or anything like that?

Mr. Stroud: There was no dental care. We did not even know what a dental chair looked like.

Mr. Weatherhead: Mr. Chairman, what sort of proof do you use for medical disabilities incurred during these years before there were records?

Mr. Stroud: I guess that word "avitaminosis" came out eventually and I think we can state that they are recognizing now that this was responsible for a man's general weakness which comes under the avitaminosis entitlement. They will not recognize, however, a

[*Interpretation*]

étaient compétentes dans le domaine de la malnutrition et notre association a bénéficié de cette enquête. Le docteur Richardson a pu recueillir bon nombre de renseignements. Nous lui sommes très reconnaissants d'avoir fait cet effort et d'avoir donné suite à nos demandes.

Le président: Monsieur Weatherhead.

M. Weatherhead: Monsieur le président, pour faire suite aux explications de M. Peters, dois-je comprendre qu'il y a bon nombre d'anciens combattants de Hong-Kong qui n'ont pas de dossier médical remontant à leur séjour dans des camps de concentration?

M. Stroud: Oui. Nous avons ici deux ou trois prisonniers qui ont été incarcérés au camp de Niigata: MM. Fred Chapman, Bob Manchester et moi-même. Comme je vous l'ai expliqué, nous n'avions pas de personnel médical lorsque nous avons été emprisonnés; 90 p. 100 des prisonniers avaient subi des privations parce que nous avons voyagé en train avec très peu de vivres et ces hommes étaient dans un état déplorable lorsqu'ils sont arrivés au Japon. Nous avions voyagé dans le fond de la cale d'un bateau transportant du charbon, avec très peu d'eau et de vivres. Comme je vous l'ai expliqué, ces prisonniers sont arrivés en très mauvaise condition à Niiagata, au Japon et le personnel médical ne se composait que de deux infirmiers canadiens qui avaient suivi des cours de premiers soins. Environ huit mois plus tard, les premiers Américains sont arrivés de Bataan et Corregidor. On obtint éventuellement les services d'un médecin américain, mais nous n'avions aucun personnel médical durant la première année. Celui qui nous examinait la gorge n'était qu'un préposé aux premiers soins qui ne pouvait nous dire si nous souffrions de diphtérie, de diarrhée ou d'autres maladies.

Une voix: Aviez-vous des soins dentaires? Prenait-on soin de vous?

M. Stroud: Aucun soin dentaire, de quelque nature que ce soit.

M. Weatherhead: Comment s'y prend-on pour établir que ces infirmités sont survenues durant cette période, vu qu'on ne tenait pas de dossier?

M. Stroud: On imagina, je crois, le terme «avitaminose». On peut dire maintenant qu'il faut lui attribuer la faiblesse générale dont une personne peut souffrir. Il ne faut pas lui attribuer les maladies cardiaques ou les cas d'arthrite. Si l'on veut parler de cas spéciaux,

[*Texte*]

heart condition as being caused by avitaminosis and they will not recognize arthritis as avitaminosis. When it comes to a specific case such as the man who had a heart attack in Niigata, Japan, they say there is no medical evidence to prove it, and there is no medical evidence, because there are no medical records.

Mr. Thompson (Red Deer): You should not have to do this. This is where we are wrong. You should not have to do this.

Mr. Weatherhead: In your experience with the prisoners of war from the European theatre of war, do they have, by and large, pretty good medical records of their activities in camps?

Mr. Stroud: I only can go by one of the briefs that they presented. This point did come up and in talking to men in my own city with whom I have quite close contact, they said there were records kept which helped them tremendously in this way.

Mr. Weatherhead: Yes, but what I am trying to establish, Mr. Chairman, is whether these Hong Kong veterans are really in a special category as far as loss of records are concerned. They are in a special category for a lot of other reasons, too, but from your general experience, Mr. Chairman, perhaps you can help me here. As far as the European prisoners of war were concerned did they have pretty adequate medical records in their camps?

The Chairman: I believe—I am thinking of the time—there is one other aspect that the delegation would like to touch on, Mr. Weatherhead. I do not know whether they are prepared to comment further on the question you have raised.

Mr. Weatherhead: I just will change that to the "benefit of doubt" situation. Mr. Bigg, I think, said that perhaps the presumption should be changed in certain circumstances and this, of course, would change around the whole law, but I am just a bit doubtful whether situations such as the heart conditions which we may be coming to and others will be taken care of under the "benefit of doubt" clause because it seems the White Paper mentions, first of all, you have to submit credible evidence, whatever this means. However, if there is no evidence at all in the records of heart trouble, say, or other matters during the war years, how do you initially get under the credible evidence situation? It may be that for certain situations the presumption should be changed, should go back to a neutral position or something like this.

[*Interprétation*]

nommément celui du cardiaque de Niigata, Japon, il n'y a pas de preuves médicales dans ce sens, ni aucun registre.

M. Thompson (Red Deer): Vous n'avez pas à vous préoccuper de ces choses. C'est là que vous avez tort.

M. Weatherhead: En ce qui a trait aux prisonniers de guerre en Europe, disposons-nous de dossiers médicaux satisfaisants?

M. Stroud: Je ne puis m'appuyer que sur un seul des mémoires présentés. On y a soulevé ce point et il en a été question avec des gens que je connais bien. On nous a appris qu'il y avait des dossiers et c'est ce qui les a aidés énormément.

M. Weatherhead: Monsieur le président, j'aimerais savoir si les anciens combattants de Hong Kong forment une catégorie spéciale, vu qu'on a perdu leurs dossiers. Ils appartiennent à une catégorie spéciale pour d'autres raisons aussi. Monsieur le président, pourriez-vous nous dire si, dans le cas des prisonniers de guerre européens, on a tenu des dossiers médicaux satisfaisants dans les camps?

Le président: Le temps presse. Il y a un autre point qu'aimerait toucher la délégation, M. Weatherhead. J'ignore si l'on veut approfondir la question que vous avez soulevée.

M. Weatherhead: J'en viens maintenant au «bénéfice du doute». M. Bigg a déclaré qu'un changement de circonstances pourrait motiver une modification totale de la loi, mais je doute, pour ma part, que le cas des cardiaques puisse entrer dans le cadre de la clause «bénéfice du doute». Le Livre blanc prévoit qu'il faut soumettre des preuves irréfutables, quelle que soit la portée de ce mot. Cependant, si aucune preuve de trouble cardiaque n'a été versée aux dossiers durant la guerre, comment peut-on déterminer la crédibilité d'un témoignage? Dans certaines situations on devrait partir d'une nouvelle hypothèse, et débuter d'une position neutre.

[*Text*]

Mr. Bigg: Mr. Chairman, as my name has been brought into the discussion here and I am glad it has, I think we have changed as I read the White Paper, a very, very important presumption in that you were medically fit when you joined the army and in my experience this has not been interpreted broadly enough throughout the Pension Commission's deliberations. From now on, I understand, the veterans' charter is going to be seriously changed in this regard and if the presumption is that you were medically fit when you joined the army because they took you as an A-1 soldier, unless you had made certain statements, then, even to heart attacks...

Mr. Knowles (Winnipeg North Centre): They might find something wrong with you in the first six months.

Mr. Bigg: Yes, but I said, subject to certain qualifications, which I objected to, as you will remember, in the Committee a day or two ago. However, if this presumption can be changed adequately—that is another lawyer's word, of course—and some of these presumptions I feel should be changed *in toto*—one of them being that you were medically fit when you joined the army—then the onus at all times must be upon the Crown to produce credible evidence why you were not fit. Of course, a signed statement given at the time you joined might be taken as conclusive evidence, but I know of cases and so does everybody in this room where veterans lied about their age in order to enlist and serve their country and this is the type of lie, if you will pardon me for saying so, which I think is admirable, if not moral. Having lied about his age, then the Crown perhaps could say, "Well, you were 70 years old when you joined the army and, therefore, you are beyond a useful age and you are no longer fit to work." Nevertheless, I think even in a case such as that it is up to the Crown to prove that he lied about his age due to his birth certificate or other evidence about him and I think he should be given the benefit of the doubt about his age if he served his country for four years in the front lines, carried his rifle, saved his officers and did all his duties according to Hoyle. There is many a man at the age of 70 I would rather have with me in the front line than the zombie at the age of 20 years.

Mr. Brady: Before closing we would like to get into these heart claims because we have —is it all right to continue, Mr. Chairman?

[*Interpretation*]

M. Bigg: Monsieur le président, comme mon nom a été mentionné dans la discussion—et j'en suis heureux d'ailleurs—je dois dire que le Livre blanc porte une modification, en ce sens qu'il doit y avoir une forte présomption selon laquelle vous devez être en bon état de santé quand vous entrez dans l'armée. A mon sens, les délibérations de la Commission des pensions n'ont pas donné une assez large interprétation à cette situation. A compter de maintenant, la charte des anciens combattants sera beaucoup modifiée sous ce rapport, me dit-on. S'il y a présomption que vous étiez en bon état de santé quand vous êtes entré dans l'armée, vu qu'on vous a accepté comme soldat A-1 et à moins que vous n'ayez fait certaines déclarations, alors vous l'êtes, même au point de vue cardiaque.

M. Knowles (Winnipeg-Nord-Centre): Il se peut qu'on découvre chez-vous quelque faiblesse au cours des premiers six mois.

M. Bigg: La chose est vraie, mais sous réserve de certaines conditions auxquelles je me suis opposé, vous vous rappelez, il y a quelques jours. Cependant, si cette présomption peut être modifiée d'une façon adéquate, selon l'expression juridique, ici, j'estime que certaines présomptions devraient être modifiées du tout au tout, l'une d'elles veut que vous devez être en bon état de santé quand vous vous enrôlez dans l'armée et il revient à la Couronne de produire une preuve concluante que vous ne l'étiez pas. Il va de soi qu'une déclaration signée au moment de l'enrôlement peut servir de preuve concluante, mais je connais des cas—et je ne suis pas le seul—où des gens n'ont pas dit leur âge véritable pour pouvoir s'enrôler et servir leur pays. C'est là un mensonge bien pardonnable en l'occurrence. Si quelqu'un ne dit pas son âge véritable, la Couronne pourra peut-être lui dire: «Eh bien! vous aviez 70 ans lors de votre enrôlement. Vous n'êtes pas capable de travailler.» Dans une situation pareille, il appartient à la Couronne de prouver l'âge d'une personne, sur la foi de son certificat de naissance ou avec autres preuves à l'appui. Il faut accorder le bénéfice du doute à un ancien combattant, au sujet de son âge, s'il a servi son pays pendant quatre ans, s'il a combattu, s'il a sauvé des officiers et accompli son devoir de soldat, selon Hoyle. J'aimerais mieux avoir, comme compagnons d'armes, bon nombre d'anciens de 70 ans que des zombis de 20 ans.

M. Brady: Avant de terminer, nous aimerions examiner certaines demandes importantes qui nous ont été transmises. Monsieur le président, pouvons-nous poursuivre?

[*Texte*]

The Chairman: Mr. Peters has a question, but I would ask the members of the Committee to bear in mind that the delegation would like to make one final point and if we could, to keep as much time as possible for it.

Mr. Peters: In another field, the medical aspect of it is unusual, I suppose, but it is probably symptomatic in that everyone of the veterans who are here today—everyone, no exception—is wearing glasses. Now, the Canadian average does not work out that way.

A Witness: It does under avitaminosis.

The Chairman: You should look at a number of people who are crowding 40.

Mr. Peters: I wear them sometimes as I am supposed to wear them for reading, but it is interesting to look around and see everyone wearing them. It is 100 per cent. In attempting to establish this pension, I wonder if one of these eight does not live in a rural area where he can go to a district office only to see a doctor who really does not know anything about any of the problems that affected Hong Kong veterans—the malnutritional effects and the other effects. Is there a presumption in this case put out to them or a criteria of presumption of certain disability that they can recognize without knowing all the intricate details of what the—

The Chairman: Mr. Peters, I think the delegation might have a little difficulty answering your question. It is quite a question, I think you will agree, in terms of instructions given to the medical profession.

Mr. Peters: I am curious how the medical profession make a decision on the subject that they know nothing about.

The Chairman: Maybe the way politicians do, Mr. Peters.

Mr. Peters: Maybe with the same results.

Mr. D'Avignon: I can give you an example of a case similar to the one you have been discussing, Mr. Peters. When I was in prison camp I suffered from malnutrition, as did the rest of the prisoners, as well as from night blindness which is not on record because for three and a half months there were no medical records in my prison camp. To prove that this was caused by malnutrition, we started hunting snakes and we ate them. After eating them my eyesight returned not as good as it was before, but I could see, while before this I could not see with artificial light—I could

[*Interprétation*]

Le président: Vous avez une question à poser, M. Peters? Je voudrais rappeler aux membres du Comité que la délégation a une dernière déclaration à faire. Il faudrait lui réserver un peu de temps.

M. Peters: Je note un fait un peu inusité. Tous les vétérans, sans aucune exception, portent des lunettes alors que la moyenne des Canadiens n'en portent pas.

Un témoin: Il faut en imputer la cause à l'avitaminose.

Le président: Vous devriez jeter un coup d'œil sur les gens de plus de 40 ans.

M. Peters: Je suis censé porter des verres quand je lis. Il est intéressant de noter ceux qui en portent. Ces anciens combattants en portent tous. Je me demande si l'un des huit ne demeure pas dans une région rurale et n'a pas consulté, pour obtenir sa pension, un médecin totalement ignorant du problème des anciens combattants de Hong Kong; je veux parler des effets de la malnutrition et autres maux. Y a-t-il présomption dans ces cas ou applique-t-on quelque critère d'invalidité sans connaître toutes les particularités du cas.

Le président: M. Peters, la délégation peut difficilement répondre à votre question, parce que c'est une question assez difficile. Je crois qu'il faut accepter les critères médicaux.

M. Peters: Je voulais savoir comment les médecins peuvent rendre des décisions sur des cas qu'ils ne connaissent pas?

Le président: Peut-être de la même façon que les politiciens, M. Peters.

M. Peters: Peut-être aussi avec les mêmes résultats.

M. D'Avignon: Je vous apporterai l'exemple d'un cas identique à celui qui nous occupe. Lorsque j'étais prisonnier, j'ai souffert de malnutrition comme tous les prisonniers d'ailleurs. Je souffrais également de nyctalopie. Les dossiers n'en parlent pas, parce qu'il n'y avait aucun dossier dans le camp d'internement pendant trois mois et demi. Pour prouver que ce mal était causé par la malnutrition nous avons commencé à chasser des serpents que nous avons mangés. C'est ainsi que j'ai recouvré ma vue, peut-être pas comme auparavant, mais j'en étais rendu au point où je

[*Text*]

recognize someone, but he would look like a little white dot about 40 feet away—which shows that it was due to malnutrition. When I ate snakes I got my eyesight. I did not get any pills; there was none available.

Mr. Guay (St. Boniface): Was that the fat of the snake or the lean meat?

Mr. D'Avignon: We used the skin for belts and the meat to eat.

Mr. MacRae: Actually a protein deficiency was the cause.

The Chairman: I do know Mr. Brady is anxious to make a point on the heart problems of this group. I wonder if we could go to this now with the consent of the Committee. Mr. Brady.

Mr. Brady: We are very happy with Recommendations 92 and 93 as they will eliminate a lot of our problems. However, we still have one big problem with us today and that is the fellows with heart claims. We have about 10 on file now with the CPC and these are men who, we would say, had to retire prior to retirement age. Some of the boys were told that they could not cope with their work and were laid off. These men have filed claims with the CPC and we are trying to get these fellows up to the 100 per cent complete disability pension. The fellows are going through a lot of stress and we have had a lot of letters from their wives. We have had some of them approved, but we still have about a dozen or more on which we are still awaiting a decision. There was one good decision the other day for Brigadier Holmes. His heart claim was accepted and we have had a few more, but we still have these other 12 veterans whom we are trying desperately to help because they cannot go back to work and they need our help. I think I will call on President Donnelly of Saskatchewan because he has their files.

A Witness: From Alberta.

Mr. Brady: From Alberta, I am sorry.

The Chairman: Mr. Donnelly.

Mr. Howard Donnelly (Northern Alberta Branch, Hong Kong Veterans): I will use as an illustration one of our cases in Edmonton of a man who is 47.

His latest pension ruling, which was made on March 13, 1969, was avitaminosis with

[*Interpretation*]

ne pouvais pas voir la lumière artificielle. Je pouvais distinguer une personne; mais elle m'apparaissait comme un petit point blanc à 40 pieds de distance. La chose était certes imputable à la malnutrition, car j'ai recouvré la vue en mangeant des serpents. Je n'ai pas absorbé de pilules parce qu'il n'y en avait pas.

M. Guay (Saint Boniface): Était-ce le gras ou la viande maigre?

M. D'Avignon: Avec la peau des serpents, nous nous faisions des ceintures, mais nous mangions la viande.

M. MacRae: Insuffisance de protéine.

Le président: Je sais que M. Brady a quelque chose à nous dire sur la question des cardiaques si le Comité veut bien l'entendre. M. Brady.

M. Brady: Nous sommes heureux des recommandations 92 et 93 qui ont réglé bon nombre de nos problèmes. Mais nous avons un problème majeur qui nous préoccupe. Le cas de ceux qui souffrent de maladies cardiaques. La CCP a présentement en dossiers dix cas. Ce sont des hommes qui ont dû prendre une retraite prématurée. Quelques-uns ne pouvaient pas accomplir leur travail et on les a licenciés. Ils ont présenté des réclamations à la Commission. Nous essayons de leur obtenir une pension d'invalidité complète, une pension de 100 p. 100. Bon nombre d'anciens combattants en souffrent énormément. Nous avons reçu beaucoup de lettres écrites par leurs femmes. Quelques-unes des réclamations ont été approuvées, mais il y en a une douzaine et même plus qui attendent encore une décision. Une décision favorable a été rendue récemment. Il y a toujours le cas de ces 12 anciens combattants qui ne peuvent pas reprendre leur travail et qui ont besoin de secours. Je demanderais au président Donnelly de la Saskatchewan de nous expliquer leur cas.

Un témoin: D'Alberta.

M. Brady: D'Alberta.

Le président: M. Donnelly.

M. Howard Donnelly (Association des anciens combattants de Hong-Kong, Section du Nord-Alberta): En guise d'exemple, j'apporterai le cas d'un homme d'Edmonton, âgé de 47 ans.

Voici la dernière décision concernant sa pension, en date du 13 mars 1969, avitaminose

[*Texte*]

residual effects and beriberi, and he was increased from 35 per cent to 50 per cent. On a second renewal on November 14, 1956, they ruled that cholinesterase is not assessed. It was a post discharge condition and not attributable to war services. Hypertension was his first pension ruling, he was pensioned for hypertension. Hypertension is now no longer assessed. Myocardial ischemia was ruled not related to the pension condition nor attributable to war services. This was the pension ruling, and it is a pretty adverse situation for him because he is sort of a nervous type as well.

There is another case in Edmonton of a man 46 years of age who was raised from a 40 per cent pension to 52 per cent and I would like to read a letter which was written by his doctor to the Pension Commission:

> The above-named ex-service man an ex-Japanese prisoner of war was brought to the emergency department of the University Hospital because of an attack of shortness of breath and tightness in the chest and when he arrived in the emergency department, he suffered a cardiac arrest.
>
> After 40 minutes of resuscitation he regained heart beat and was transferred to the coronary observation unit at the University Hospital.
>
> In this unit he has been under my observation and his electro-cardiogram shows a myocardial infarction and diffuse damage to the heart muscle. It is altogether likely and indeed almost certain that the severe vitamin B_1 deficiency for which he is pensioned has resulted in permanent changes in his heart muscle which would render him more susceptible to serious consequences from the coronary artery disease which most of us develop with advancing years.
>
> I do not know at the present time what this man's outlook is, but I suspect it is poor. I think he should be placed on a 100 per cent pension on the basis of his avitaminosis and I am willing to defend this opinion at a hearing. I think the situation however is critical enough that immediate steps should be taken lest the pension board and all the rest of us find we are offering too little too late.

That letter is dated April 10. On April 16 another letter was sent to the Pension Commission:

> This ex-service man is now on a coronary observation unit at the University Hospital having been brought into the Emergency Department with a cardiac arrest about 2½ weeks ago.

[*Interprétation*]

avec effets résiduels et béribéri. Sa pension a été porté de 35 p. 100 à 50 p. 100. D'après le renouvellement, du 14 novembre 1956, on a décidé qu'on ne devait pas évaluer la cholinestérose étant un état subséquent au licenciement et non attribuable au service. L'hypertension qui était le cas pour lequel il avait bénéficié d'une pension ne jouait plus. La Commission des pensions a décidé que l'ischémie myocardiaque ne se rapportait pas aux conditions de pension et n'était pas attribuable au service militaire. Cela le place dans une situation très défavorable, car c'est un homme nerveux en plus.

L'autre cas, à Edmonton, est un homme de 46 ans. J'aimerais vous lire une lettre que son médecin a envoyée à la Commission des pensions. Sa pension a passé de 40 p. 100 à 52 p. 100.

> L'ancien combattant ci-dessus mentionné qui a été prisonnier de guerre au Japon, a été transporté d'urgence à l'Hôpital universitaire souffrant d'essoufflement et de douleurs à la poitrine. A son arrivée à l'hôpital il a subi un arrêt cardiaque.
>
> Après 40 minutes de réanimation le cœur s'est remis à battre et on l'a transporté au service d'observation cardiaque de l'hôpital.
>
> Il a été confié à mes soins et son électrocardiogramme a indiqué un infarctus du myocarde avec lésion non localisée du muscle cardiaque. Il est tout à fait vraisemblable que la déficience de Vitamine B pour laquelle il reçoit une pension soit responsable de cette maladie coronarienne.
>
> A l'heure actuelle, je ne peux me prononcer sur ses chances de guérison mais j'estime qu'elles sont plutôt minces. Il devrait recevoir une pension à 100 p. 100 en fonction de son avitaminose et je suis prêt à défendre ce point en audience. La situation est critique et les mesures nécessaires devraient être prises immédiatement.

Cette lettre était en date du 10 avril. Une deuxième lettre datée le 16 avril est parvenue à la Commission des pensions.

> Cet ancien combattant est au service d'observation cardiaque à l'Hôpital de l'université depuis deux semaines et demie.

[*Text*]

He was successfully resuscitated and was convalescing slowly until the night of April 15, when he again arrested, was resuscitated and is now on a respirator with a tracheotomy. This man was a prisoner of war of the Japanese for nearly four years and when taken prisoner suffered a bayonet wound of the chest and also was kicked in the chest and it appears from his story that at that time he suffered from a fracture of the sternum of the sternal clavicular junction.

He developed beriberi.

On these various accounts he is pensioned at 40 per cent.

• 1155

My contention is that our problems in this man's convalescence and indeed perhaps in the precipitation of his original arrest are complicated by both the Vitamin B_1 deficiency which he suffered (known to result in the degree of miocardial fibrosis) and also probably direct trauma to the heart suffered at the time of his rupture.

I would like to make a plea to have this pensioner's disability rated at 100 per cent and I think his circumstances are so precarious that this should be done as expeditiously as possible.

On May 7 another letter was sent:

This patient continues to make slow progress convalescing from his heart attack and numerous resuscitations.

The longer I know him, the more apparent it is to me that he has suffered from myocardial damage for a long long time and we now have evidence that he was experiencing angina at least three years ago—actually this predates his shortness of breath.

I want to state categorically that this man will be completely disabled and prevented from gainful employment for at least one year's time from his discharge date and even then I doubt that we will be able to get him back to work.

I very strongly urge that his pension be maintained at 100 per cent for at least a year and then I be allowed to review his circumstances again.

The point in this, gentlemen, is that they raised his pension to 52 per cent. Thank you.

Mr. Brady: To add to that, we are still going for these heart claims, as you will notice from page 13A of our brief. In the event that the members of this Committee want an independent medical point of view, Dr. Haas is prepared to come here at your

[*Interpretation*]

Il était en convalescence lorsque dans la nuit du 15 avril il a subi un autre arrêt cardiaque. On l'a ranimé et il a subi une trachéotomie. Il respire à l'aide d'un masque respiratoire. Cet homme a été prisonnier des Japonais pendant 4 ans. Il a reçu une blessure de bayonnette à la poitrine ainsi que des coups à la poitrine. Il dit avoir subi une fracture du sternum à la jonction de la clavicule sternale.

Par la suite, il a contracté le béribéri.

Pour ces raisons il reçoit une pension à 40 p. 100. Je soutiens que sa convalescence se complique du fait qu'il ait subi une déficience de vitamine B et un traumatisme du cœur au moment de la rupture.

Je demande que l'invalidité de ce pensionné soit évaluée à 100 p. 100 et son état est si précaire que la chose doit être faite le plus vite possible.

Le 7 mai on a envoyé une autre lettre.

Ce malade se rétablit lentement. Il est évident qu'il souffre de lésion myocardiaque depuis très longtemps et nous avons la preuve qu'il souffrait d'engine depuis au moins 3 ans.

Cet homme sera totalement invalide et ne pourra travailler pour au moins une année après sa sortie de l'hôpital et même alors je ne sais s'il pourra se remettre au travail.

J'insiste fortement pour que sa pension soit maintenue à 100 p. 100 pour au moins une année après quoi je l'examinerai de nouveau.

Ils ont porté sa pension à 52 p. 100.

M. Brady: Vous avez remarqué à la page 13 a) de notre mémoire, que si vous voulez avoir une opinion médicale indépendante le Dr Haas est prêt à venir à deux semaines d'avis. Il a été fait prisonnier lui-même et a perdu beaucoup de poids dans le camp de concen-

[*Texte*]

invitation and he said that all he needs is two weeks' notice. He is an ex-P.O.W. himself, he was in concentration camp and he lost a lot of weight. He has been sent over to Europe a few times on call for the war veterans in France and he has pleaded their cases and he told me things about it. I feel that we have quite a job on our hands with this heart claim business, and we are very pleased that Dr. Haas offered his services. If you gentlemen of the Veterans Affairs Committee would like more medical evidence, as I say you can call on him and just give him two weeks' notice and he would be glad to appear.

Mr. Peters: Mr. Chairman, was Dr. Haas involved in this last case that the witness presented?

Mr. Donnelly: No, sir.

Mr. Peters: In relation to that, he appears to relate this back to a vitamin B deficiency, which I presume is connected with malnutrition and other vitamin deficiencies that arise from dietary deficiencies. What argument does the Pension Commission use in refuting this kind of a claim, where a doctor who is involved in a specific case will stake his reputation, as this doctor has, on his professional ability and diagnosis? They are really saying that he is not right.

Mr. Donnelly: In this particular case the pension board granted him 60 per cent for a heart condition, but only one-fifth of that is attributable to war service. That is why he was increased 12 per cent over the 40 per cent. One-fifth of 60 per cent is 12 per cent.

Mr. Peters: But how do they justify this? I am sure they have absolutely no knowledge themselves, and they are probably not competent in this field.

An hon. Member: They have doctors.

• 1200

Mr. Peters: Yes, but the people who are running the intensive care heart clinic are a little more than just ordinary doctors and one of them was willing to state that this arose from a vitamin B_1 deficiency. He did not say that it was congenital, he did not say that it predated military service and that a kid of 19 years of age had a heart condition. He did not say that, and yet the board is really saying that. They are saying that this man either had a congenital or a pre-enlistment heart condition at 19 years of age. It seems to me that this is really a decision of the Pension Commission which in this particular case they are not capable of making.

[*Interprétation*]

tration. On l'a envoyé en Europe plus d'une fois au sujet des anciens combattants français dont il a plaidé la cause. Nous sommes heureux que le Dr Haas ait offert ses services. Et si vous voulez avoir d'autres preuves, d'autres témoignages médicaux, vous pouvez le convoquer deux semaines à l'avance et il se présentera avec plaisir.

M. Peters: Est-ce que le Dr Haas a eu affaire au dernier cas présenté?

M. Donnelly: Non monsieur.

M. Peters: A ce propos il semble rattacher à un cas de déficience de vitamines qui je suppose, découle de la sous-alimentation et d'autres déficiences vitaminiques qui proviennent de déficiences alimentaires. Pour quelles raisons la Commission des pensions a-t-elle refusé cette demande, alors qu'un médecin qui avait traité ce cas particulier a mis sa réputation professionnelle en jeu, sur sa compétence professionnelle et son diagnostic? Comment la Commission des pensions peut-elle décider que le médecin se trompe?

M. Donnelly: Dans ce cas, la Commission avait décidé qu'il bénéficiait de 60 p. 100 pour défaillance cardiaque, mais dont seulement 1/5 serait attribuable au service militaire. Alors voilà pourquoi on a hausser sa pension de 12 p. 100.

M. Peters: Comment peuvent-ils justifier ceci? Ils ne sont pas compétents dans ce domaine.

Une voix: Ils ont des médecins.

M. Peters: Oui, mais, en tout cas, les gens qui dirigent des cliniques cardiaques sont tout de même plus que des médecins généralistes. Et l'un deux a déclaré qu'il s'agit de déficiences vitaminiques il n'a pas dit que ceci était une maladie congénitale, ou qu'un enfant de dix-neuf ans pouvait avoir, par exemple, une maladie cardiaque. Mais toutefois, la Commission dit que cette personne avait, soit une maladie congénitale ou avait eu une maladie cardiaque à l'âge de dix-neuf ans. Il me semble donc que c'est là une décision de la Commission des pensions qui ne relève pas de sa compétence.

[*Text*]

Mr. Brady: I would like to make a statement on this heart business. I have talked this over with the medical advisers to the Canadian Pension Commission and I put it right to them. I will not mention any doctors' names, but they claim that if you were in a prison camp and you have what they call beriberi heart trouble, well, you have it. If you live through it you are all right and when you come back perhaps you will not have any after-effects but being only ordinary laymen, we contest that ruling because it is like putting brand-new brake lining on a car. When you take it out and give it that first jar, that brake lining is not as good as it used to be. That is the way I consider beriberi hearts. They have been trying to tell us—you fellows who came back, you might have had beriberi heart trouble and all that but it has no bearing on today. That is the point that we are arguing about and that is why we would like to have people like Dr. Haas brought in and get independent points of view.

Mr. Peters: Mr. Chairman, this is raising a very fundamental point that I have always considered was involved. They are making an absolute decision on a pre-existing condition which they have no right to make. They do not have the right by law to make that decision. There would be absolutely no evidence that would support that contention. I do not know the doctor in this case and I am not sure how competent he is in the medical profession in Alberta but I would presume, since the guy was brought back to life after 40 minutes resuscitation attempt, that he is a fairly good doctor. They are making this decision that this man had a pre-enlistment condition and I gather he was about 19 years of age when he was involved—17 years of age. This is a case of malfunction as far as the Board is concerned. I think that this case should be pursued by the Committee. We have had many cases of the Hong Kong Vetcrans involving one particular doctor who made many bad recommendations and there has been considerable doubt raised as to his motives for these decisions.

The Chairman: Mr. Peters, I raise the question how far we can go on this kind of thing at this point.

Mr. Peters: Mr. Chairman, the point I am making is that I do not think the benefit of the doubt is going to help in this case. I am not really sure that the changes in the White Paper relating to pre-enlistment conditions are going to make any difference because there was no pre-enlistment condition in this case. I am sure there was not.

[*Interpretation*]

M. Brady: Nous avons causé de ceci avec les conseillers médicaux de la Commission des pensions. Je ne mentionnerai pas le nom des médecins. Mais si vous avez été dans un camp de prisonniers et si vous avez contracté le béribéri, eh bien, si vous pouvez la supporter cette maladie ça va.

Si vous pouvez supporter cette maladie, ça va si vous revenez, vous n'aurez pas de maladie cardiaque subséquente, mais nous en tant que profanes contestons ce jugement parce que c'est comme lorsque vous mettez une nouvelle garniture de freins à une voiture, le freinage n'est pas aussi bon qu'avant. C'est la même chose pour le cœur de ces personnes qui ont été atteintes de béribéri. Ils ont essayé de nous faire croire que les camarades qui sont envoyés avaient peut-être eu des troubles cardiaques et à la suite du béribéri ou du reste mais qu'il n'en reste aucune trace aujourd'hui. C'est sur ce point que nous discutons et nous aimerions avoir l'opinion de spécialistes comme le Docteur Haas et obtenir un point de vue indépendant.

M. Peters: Monsieur le président, cela soulève un point absolument fondamental, j'ai toujours estimé que c'était la base de tout. Ils rendent une décision sans appel sur un état antérieur et ils n'ont pas le droit légal de prendre une décision semblable. On n'a pas de preuve pouvant justifier cette décision. Je ne connais pas le médecin dont il est question dans ce cas. J'ignore sa compétence professionnelle en Alberta, mais je présume qu'il est certainement bon puisque cette personne a été ramenée à la vie après un processus de ressucitation qui a duré quarante minutes. Sa décision rendue c'est que cette personne a déjà été malade avant l'enrôlement à l'âge de 19 ans, ou à 17 ans peut-être, ils dépassent leur autorité en autant que le Bureau est concerné. Je voudrais que le Comité poursuive l'étude de ce cas car nous avons eu nombres de cas semblables parmi les anciens combattants de Hong Kong où leur médecin en particulier avait rendu des recommandations mauvaises et on pouvait s'interroger sur ses motifs pour rendre des décisions semblables.

Le président: Eh bien! jusqu'on pouvons-nous aller à ce sujet?

M. Peters: Ce que je dis ici, c'est que le bénéfice du doute n'aidera personne dans ce cas, je ne suis même pas certain si la modification dans le Livre blanc relative à l'état de santé avant l'enrôlement permettra de modifier la situation parce qu'il n'y avait pas de déficiences avant l'enrôlement. J'en suis sûr.

[*Texte*]

The Chairman: And he is over 50 per cent now.

Mr. Peters: He was 40 per cent and he was raised 12 per cent, as I gather, by the Board. What they really said was that he had a bad condition and therefore they had better give him a little bit more but they did not do it honestly. They obviously did not do it honestly because they either should not have given him anything or for the disability he now obviously has, his pension should be 100 per cent.

Mr. Brady: Well, the big problem in this specific case—and we have had eight or nine others—is that the guy cannot go back to work and has to keep his family going. We would like to see them get to the fellows who have heart problems amongst the Hong Kong boys who, actually, in a few months' time will be up in the fifties. Anybody between 50 and 100 and totally disabled and only getting 50 or 60 per cent we would like to see brought into the full disability pension rate.

The Chairman: I believe Mr. Donnelly has something he wants to say.

Mr. Peters: Mr. Chairman, I do not see how we can correct this by legislation. This is an interpretation the Pension Commission apparently put on facts that do not meet the old criteria of legislation and they do not meet the new criteria of legislation either. We should be thinking about some method of medical appeal in this case. It is an argument between two doctors and I do not see how we are correcting it either in the White Paper or in the Woods Commission Report.

• 1205

The Chairman: I think your comment...

Mr. Peters: I think this is a very important thing because we are probably doing a disservice to many people by not being able to correct this.

Mr. Guay (St. Boniface): Do the Hong Kong veterans and other veterans feel that under the new set-up in the White Paper whereby they can appeal these previous decisions they will have a better case and will be given more consideration? I do not say they feel that this is going to be the case, but is it your feeling that you may be given more consideration under the new terms of the White Paper?

[*Interprétation*]

Le président: Il est au dessus de 50 p. 100 maintenant.

M. Peters: Non, il était à 40 p. 100 et on l'a augmenté de 12 p. 100 d'après ce que le Bureau nous a dit. En fait ce qu'ils ont dit c'est qu'il était vraiment en mauvais état de santé et par conséquent ils lui ont donné un peu plus mais ils ne l'ont pas fait en toute honnêteté car ou ils auraient tout lui donner pour sa maladie évidente et sa pension devrait être à 100 p. 100 ou rien lui accorder du tout.

M. Brady: La question qu'il faut se poser dans ce cas particulier et nous en avons 8 ou 9 autres semblables c'est: est-ce que cette personne peut travailler et faire vivre sa famille? Ceux qui ont des maladies cardiaques parmi les anciens combattants de Hong-Kong sont dans la cinquantaine bientôt, ils sont complètement invalides, et ils ne reçoivent que 50 ou 60 p. 100, nous voudrions qu'ils touchent la pension d'invalidité complète.

Le président: Je crois que M. Donnelly a quelque chose à dire.

M. Peters: Monsieur le président, je ne vois pas comment nous pouvons corriger cette situation par des lois. Vous voyez de loin parce qu'il s'agit d'une interprétation de la Commission canadienne des pensions qui ne répond pas à l'ancien critère de la loi ni au nouveau critère d'ailleurs. Je pense qu'il faudrait songer à quelque méthode permettant d'en appeler médicalement de ces questions. C'est un argument entre deux médecins et je ne vois pas comment nous pouvons corriger la situation, soit dans le Livre blanc ou soit dans la rapport de la Commission Woods.

Le président: Je crois que votre commentaire...

M. Peters: Je pense qu'il s'agit là d'une chose importante et nous donnons un piètre service à nombre de gens si nous ne pouvons corriger cette situation.

M. Guay (Saint Boniface): Est-ce que les anciens combattants de Hong-Kong ou autres estiment, aux termes du Livre blanc, qu'ils pourront en appeler de la décision de la Commission et qu'on pourra étudier leur cas sous un jour plus favorable? Est-ce qu'ils estiment qu'on pourra mieux tenir compte de leur situation d'après les dispositions contenues dans le Livre blanc?

[*Text*]

Mr. Brady: Do you mean an independent appeal board?

Mr. Guay (St. Boniface): Well, anything. We will take the case in question that has been mentioned by your member from Calgary. You are not leaving it there. I am sure you must be appealing the decision, are you?

Mr. Brady: Oh, definitely. Even though we get turned down on a second claim or something, we go right back again and try to pick up as much medical evidence as we can. That is why we got Dr. Haas here. If we can get an independent point of view, especially a medical man's point of view, naturally it is going to help. We have to throw a bouquet to one of our doctors who was in the prison camp with us.

The Chairman.: Is Dr. Haas a Canadian?

Mr. Brady: No, he is from Europe.

The Chairman: I see. Mr. Donnelly.

Mr. Donnelly: There is a very small point I would like to make. When the Pension Commission ruled on this man and gave him this amount of 12 per cent—normally they date it from the date of his entry into hospital. This man went in on April 3 with his heart condition and the Pension Commission dated it April 10. Why they would take these five days at that 12 per cent away from this man I do not know. We have requested, and we are hoping to get his 100 per cent pension because he is unable to work and he is going to lose his home if he does not get the pension, and that pension backdated to the maximum possible under the present Act.

The Chairman: Mr. Stroud.

Mr. Stroud: Gentlemen, speaking on the same subject, this is almost identical. We have a current case in Toronto which I will give you quickly. This man had been going into Sunnybrook Hospital complaining of his legs. He was admitted to hospital for two weeks in 1966. He was asked to come back in 1967 and was given more vitamin pills. Now this man's legs have deteriorated to the extent that just four months ago he was rushed into hospital for emergency treatment in his own area, which was Scarborough at the time, and they found he had stoppages in both his legs and also blood clots which they did not diagnose to be a coronary. That man is now in St. Michael's and he has had the left leg amputated just below the knee. Now

[*Interpretation*]

M. Brady: Voulez-vous dire devant une commission indépendante d'appel?

M. Guay: Oui devant n'importe qui; prenons le cas mentionné par votre membre de Calgary, vous allez certainement en appeler de cette décision?

M. Brady: Oui certainement. Même si on refuse notre seconde demande, nous parviendrons et nous chercherons à obtenir le plus de témoignages médicaux possibles. C'est ce que nous avons cherché à faire. C'est pourquoi nous avons demandé au Dr Haas de venir. Nous cherchons à obtenir une opinion indépendante, en particulier de médecins. Nous avons le témoignage d'un médecin qui était dans un camp de prisonniers avec nous.

Le président: Le Docteur Haas est-il Canadien?

M. Brady: Non, il est Européen.

Le président: Je vois. M. Donnelly.

M. Donnelly: J'ai une brève question que je vais poser ici. Quand la Commission des pensions rend une décision à ce sujet et accorde cette augmentation de 12 p. 100, normalement elle le fait à compter de la date où la personne entre à l'hôpital. Cette personne est entrée le 3 avril avec une maladie cardiaque et la Commission de la pension a daté cette entrée du 10 avril. Je ne sais pas pourquoi ils ont fait cela, enlever cinq jours à 12 p. 100, je ne sais; on a posé des questions et nous espérons que cette personne aura une pension de 100 p. 100 parce qu'elle ne peut pas travailler du tout et elle va perdre sa maison si elle ne reçoit pas cette pension qui devrait être rétroactive à compter de la date d'entrée à l'hôpital en vertu de la loi actuelle.

Le président: Monsieur Stroud.

M. Stroud: Messieurs sur le même sujet, je voudrais vous parler d'un cas presque identique que nous avons eu à Toronto. Cette personne avait une jambe malade, en 1966 elle a été admise à l'hôpital pour deux semaines. Elle a dû revenir en 1967 où elle a eu des traitements de vitamines. Maintenant cette personne est entrée à l'hôpital d'urgence de Scarborough pour traitement car l'état de ses jambes avait empiré. On a constaté qu'elle souffrait d'une thrombose dans les deux jambes et qu'elle avait des caillots de sang dans les vaisseaux coronaires. Cette personne a dû se faire amputer une jambe, juste au-dessous du genou. Maintenant cette personne de 47 ans qui a une famille de quatre personnes reçoit seulement 30 p. 100 de pension pour

[*Texte*]

here is a man 47 years old with a family of four receiving only 30 per cent pension for avitaminosis. I have been in touch with the officials of Sunnybrook Hospital and when I mentioned the clot they said that would be a heart condition. We are trying to get him under Section 5. "Well," they said, "he should have come to Sunnybrook Hospital. We could have admitted him perhaps under Section 5, but since he is under avitaminosis outside we do not know how we can grant it." Now that man has a coronary. There is no doubt about it. He has blood stoppage. They operated on both legs. They were unable to open the clot in the left and it was amputated. Just before I left Toronto they were cutting his leg again because it is not healing up. This is one case I am bringing up to the Pension Commission while I am in Ottawa. There is a coronary but there is no hope of ever getting recognition for him the way their interpretation is for that man.

The Chairman: He will automatically go to 50 per cent on these proposals.

Mr. Bigg: Do you feel that more research should be done on heart disease as it refers to a pension right and perhaps we could leave it there for now and pursue the idea of more information being brought forward and more emphasis being put on it and more information from other veterans, people?

Mr. Brady: That is right.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, surely you have a *prima facie* case. You have these 17-and 18-year-old kids who surely did not have heart conditions when they went out. Facing these conditions now, I would say the presumption is that the Hong Kong experience did it to them and 50 per cent, Mr. Chairman, is not good enough.

• 1210

The Chairman: No. The point is that without any further argument, under one of the proposals it goes to 50 per cent. Whether the benefit of doubt clause will operate beyond that is the question we have to look at but I am pointing out that it automatically would go from 30 to 50 per cent without any further question. This gentleman is only on 30 per cent pension.

Mr. Bigg: But surely the Hong Kong experience is not going to alter these presumptions. This is a separate and blanket thing.

The Chairman: In the brief the way it has been presented, the discussion has related to

[*Interprétation*]

avitaminose. Quand j'ai mentionné qu'il y avait des caillots de sang ils ont dit à l'hôpital qu'il s'agissait d'une maladie cardiaque. Nous essayons de le faire admettre aux termes de l'article 5 mais il aurait dû aller à l'hôpital Sunnybrook. On aurait pu l'admettre aux termes de l'article 5 mais puisqu'il est traité ailleurs pour avitaminose nous ne sevons si nous pouvons l'accorder. Maintenant cette personne a une maladie coronarienne. Il n'y a aucun doute là-dessus. Il a des caillots de sang. Ils ont dû l'opérer des deux jambes. Il a été impossible d'atteindre le caillot dans la jambe gauche et on a dû l'amputer. Juste avant mon encore fallu l'opérer car la cicatrisation ne départ de Toronto j'ai appris qu'il avait se faisait pas. J'ai porté ce cas à l'attention de la Commission canadienne des pensions à Ottawa. C'est une maladie coronarienne mais il n'y a pas moyen de faire en sorte que ces cas soient reconnus.

Le président: D'après ces propositions il obtiendra automatiquement 50 p. 100.

M. Bigg: Estimez-vous qu'il faut faire plus de recherches dans le domaine des maladies du cœur lorsqu'elles impliquent un droit à pension? Nous pourrions peut-être laisser la question à ce point pour l'instant et obtenir plus de renseignements à ce sujet en ce qui concerne la recherche sur les maladies du cœur de la part des autres groupes d'anciens combattants?

M. Brady: Oui, c'est une bonne idée.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, vous avez un cas bien évident quand il s'agit de jeunes gens de 17 ou 18 ans qui ne souffraient certainement pas de troubles cardiaques quand ils sont partis. D'après leur état présent il y a une forte présomption que l'expérience de Hong-Kong y est pour quelque chose et je dirais monsieur le président que 50 p. 100 est insuffisant.

Le président: Je suis d'accord. Mais d'après l'une des propositions ça pourrait être jusqu'à 50 p. 100. Est-ce que la clause du bénéfice du doute pourra s'appliquer au-delà de ce montant, c'est ce qu'il faudrait étudier. Mais je fais remarquer que la pension passera automatiquement de 30 à 50 p. 100, sans autre question. Cette personne reçoit seulement une pension de 30 p. 100.

M. Bigg: Mais sûrement les présomptions ne pourraient être changées au sujet de Hong-Kong. C'est une question distincte.

Le président: Dans le mémoire qu'on nous a présenté, la débat portait sur le

[*Text*]

benefit of the doubt on the basic 50 per cent. This is in the brief that we received today. I point out that there is another operative provision proposed in the White Paper which would deal with various types of cases. I think the cases that have been presented illustrate the problem that this group is concerned about, and illustrate it very well.

Mr. Brady: We would like to go a step further here. A few years ago we had a chap who died November 11, 1965, from a heart problem, and we thought he was more or less looked after until his widow brought up the thing that she was more or less destitute. So we got going on it; we brought up the claim and we were very fortunate in getting one of the ex-doctors from the POW camp, and he wrote a statement saying that beriberi heart problems did exist in this particular prison camp, and we brought this up before the Pension Commission and they granted the pension to the widow. This is going back three years ago.

So then we thought we had something good here. So we ran off photostats and wanted them to be attached to all our other heart claims, but unfortunately they came back on some of our cases and said that just because a man had a beriberi heart condition in the prison camp does not mean that today's heart troubles relate back to that. So we, being ordinary laymen and not understanding all this medical stuff, ask how come they can give it to one but do not to the other on the same basis. There is the problem we are running into.

The Chairman: All the widows, again, will qualify automatically for pension but it is a question of how much. But they will qualify under the proposal.

Mr. D'Avignon: In this particular case, it took 11 years to decide, and she had to live in the meantime.

The Chairman: Yes. Are there any other questions the members of the Committee want to raise? If not, I would like to thank you, Mr. Brady, Mr. D'Avignon, Mr. Stroud, and other members of the delegation, for your presentation today. I know the Committee has enjoyed having the opportunity to meet with you and to hear what you had to say.

Mr. Brady: Thank you very much for having us all.

The Chairman: I would like to call on Mr. Reynolds to say a word or two about the agenda. Mr. Reynolds, would you speak for a minute on what we will be doing later?

[*Interpretation*]

bénéfice du doute relativement aux 50 p. 100. C'est dans le mémoire reçu aujourd'hui. Je signale qu'il y a là une autre clause proposée dans le Livre blanc qui permettrait de tenir compte de divers cas. Je pense que les cas qui ont été présentés illustrent la situation assez clairement.

M. Brady: J'irais plus loin. Il y a quelques années, nous avons eu quelqu'un qui est mort le 11 novembre 1965 d'une maladie cardiaque. Nous pensions que quelqu'un s'en occupait jusqu'à ce que sa veuve nous fasse constater qu'elle était complètement dénuée de toutes ressources. Nous avons étudié toute l'affaire et nous avons cherché et obtenu les services d'un ancien médecin qui avait séjourné dans un camp de prisonniers. Il a déclaré que des problèmes cardiaques dus au béribéri existaient dans ce camp en particulier; nous avons soumis l'affaire à la Commission et la pension a été versée à la veuve. Il y a trois ans de cela. Nous avons un résultat concret ici et nous avions des photocopies, je pense qu'il faudrait justifier toutes les réclamations relatives aux maladies du cœur de la même façon, mais malheureusement, ils sont revenus sur certains de nos cas et ils prétendent qu'il n'y a aucune relation entre les troubles cardiaques d'aujourd'hui et le béribéri de jadis. Aussi étant des gens bien ordinaires et ne comprenant rien à ces questions médicales nous nous demandons comment pouvez-vous donner une pension à quelqu'un en la refusant à un autre, voilà le problème auquel nous faisons face.

Le président: Évidemment, toutes les veuves auront automatiquement droit à des pensions, il s'agit de savoir quel montant elles pourront avoir mais elles y auront droit d'après la proposition.

M. D'Avignon: C'est un cas qui n'a pu être tranché qu'après onze ans et dans l'intervalle il a fallu qu'elle vive.

Le président: Oui. Y a-t-il d'autres questions messieurs que vous voudriez poser sinon, je voudrais remercier M. Brady, M. D'Avignon et M. Stroud et les autres membres de la délégation qui ont présenté des mémoires intéressants aujourd'hui. Je sais que le Comité a été heureux de les entendre.

M. Brady: Je vous remercie messieurs de nous avoir si bien reçus.

Le président: Je voudrais demander à notre secrétaire M. Reynolds de nous présenter l'ordre du jour. M. Reynolds voulez-vous nous dire quelques mots à ce sujet.

[*Texte*]

Mr. P. E. Reynolds (Director, Legal Services, Department of Veterans Affairs): Mr. Chairman, this afternoon at 2 o'clock Mr. Ward will be here, with your permission, to continue with his explanation of the Woods Committee recommendations, and he will carry on. I hope he may be able to finish this afternoon. But if he cannot, tomorrow morning at 9.30 we will have the National Dieppe Prisoners of War Association. And if Mr. Ward does not finish this afternoon, I would like to suggest that he be allowed to finish tomorrow afternoon.

The Chairman: Mr. Guay.

Mr. Guay (St. Boniface): A further point. We were supposed to receive an itinerary of the Committee for this week and next week and I have not received mine. I was wondering if it has gone out at all. I would like to know what our program will be for next week.

Mr. Reynolds: There is an agenda which is available for distribution.

The Chairman: Have we not been given copies?

Mr. Reynolds: I think Mr. Levesque has the copy here which he can give you of what we are proposing. There is nothing scheduled for Thursday or Friday of this week and should we be through witnesses at noon tomorrow, we would adjourn at that time. If Mr. Ward still has testimony to present, we shall continue.

• 1215

AFTERNOON SITTING

• 1415

The Chairman: Will the Committee please come to order. Mr. Ward has been giving testimony on the specific recommendations in the Woods Committee Report. For the convenience of members we have been referring to this summary document on the recommendations and have been asking questions as we go along on specific sections. I propose to follow the same procedure. Members are perfectly free to ask Mr. Ward questions at different stages of the review for clarification. We had hoped that Mr. Ward would be able to complete his review of the 148 recommendations this afternoon. I believe he got up to 110.

Mr. D. K. Ward (Deputy Chief Pension Advocate): I was proceeding to 111.

[*Interprétation*]

M. P. E. Reynolds (Directeur, services juridiques, Ministère des affaires des anciens combattants): Monsieur le président, cet après-midi à deux heures, M. Ward sera ici, il continuera son explication sur les recommandations du Comité, je pense qu'il pourra terminer sa présentation cet après-midi s'il ne peut pas le faire, demain matin à 9h30, nous aurons l'Association des prisonniers de guerre et si M. Ward n'a pas terminé cet après-midi, je voudrais qu'on lui permette de terminer demain après-midi.

Le président: Monsieur Guay.

M. Guay (Saint-Boniface): Autre chose. Je pensais que nous pourrions avoir l'ordre du jour du Comité pour cette semaine et la suivante. Je n'ai rien reçu. Je me demande si tout a déjà été distribué. J'aimerais bien connaître notre programme pour la semaine prochaine.

M. Reynolds: Nous avons là un ordre du jour qui peut être distribué.

Le président: Est-ce que nous en avons eu des exemplaires.

M. Reynolds: Je pense que M. Lévesque ici a un exemplaire qu'il peut vous donner, un exemplaire de l'horaire. Il n'y a rien de prévu pour jeudi et vendredi de cette semaine; si nous avons terminé l'audition des témoins à midi demain, nous ajournerons à ce moment-là. Si M. Ward a encore quelque chose à dire nous continuerons.

SÉANCE DE L'APRÈS-MIDI

Le président: Messieurs, s'il vous plaît, la séance est ouverte. M. Ward a temoigné au sujet des recommandations du rapport Woods. Pour faciliter la tâche aux membres, nous nous sommes reportés à ce document qui résume les recommandations et nous avons posé des questions sur les diverses clause. Je me propose de suivre la même procédure. Les membres sont parfaitement libres de poser à M. Ward les questions qu'ils voudront en vue de clarifier certains points. Nous avions espéré que M. Ward pourrait cette après-midi terminer la revue des 148 recommandations. Nous en sommes, je crois, à la 100e.

M. D. K. Ward (l'adjoint de l'avocat en chef des pensions): Je passais à la 111e.

[*Text*]

Mr. Guay (St. Boniface): I am sorry to interrupt the witness. I appreciate the fact that he is here this afternoon on short notice.

We have the recommendations from the Department as to whether they were rejected, adopted or otherwise. Will there by an change in this regard while Mr. Ward is speaking to us this afternoon? Is he going to give us only an explanation with regard to each of the recommendations? In other words, is there a possibility of any change taking place in the statement you sent us as to whether they were accepted, adopted or otherwise?

The Chairman: Do you have any comment, Mr. Ward?

Mr. Ward: Mr. Chairman, the disposition, as I might indicate this afternoon, would coincide completely with the tabulation given to the members of this Committee.

Mr. Guay (St. Boniface): Thank you.

The Chairman: Will you continue, Mr. Ward.

Mr. Ward: Recommendations 111 and 112 deal with widows' claims in which women prior to the death of their husband had unfortunate domestic differences resulting in divorce, judicial separation, or separation pursuant to written or other agreements and in essence the Woods Committee recommendation pertaining to this group is that such widows should receive pension in the amount of elementary allowance awarded by a court or pursuant to the written or other agreement prior to the pensioner's death, and that Section 36(6) of the Pension Act be repealed so that such divorced and separated wives must establish maintenance rights prior to the pensioner's death before qualifying for widow's pension.

Existing legislation, Section 36(5) of the Pension Act provides that a woman who has been divorced is not entitled to pension unless she was awarded alimony, in which case she is entitled, if she is in a dependent condition, to the equivalent of the widows' pension or the equivalent of alimony, whichever is the smaller amount. If the amount is smaller than widows' pension it may be increased to full widows' pension at the discretion of the Commission. The same applies to women judicially separated or separated pursuant to written or other agreements.

Furthermore under Section 36(6) of the present Pension Act, notwithstanding the provisions of Section 36(5) such a women may be awarded pension in the discretion of the

[*Interpretation*]

M. Guay (Saint-Boniface): Je m'excuse d'interrompre le témoin. Je sais qu'on lui a demandé à la dernière minute de se présenter ici cet après-midi. Nous avons la recommandation du ministère, quant au fait qu'elles ont été rejettées, adoptées, ou autrement. Y aura-t-il sur ce point des modifications tandis que M. Ward s'adresse à nous cet après-midi? S'en tiendra-t-il à une simple explication sur chacune des recommandations? Autrement dit, est-ce qu'il peut encore survenir des modifications, dans le document que vous nous avez fait parvenir, quant au fait qu'elles ont été adoptées, rejettées ou autrement.

Le président: Avez-vous quelque remarque à faire, M. Ward

M. Ward: Monsieur le président, les dispositions auquelles je pourrai me reporter cet après-midi coincideront entièrement avec la documentation qui a été remise aux membres du comité.

M. Guay (Saint-Boniface): Merci.

Le président: Voulez-vous poursuivre, monsieur Ward.

M. Ward: Les recommandations 111 et 112 traitent des réclamations de veuves qui, avant la mort du mari, ont éprouvé de déplorables difficultés de ménage, entraînant le divorce, la séparation par décision judiciaire ou la séparation en vertu d'un accord, écrit ou autre, et le comité Woods recommande en substance que ces veuves reçoivent la pension élémentaire qui a été accordée par un tribunal ou en vertu d'une entente, écrite ou autre, antérieure au décès du pensionné, et que l'article 36 6) de la Loi sur les pensions soit abrogé de sorte que lesdites femmes divorcées et séparées doivent établir des droits d'entretien avant la mort du pensionné, avant d'être admissibles à une pension de veuve.

L'article 36 5) de la présente Loi sur les pensions stipule que la femme divorcée, n'a pas droit à la pension sauf s'il lui a été accordée une pension alimentaire, et dans ce cas, elle a droit, si elle ne peut elle-même subvenir à ses besoins, à l'équivalent de la pension de la veuve ou de la pension alimentaire, suivant le montant qui est le moindre. Si le montant est moindre que celui de la pension de la veuve, il peut, à la discrétion de la Commission, être porté à la pleine pension de la veuve. Il en est de même des femmes séparées par décision judiciaire ou séparées en vertu d'un accord, écrit ou autre. En outre, en vertu de l'article 36 6) de la présente Loi sur les pensions, et nonobstant les dispositions de l'article 36 5), cette femme peut se voir

[*Texte*]

Commission even though she was not awarded alimony if in the opinion of the Commission she would have been entitled to an award of alimony had she made application therefor under due process of law.

• 1420

As I see it, the major difference between the Woods Committee proposals and the current situation is that under the Woods recommendation a right to widows' pension in these cases would only apply if there had been an award of alimony during the pensioner's lifetime and, furthermore, regardless of whether or not the woman is in a dependent condition. The other major difference is that such a widow must establish her right to maintenance during the pensioner's lifetime. That is opposed to the current system by which the widow must be in a dependant condition and she may, if she was not awarded alimony, endeavour to convince the Canadian Pension Commission that she ought to have been awarded alimony had she applied during her husband's lifetime. There is merit in both systems, as I see it, gentlemen.

Mr. Guay (St. Boniface): I have a case which you might perhaps clarify for me. If a woman has been living common law with a man prior to his joining the armed service, because it has become known by everyone that she is more or less his wife she is entitled, I presume, to all the rights and privileges of being married. That is one case.

The other case is that of a legal wife and through some misunderstanding the parties have separated. It may be that they were willing to separate because they just could not get along. I will not talk about any alimony for the moment; I will just say they have separated. He then dies and she does not derive any benefits whatsoever. Is this in part what they are referring to here?

Mr. Ward: On the first part of your question, sir, in relation to the irregular union there is provision under other sections of the Pension Act for deeming the woman in such an irregular union to be the widow of the pensioner.

On the second aspect of your question, sir, in the case in which I understood you to say there may have been a separation without agreement, under the present provisions of the Pension Act it is quite possible that such a woman would qualify for full widow's pension; because if there is any question of her having been unjustifiably deserted by her

[*Interprétation*]

accorder une pension, à la discrétion de la Commission, même si elle ne s'est pas vue accorder une pension alimentaire, si, de l'avis de la Commission, elle aurait eu droit à une pension alimentaire, si elle avait, à cet effet, soumis une demande dans les formes prescrites par la loi.

A mon avis, les propositions du comité Woods diffèrent surtout de la situation actuelle en ce que, selon la recommandation du comité Woods, le droit à la pension de veuve n'existerait que dans les cas ou il y aurait eu une pension alimentaire du vivant du pensionné, que l'épouse puisse ou non subvenir elle-même à ses besoins. Elles diffèrent aussi du fait que la veuve doit établir son droit à une pension du vivant du pensionné. Mais je pense qu'aux termes de l'entente actuelle la veuve doit être une personne à charge et elle doit, si elle n'a pas droit à une pension alimentaire, convaincre la Commission qu'elle aurait dû obtenir cette pension alimentaire lorsqu'elle l'a demandée au cours de la vie de son conjoint. Ainsi, il y a du bon dans les deux systèmes, messieurs.

M. Guay (St-Boniface): Je pense que l'on pourrait clarifier un peu la situation ici, si c'est une femme qui vit aux termes du droit commun avant l'engagement de son mari, puisqu'il est connu qu'elle est plus ou moins sa femme, elle doit avoir droit à la pension tout comme si elle était vraiment mariée. Si la femme qui pour une raison connue des conjoints seulement, à la suite d'un malentendu entre les deux parties se sépare soit de propos délibérés parce que les deux personnes ne peuvent pas s'entendre et nous ne parlerons pas de la pension alimentaire pour l'instant, mais si le mari meurt, elle ne reçoit aucune pension? C'est à quoi l'on se réfère ici?

M. Ward: Je pense qu'en ce qui concerne le premier point, pour ce qui est des unions irrégulières il y a des dispositions aux termes d'autres articles de la loi qui traitent de ces unions irrégulières selon lesquelles la femme peut-être considérée comme la veuve du pensionné.

En ce qui concerne le deuxième aspect de votre question dans le cas que vous mentionnez il peut y avoir séparation sans entente, aux termes des dispositions actuelles de la loi des pensions, il est tout à fait possible qu'une femme dans ce cas-là puisse avoir droit à toute la pension de veuve parce que si l'on croit que son mari l'a quittée, je pense que le

[*Text*]

husband she would be entitled to be maintained notwithstanding the separation and would not be barred from full widow's pension.

Mr. Guay (St. Boniface): I purposely did not use the word "deserted," Mr. Chairman. My example was rather that because they just could not live under the same roof they had to separate; and we will say that between the time they separated and the time he died there had been no financial arrangements, if I may so put it.

Mr. Ward: Mr. Chairman, under the Woods Committee recommendation, as I see it, such a widow would be barred from widow's pension because during her husband's lifetime she did not establish her right to maintenance. Whereas, under the current legislation, she could appear before the Canadian Pension Commission and endeavour to convince that body that she would have been awarded some maintenance had she applied in the proper place.

The Chairman: In other words, in this respect the Woods Committee recommendation appears to be more restrictive than the present practice?

Mr. Ward: Yes; the Woods Committee recommendations, as I see them, are more restrictive. The present legislation provides the Commission with more discretion and is more flexible, and perhaps you could even say it is more favourable.

The Chairman: Mr. Guay and Mr. Bigg.

Mr. Guay (St. Boniface): I just want to add butter to the toast, sir. I am saying they separated because they just could not get along. I want to emphasize that. Possibly the wife, on the other hand, has been trying to establish their position. She may have been communicating with her husband rather than taking him to court. We must bear in mind that women will say very little against their husbands, in many cases. I know that as a fact, from experience. They will make this attempt. At the same time in the case that I am citing, she may have wanted to teach him a little lesson—not that she was going to "skylark" around—so she said "Well, all right, we will separate." But in the meantime, while this is going on—and I am suggesting she still had no intention of leaving him, otherwise she would have taken him to court—he dies let us say, of a heart attack. We were talking about heart this morning. He was not aware of it. This can happen, and has happened.

[*Interpretation*]

droit ouvrant à pension peut être maintenu, peu importe s'il y a eu séparation, et cette femme aura toujours le droit à la pension.

M. Guay (St-Boniface): Je n'ai pas employé le mot déserté, car je parlais simplement de conjoints qui ne peuvent pas vivre sous le même toit. Disons qu'entre le moment où ils se séparent et le moment de la mort du conjoint, il n'y a pas eu d'arrangements financiers si vous voulez.

M. Ward: Monsieur le président, aux termes des recommandations du Comité Woods, d'après ce que je peux comprendre une veuve n'aurait pas droit à la pension de veuve parce qu'elle n'a pas établi son droit à la pension mais elle peut par ailleurs, se présenter devant la Commission canadienne des pensions pour persuader ou convaincre cette Commission qu'elle aurait obtenu une pension alimentaire si elle avait demander cette pension en temps et lieu.

Le président: En d'autres mots, les recommandations du Comité Woods dans ce domaine sont plus restrictives.

M. Ward: Oui, le Comité Woods, d'après ce que je peux voir est plus restrictif à ce sujet-là car la Loi donne une plus grande latitude et une plus grande souplesse à la Commission et on peut même dire je pense, que la Loi est peut-être plus arrangeante.

Le président: Monsieur Guay et monsieur Bigg.

M. Guay (St-Boniface): Le facteur temps est important ici entre le moment de la séparation et le moment où la femme d'autre part cherche à clarifier sa position, elle peut parfois communiquer avec son mari plutôt que de s'adresser à un Tribunal.

On a vu que dans bien des cas, je le sais par expérience, que des gens chercheront à adopter cette position, les gens se disent parfois on peut très bien se séparer et accepter une entente à l'amiable et puis ensuite on songe à aller se présenter devant les Tribunaux et puis tout à coup le mari meurt d'une attaque. Nous avons parlé des maladies de cœur ce matin. Le mari n'est pas au courant de sa maladie. Si cela arrive, alors vous allez me dire que dans un cas pareil la veuve n'aurait droit à aucune pension. Je ne comprends pas.

Je me fonde ainsi sur le cas d'une personne qui n'est pas mariée à un soldat et qui vit avec lui a droit à la pension de veuve une fois

[*Texte*]

You tell me she would not be entitled to anything at all.

This is the point which, for the life of me, I cannot understand. I am comparing her with the other woman who is not even married to the soldier but just has an arrangement. Because she is still with him when he dies she gets full benefit, whereas the other one, because of some high principles she may have, is going to be completely disowned.

The Chairman: It seems to me that Mr. Ward has answered this by pointing out that the Woods Committee recommendation is more restrictive. There is more discretion at the present time in the present section of the Pension Act. Is that right, Mr. Ward?

Mr. Ward: That is my understanding.

Mr. Guay (St. Boniface): Except, Mr. Chairman, that I want to make it clear that I am not making reference only to the Woods Committee Report. I am also referring to the present policy under the Pension Act, of which I think Mr. Ward is aware.

The Chairman: Mr. Bigg?

Mr. Bigg: First of all, we are bound neither by the White Paper nor by the Woods Committee Report. I think that in some cases this Committee is probably going to come up with a better compromise, or even a better new idea, than either of them.

In this case I think probably the Woods Committee Report was concentrating on preventing a woman from, shall we say, leaving her husband without a good excuse.

I am thinking of a very serious case I know of where a woman deserted her husband, rather than the reverse. He was blind and she deserted him.

After he died she tried to get a widow's pension. I think the Woods Committee recommendation is trying to plug that hole in that type of case and say that as she deserted him then, in a way, she is being punished for treating a veteran badly.

I see that point, and no doubt we should protect against it, but I would like to see enough flexibility and good judgement left to the discretion of the pension board that for a woman who has been deprived of pension rights because of this kind of regulation and red tape, there is a safety valve, or a kind of

[*Interprétation*]

son conjoint mort. Et si une femme, à cause de ses principes ne se sépare pas, elle est complètement spoliée.

Le président: Il me semble que M. Ward a répondu à cette question en mentionnant que le rapport Woods était plus restrictif à ce sujet-là que les présentes dispositions de la Loi sur les pensions.

M. Ward: Sauf erreur, monsieur le président.

M. Guay (St-Boniface): Excepté, monsieur le président, que je tiens à dire bien précisément que je ne parle pas simplement du Comité Woods, je parle de la politique actuelle aux termes de la Loi sur les pensions et je pense que M. Ward est bien au courant de cela.

Le président: Monsieur Bigg?

M. Bigg: Je pense que dans certains cas, nous sommes ni liés par le Livre blanc ni par le rapport Woods. Je crois que dans certains cas où il faudra présenter des recommandations nouvelles, il faudra peut-être aussi présenter des compromis et à la lumière de ceci je pense que le Comité Woods empêcherait peut-être qu'une femme quitte son mari sans avoir une bonne excuse.

Je pense actuellement à un cas, très sérieux, une femme par exemple, qui a quitté son mari aveugle. Après sa mort elle a cherché à obtenir une pension. Voilà le type de cas que le Comité Woods a cherché à définir. La femme a quitté son mari puis a cherché à obtenir une pension. Je voudrais qu'il y ait suffisamment de souplesse et de jugement et qu'on accorde à la Commission des pensions suffisamment de liberté d'action pour que l'on puisse octroyer une pension à une femme de bonne foi, afin d'éviter toutes les lourdeurs administratives.

On pourrait faire appel, par exemple, à un *Ombudsman* dans un cas comme cela et ceci pourrait être laissé à la discrétion du ministre qui pourrait faire appel à la disposition du

[*Text*]

ombudsman quality about the pension board itself, so that this type of glaring inequity can be righted by using a benefit of the doubt rule perhaps in favour of the widow in the same manner as we asked for it in favour of the pension.

Mr. Ward: If I might comment, Mr. Chairman, these domestic-difficulty cases resulting in divorce and separation are often "sticky"; they are seldom black or white. I feel there should be a large element of discretion in the adjudicating body to deal with these types of cases.

The Chairman: Are there any further questions? Mr. Ward?

Mr. Ward: Recommendation 113: The Woods Committee recommended certain procedures in irregular union cases. This recommendation is accepted unchanged.

Recommendation 114: The Woods Committee recommended that periodic reviews in irregular union cases be discontinued. This recommendation is accepted unchanged.

Recommendation 115: The Woods Committee recommended that departmental and commission staff be authorized to advise and assist potential section 34 (5) and 34 (6) beneficiaries. This recommendation has been accepted unchanged, and I understand it has been implemented.

Mr. Guay (St. Boniface): I have a point to raise, if you will allow me, Mr. Chairman, relating to application forms, which in part affect this recommendation. Although, you gave us an explanation of the application form the other day and said you felt that a properly appropriate form should not be enforced, we were told yesterday that one of the reasons for their asking for a standard form and yet, at the same time, leaving the door open as you have suggested—so that they could also apply by letter, for example—was that to an applicant who would apply or appeal, or whatever the case may be, the form, and all the various questions that must be answered on the form, may be helpful to the veteran to apply properly to make sure that he has all the information, that he has followed possibly the form and has all the information at hand. Otherwise, if he does not do that, he might miss out on many items only to have to go back and delay the whole thing. Would you care to say something about that?

[*Interpretation*]

bénéfice du doute de la même façon que pour les pensions

M. Ward: Puis-je commenter cette question, monsieur le président? Ces différends de ménage qui résultent en divorce et en séparations sont souvent inutiles, c'est rarement noir et blanc et je pense que l'on doit accorder une grande liberté d'action à la Commission qui rendra la décision.

Le président: Y a-t-il d'autres questions à poser?

M. Ward: Recommandation n° 113. Le Comité Woods recommande certaines procédures au sujet de cas particuliers concernant des unions non légalisées et cette recommandation a été acceptée sans modification.

Recommandation n° 114. Le Comité recommande qu'on supprime la révision périodique des unions non légalisées et qu'on mette fin à de telles procédures. Cette recommandation a été acceptée sans modification.

Recommandation n° 115. La Commission Woods avait recommandé que l'on autorise le personnel du ministère de la Commission à donner conseil et avis aux bénéficiaires des articles 34(5) et 34(6). Cette recommandation a été acceptée sans modification et je crois comprendre que cette recommandation a été appliquée.

M. Guay (St-Boniface): Si vous me le permettez, monsieur le président, pour ce qui est des formules de demande, vous m'avez donné l'autre jour une explication au sujet de cette formule de demande. Vous avez estimé que l'on ne devrait pas appliquer cette recommandation dans cette forme. Vous avez dit que La raison pour laquelle on demandait des formules normalisées tout en permettant, comme vous l'avez proposé de faire une demande par lettre. Pour le requérant qui présente une demande ou qui fait un appel ou autre, la formule qui contient diverses questions peut aider l'ancien combattant à répondre de façon satisfaisante, et l'assurer qu'il a fourni tous les renseignements, et qu'il a fait parvenir la formule. Autrement, s'il ne suit pas cette procédure il peut oublier plusieurs rubriques uniquement et devoir revenir en arrière et retarder tout le reste. Aimeriez-vous faire des commentaires à ce sujet?

[*Texte*]

Mr. Ward: Mr. Chairman, I think, by and large, the Woods Committee, and shall I say the Department and the Canadian Pension Commission, are fairly well *ad idem* in this matter. That is to say, when forms are necessary, particularly for the purpose you outline, to assist the person in setting forth certain standard requirements that will assist the adjudicators in ascertaining whether he has met the requirements of the Act forms of that nature are quite acceptable. Also, other application forms where you are dealing with a generally vague sort of thing as to whether a disability was service-related, are acceptable, but we do not wish to be bound, to be inflexible. That is to say, we would like to retain the flexibility of people initiating claims at any stage by a letter, by a telephone call, or a visit, or by completing a form. I think we are pretty well *ad idem* in this matter.

Mr. Guay (St. Boniface): Thank you.

Mr. Ward: Recommendation 116. The Woods Committee recommended that the Act be amended to provide that an award of pension be retroactive from a date not more than five years prior to the date of grant or form the date of original application, whichever period of time is lesser.

The current situation is that there is provision for up to 12 months retroactive award with additional provision for six months in case of hardship and distress, and a further additional 18 months where there is delay in obtaining records or through administrative difficulties beyond the applicant's control.

This recommendation is modified. It is recognized that there is need to extend the retroactive provisions of the Pension Act, and it is proposed that an award of pension entitlement be retroactive from a date not more than three years prior to the date of the grant or from the date of the original application, whichever period is the lesser.

It is further proposed to extend the present 18 months retroactive award feature to two years in cases of delay through administrative difficulty beyond the applicant's control.

Mr. Bigg: Does that mean five years in total then, that they could get back three years—you might say by statute—and two years under these special circumstances beyond that?

[*Interprétation*]

M. Ward: Monsieur le président, en général, le Comité Woods et devrais-je dire le ministère, ainsi que la Commission canadienne des pensions ont bien examiné cette question, c'est-à-dire que lorsque les formules sont requises, surtout aux fins que vous avez exposées pour aider l'ancien combattant à répondre à certaines exigences ordinaires qui pourraient éclairer l'arbitre dans sa décision, de la Loi, s'il a répondu aux exigences de telles formules sont satisfaisantes. En outre d'autres formules de demande sont acceptables s'il s'agit de questions plutôt vagues comme la relation qui existe entre l'invalidité et la période de service militaire, mais nous ne voulons pas être forcés d'être intransigeants. Ainsi, nous aimerions conserver la souplesse des personnes qui présentant des demandes par voie de lettre, de téléphone en se présentant elles-mêmes ou en remplissant une formule. Je crois que nous sommes plutôt d'accord à ce sujet.

M. Guay (Saint-Boniface): Merci.

M. Ward: Recommandation 116. Le Comité Woods préconise que la Loi soit modifiée, afin que l'attribution d'une pension ait un effet rétroactif à compter d'une date qui ne soit pas plus de cinq ans antérieur à la date de l'attribution ou à compter de la date de la requête initiale, selon la plus récente de ces deux dates.

A l'heure actuelle, on prévoit une rétroactivité qui va jusqu'à 12 mois, une période de 6 mois dans les cas d'épreuves ou de détresse et 18 autres mois lorsqu'il y a des retards qui retardent l'obtention des dossiers ou d'autres problèmes administratifs qui échappent à la volonté du requérant.

Alors, cette recommandation est modifiée. Il est reconnu qu'il faut élargir la disposition relative à la rétroactivité dans la Loi sur les pensions et on a décidé que l'attribution d'une pension est rétroactive à compter d'une date qui ne dépasserait pas trois ans avant la date de l'attribution, ou la date de la demande originale, selon la plus récente de ces deux dates.

On préconise ensuite de porter la période actuelle de rétroactivité de 18 mois à 2 ans dans le cas de retards administratifs, qui échappent à la volonté du requérant.

M. Bigg: Est-ce que cela sous-entend cinq ans en tout; ils pourraient recevoir trois ans, dirions-nous, par statut et deux ans en raison des circonstances spéciales qui échappent à leur volonté?

[*Text*]

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Mr. Ward: It would be possible to receive what is the equivalent to five years retroactive pension.

Mr. Bigg: That is the White Paper suggestion.

Mr. Ward: Recommendation 117. The Woods Committee recommended retroactivation from date of application regardless of the proposed five-year limit if there was error in administration and procedure, or other performance of the adjudicating body.

There is no similar provision in the Pension Act at the present time. This recommendation is not accepted. Recommendation 118.

Mr. Whicher: Mr. Chairman, I wonder if the witness would care to give the reasoning behind that. Surely if an administrative error has been made, and not the fault of the veteran, he should not be penalized because this error has been made.

Mr. Ward: Mr. Chairman, I believe it is felt that the proposals relating to retroactive awards are sufficient to generally take care of retroactivity needs, and as pointed out earlier, could very well be the equivalent of five years pension award. There is provision for extending the present 18 months additional pension to 2 years in cases of delay or loss of records and administrative difficulties.

Mr. Whicher: You regard this as somewhat of a duplication, then.

Mr. Ward: It could be viewed in that way, sir.

Mr. Weatherhead: Do you know of any cases, Mr. Ward, where it has gone on for more than five years, from start to finish?

Mr. Ward: Yes, sir, there are a few cases. By and large, I think it is reasonable to say that the average time lapse—and when I speak of average, we have not by any means gone through all the cases that have ever been dealt with—from the initial application to the final disposition of a case, is running around two years and seven months, when a random sampling was taken. But there are cases that extend many years and there are some that are dealt with from beginning to end in much less time than I have outlined.

Mr. Weatherhead: Would there be any extending beyond the five years that would fall within Recommendation 117, was it?

Mr. Ward: I do not know of any personally, sir, but I have no doubt there would be some such case if you dug enough.

[*Interpretation*]

M. Ward: On pourrait recevoir l'équivalent d'une pension rétroactive à 5 ans.

M. Bigg: C'est ce que propose le Livre blanc.

M. Ward: Recommandation 117. Le Comité Woods avait préconisé la rétroactivité à compter de la date de la requête, sans considération de la limite de cinq ans, s'il y avait une erreur administrative, une procédure ou d'autres formalités d'un organisme d'appel.

Il n'y a aucune disposition de ce genre dans la Loi sur les pensions actuelle. La recommandation est rejetée. Recommandation 118.

M. Whicher: Le témoin pourrait-il nous expliquer la logique qui a justifié cette décision. On a certainement commis une erreur administrative, ce qui n'est pas la faute de l'ancien combattant. Il ne devrait pas être victime d'une telle erreur.

M. Ward: Monsieur le président, on estime que les propositions, portant sur les allocations rétroactives, sont assez généreuses pour répondre aux besoins en matière de rétroactivité. Comme je l'ai signalé auparavant, cela pourrait bien correspondre à une pension de 5 ans. On prévoit l'élargissement de 18 mois à 2 ans en cas de retards, de pertes de documents ou d'autres difficultés administratives.

M. Whicher: Vous admettez qu'il y a double emploi dans ce processus?

M. Ward: On pourrait l'interpréter de cette manière.

M. Weatherhead: Monsieur Ward, connaissez-vous des cas où la période a été portée à plus de 5 ans, du commencement à la fin?

M. Ward: Oui, il y a quelques cas, mais, en général, on peut dire que la période moyenne, et lorsque je parle de période moyenne il ne s'agit pas de récapituler tous les cas qui ont été réglés, de la présentation des demandes jusqu'au jugement, compte environ deux ans et sept mois, quand l'échantillonnage est pris au hazard. Mais il y a eu des cas qui ont duré pendant plusieurs années et d'autres procédures qui ont duré beaucoup moins longtemps.

M. Weatherhead: Y a-t-il eu une prolongation au-delà de cinq ans qui aurait trait à la recommandation 117?

M. Ward: Je ne connais aucun cas personnellement, mais je ne doute pas qu'il y en ait, si on cherche vraiment à les retracer.

[*Texte*]

Mr. Weatherhead: But in any event, this is not being accepted at the present time.

Mr. Ward: No, sir.

Mr. Bigg: Mr. Chairman, I am always doubtful of these deadlines. Although I realize that in some cases we feel bound to put them in, I still would like what I call a safety valve. I would like to have somewhere in the Act at least a ministerial discretion.

I will give an example. Supposing that a man had been taken prisoner in World War I and for some reason or other has been forgotten in some prison in Germany. This has happened before. This is a very rare case, but a man has been found 15 years later. He has never been able to get justice. He has been mistaken for somebody else and been put in jail, and after 20 years somebody admits to the crime. The man then admits his real identity, because of the disgrace involved, so you re-identify him as Private so-and-so who has been now in jail for 20 years and he has been blind perhaps from war service. Now he comes up and wants a pension, and he would ask for a pension and I understand that under the existing Act, no matter what happens, no matter what the circumstances were, it would be impossible to pay pension back more than five years.

This does not seem to me—although it is a very rare case—to be completely just, and I would just like to see that somewhere in the Act there is a safety valve for this thing, because in this type of case it is extremely onerous. He might even have been awarded a Victoria Cross, and all sorts of things. You could trot out the horrors forever. He would have no recourse other than strictly on a monetary basis and he would not be entitled to what you might almost call back pay. Is there an outlet for this type of extreme case or would it require an Order in Council or a special Act of Parliament for him to get redress?

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Mr. Ward: I do not believe under the present legislation there is any remedy for that particular case. The terms of the Act are quite clear as to the effective date an award may be payable. If a person was awarded an entitlement soon after discharge and he disappeared for perhaps 15 years and then they found him and his disability was assessed and there was evidence that the disability had been present over the years, it

[*Interprétation*]

M. Weatherhead: De toute façon, la recommandation est rejetée.

M. Ward: Non, monsieur.

M. Bigg: Je doute toujours de ces délais. Même si je constate que dans certains cas, nous sommes obligés de les prévoir, j'aimerais encore que la Loi prévoie une clause laissée à la discrétion ministérielle.

En guise d'exemple, je vous parlerai du cas d'un homme qui a été fait prisonnier pendant la Première Guerre mondiale et, pour une raison quelconque, on l'a oublié dans un camp de prisonniers en Allemagne. Cela s'est déjà produit. C'est un cas très rare, mais l'homme a été retrouvé 15 ans plus tard. On n'a pas pu obtenir justice parce qu'on s'était trompé d'identité et, après 20 ans, le criminel s'est rendu et a admis sa véritable identité. Ainsi, il devient le simple soldat untel, emprisonné depuis 20 ans et aveugle, à cause de ses services militaires peut-être. Maintenant, s'il réclame une pension je crois comprendre qu'en vertu de la Loi actuelle, quelles que soient les circonstances, on ne pourrait pas lui rembourser une pension qui remonterait à plus de 5 ans.

Même si c'est un cas très rare, cela me semble injuste et j'aimerais seulement que dans la Loi, on prévoie une garantie pour ce genre de chose, parce que des cas comme ceux-là sont très graves. On aurait pu même lui décerner une Croix Victoria et autres choses du genre. Vous pourriez pousser plus loin la liste des horreurs. Il n'aura aucun recours pour obtenir satisfaction autre que sur le plan financier. On pourrait presque appeler cela une paie rétroactive. Y a-t-il des dispositions qui pourraient régir ces cas extrêmes ou faut-il un décret du Conseil ou une loi spéciale du Parlement?

M. Ward: Pour moi, je ne pense pas qu'il y ait de remède dans ce cas particulier et, en vertu de la loi actuelle, celui-ci ne pourrait pas faire l'objet d'un recours parce que les dispositions de la loi sont claires et nettes pour ce qui est de la date à laquelle on doit verser une allocation, mais si cette personne bénéficie d'un avantage peu après avoir quitté les Forces armées, et qu'après être disparue pendant 15 ans, par exemple, on la

[*Text*]

would be paid right back, but that is a different matter.

Mr. Bigg: In this case everybody agrees that had he come in front of a board his blindness, of course, would automatically have been recognized, and there is no doubt at all from the records and everything—even medical records—that he was in fact blinded at the Battle of Amiens in 1917 or 1918. He then disappeared and he has been blind ever since and by rights he should be paid his blind allowance back to the day he came out of the army or the day the pension board sat. In the final analysis I do not think it would cost a lot of money, but in principle should there not be the right somewhere to give him what he would have been given? I do not know why we have to have this arbitrary deadline. It is the same as giving him six months to prove that he did or did not have a pre-enlistment condition.

Mr. Ward: You point up the fact that one of the difficulties that I think is found in any legislation in which you produce a pension act or an equivalent act is that by legislation you cannot possibly cover every conceivable case that will arise, and that is why in this particular act a great deal of discretion rests upon the Commission. It is possible and I would not disagree that there is room for even more discretion.

Mr. Bigg: I think the Committee is pretty well agreed, with respect to the three-month period which you have to establish or not establish your medical condition, that in a great many cases it might cause an injustice.

The Chairman: Five years is quite a bit longer than six months, Mr. Bigg, and we might ask the veterans associations as they appear if they have encountered any cases of hardship under this rule. I am not aware that any have commented on it or have had any hardship cases that they have presented under this rule. If there are none...

Mr. Peters: In view of the case that he cited—although it was probably hypothetical—I would think this would be a place for an Order in Council or special dispensation because it would be such an exception to the rule that it would warrant exception to the rule treatment.

Mr. Bigg: This, by the way, is a hypothetical case but to me it would be fairly simple to put some discretion into the Act to deal with

[*Interpretation*]

retrouve et que son invalidité a été évaluée et que l'on peut prouver que celle-ci existait, depuis des annés, c'est alors qu'on paierait une pension rétroactive; mais il s'agit là d'une tout autre affaire.

M. Bigg: Dans ce cas, je ne doute pas que si cette personne devait comparaître devant une commission, sa cécité serait naturellement immédiatement reconnue et les dossiers médicaux etc. prouveraient qu'en fait elle avait perdu la vue à la bataille d'Amiens en 1917 ou en 1918. Ensuite, cette personne a disparu et depuis elle est aveugle et devrait de droit bénéficier d'une allocation qui remonterait au jour où elle a quitté l'Armée ou au jour où la Commission aurait siégé. En fin de compte, ça ne coûterait pas cher de vérifier, mais en principe, ne devrait-il pas y avoir inscrit quelque part le droit pour cette personne de recevoir l'allocation qu'elle aurait dû recevoir? Je ne comprends pas pourquoi il y aurait un délai arbitraire d'établi. Ce serait comme si la personne s'était ou ne s'était pas enrôlée avant la date d'enrôlement.

M. Ward: Cette difficulté peut ressortir dans toute loi, dans la Loi des pensions ou dans toute loi similaire. On ne peut pas prévoir dans une loi tous les cas imaginables, et voilà pourquoi dans cette loi on accorde une vaste latitude à la Commission. J'admets qu'il peut y avoir de la place pour une plus large liberté de décision.

M. Bigg: Je pense que le présent Comité admet que cette condition exigée d'une période de trois mois pendant laquelle vous devez prouver votre état de santé, peut, dans bien des cas, être injuste.

Le président: Cinq ans serait une période que l'on pourrait proposer et qui serait donc plus longue M. Bigg et nous pourrions demander aux associations d'anciens combattants, lorsque celles-ci comparaîtront, si cette règle a eu des applications malheureuses dans certains cas. Je n'ai pas, à ma connaissance, entendu de plaintes à ce sujet. S'il n'y en a pas...

M. Peters: A la suite de ce cas exposé, bien qu'il s'agisse très probablement d'une hypothèse, je pense qu'il y aurait lieu ici d'établir un décret du Conseil ou une dispense spéciale car le cas serait si exceptionnel qu'il devrait bénéficier d'un traitement exceptionnel.

M. Bigg: Pour moi, il s'agit d'une pure hypothèse, mais ce ne serait pas très difficile de permettre une certaine latitude dans la loi

[*Texte*]

cases of extreme hardship or where there is an obvious case which does not involve the benefit of the doubt rule or any of these other difficult involvements. Where there is a case of blindness that goes back six years it seems to me that it would not be too difficult to get around the red tape.

The Chairman: Mr. Bigg, I think you have made your point. The only concern I have now is that we still have 30 more recommendations and we are trying to get Mr. Ward's evidence on record. If you wish, you can flag this and come back to it at a later point in the proceedings. I suggest you may want to do that.

Mr. Ward: I do not want to have the last word, but there are people who wish more discretion and there are veterans organizations that want things spelled out and tied down and perhaps even less discretion. It is difficult.

Mr. Bigg: I am not talking about specific cases, I am talking about principles. I am wondering whether the Act cannot be tailored broadly enough to handle this.

The Chairman: Mr. Bigg, I am sure we are all sympathetic but I think most of us feel that we would like to hear some evidence that this particular rule had worked a hardship in a certain situation. If there is no evidence of anyone being affected, then the problem is academic. If there is evidence...

Mr. Bigg: If you want a specific case, it is not as bad as the one I outlined—I did that for dramatic purposes—but I know of a case where a man was denied a pension for 20 years—in fact, he never did get it, he died, and I do not think his widow is going to get it either—and part of the difficulty arose because of some of these time limits that are allowed to produce the evidence, and so forth. I am quite sure that with the proper amount of discretion in this particular case—and I will go and get it if the Committee wants it—where for 20 years this man had been fighting this case...

The Chairman: Mr. Bigg, is this the time you want to do this? This is the only point I am making. We are trying to get a review of the recommendations and the general scope of them on the record. Presumably this will be one of the key transcripts for the members of the Committee. I wish to assure the members of the Committee that there is no intention to cut off discussion. I think you should flag the

[*Interprétation*]

lorsque se présente un cas très malheureux ou qui n'implique pas le bénéfice du doute ou toute autre implication difficile à démêler ou dans le cas d'un homme qui est devenu aveugle après une période de six ans, il me semble qu'il ne serait pas difficile d'éviter les difficultés administratives.

Le président: Monsieur, vous vous éloignez de la question parce qu'il s'agit maintenant de passer en revue les 30 recommandations ou plus qui nous sont soumises. Nous aimerions consigner les témoignages de M. Ward. Vous pourrez, si vous le désirez, y revenir plus tard au coure des délibérations. Je vous propose de le faire.

M. Ward: Je ne désire pas avoir le dernier mot, mais il y a des gens qui veulent plus de latitude pour la Loi. Il y a des associations d'anciens combattants qui voudraient que tout soit bien précisé et qu'on accorde peut-être même un peu moins de latitude dans la législation. Alors, c'est très difficile de concilier ces deux points de vue.

M. Bigg: Je ne parle pas de cas particuliers. Je parle de principe. Je me demande si l'on ne pourrait adopter la Loi pour prévoir ces cas.

Le président: Monsieur Bigg, nous comprenons très bien votre point de vue, mais la plupart d'entre nous aimerions obtenir des témoignages portant sur ces cas malheureux. Mais s'il n'y a pas de preuve dans ce sens, alors le problème est théorique, sinon . . .

M. Bigg: J'ai un cas à l'esprit qui n'est pas aussi dramatique que celui que j'avais exposé précédemment. Une personne qui a attendu pendant vingt ans une pension jusqu'à sa mort et je ne pense pas que sa veuve ne l'obtiendra non plus et la difficulté avait été causée en partie à cause de ces dates limites pour présenter les témoignages et ainsi de suite. Je suis bien certain que s'il y avait eu une latitude suffisante dans ce cas particulier où cette personne a lutté pendant vingt ans... Et je vais, si le Comité me le permet, m'occuper d'obtenir cette mesure...

Le président: Ce n'est pas le moment de le faire. Pour nous ici, nous passons en revue les recommandations et leur portée générale; il s'agira ici d'une copie clef à l'intention des membres du Comité et j'aimerai les rassurer en leur disant que nous ne tenons pas du tout à raccourcir la discussion, je pense que vous devriez réexposer cette question qui vous préoccupait au cours des délibérations du

[*Text*]

points about which you are concerned and return to them in the course of the Committee hearings, and there will be an opportunity to do this. Would this be agreeable to you?

Mr. Bigg: Everything is agreeable to me.

The Chairman: I know that, Mr. Bigg. I do not want to be difficult, either, but I am trying to...

Mr. Bigg: That is fine.

Mr. Weatherhead: Mr. Chairman, we will still have an opportunity to hear the Deputy Minister again, will we not, and people such as this?

The Chairman: The Committee will have the opportunity of calling any witnesses of the Department that in its discretion it wants to call. I presume it is very likely that the Deputy Minister will be called by the Committee. There is no intention to cut it off but there is a desire at this point to get a general view of the approach taken on all of these recommendations on the record and this will be a kind of basic document for members of the Committee. I am suggesting that if we take up a fair amount of time on this kind of thing now rather than later, it will make it more difficult to complete the testimony today.

Mr. MacRae: I must say, Mr. Chairman, that I concur completely with what you are attempting to say.

Mr. Ward: Recommendation No. 118. The Woods Committee recommended that applicant not be penalized for delay even if it is his fault. There is no equivalent provision in the Pension Act. This recommendation has not been accepted.

Recommendation No. 119. The Woods Committee recommended that the Canadian Pension Commission give automatic consideration to retroactivation and give reasons if full retroactivation not awarded. Under the current policy of the Commission I understand they almost invariably give automatic consideration to the question of retroactivity in so far as section 31(1) of the Pension Act is concerned. That is the provision that permits up to twelve months retroactivity. Also on occasion the Commission also applies on its own volition the provisions of Section 31(2), which is an additional six months in the case of hardship and distress, and also the provision of section 31(3), which relate to administrative delay or difficulty beyond the applicant's control.

[*Interpretation*]

Comité et d'ailleurs vous en aurez l'occasion. Êtes-vous d'accord?

M. Bigg: Oui, nous sommes d'accord.

Le président: Je le sais, M. Bigg, je ne veux pas me montrer exigeant mais j'essaie de...

M. Bigg: Très bien.

M. Weatherhead: M. le président, nous aurons, n'est-ce pas, l'occasion à nouveau d'entendre témoigner le sous-ministre et d'autres témoins comme lui...

Le président: Le Comité pourra convoquer à son gré tous les témoins du ministère et le sous-ministre sera très probablement convoqué par le Comité. Il ne s'agit pas du tout de mettre fin aux discussions, mais pour le moment nous voulons avoir une opinion générale sur les principes qui ont été appliqués à propos de toutes ces recommandations consignées dans le compte rendu et il s'agira là d'un document fondamental pour les membres du Comité. Alors, maintenant, il conviendrait de nous préoccuper de la question soumise au Comité et si nous nous occupons de cette précédente question, il nous sera difficile de finir aujourd'hui.

M. MacRae: J'avouerai que je suis entièrement d'accord avec vous, M. le président.

M. Ward: Recommandation 118. Le Comité Woods avait recommandé que les candidats ne soient pas victimes d'un retard, même s'il s'agit de leur propre faute. La Loi des pensions ne prévoit rien à propos de cette recommandation, alors la recommandation n'a pas été acceptée.

Recommandation 119. Le Comité Woods avait recommandé que la Commission des pensions examine immédiatement la rétroactivité et donne immédiatement ses raisons pour refuser l'entière rétroactivité de la paie. Dans la politique actuelle de la Commission, je crois comprendre qu'ils examinent automatiquement la question des rétroactivités dans la mesure où l'article 31 (1) de la Loi des pensions s'applique. Vous pouvez avoir une rétroactivité allant jusqu'à 12 mois. Et la Commission a même, de son propre gré, mis en application les dispositions de l'article 31 (2) qui prévoient une période supplémentaire de six mois dans les cas malheureux et même l'article 31 (3) qui parle de retard administratif et des difficultés qui échappent au contrôle du candidat.

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Usually, however, in applications for the Section 31(2) and Section 31(3) type of benefit the application is initiated by the applicant's representative, who makes specific arguments in favour of whatever retroactivity he is seeking.

This recommendation has not been accepted.

Recommendation No. 120. The Woods Committee recommended that retroactivity provisions apply to degree of aggravation and assessment. Under the current policy of the Canadian Pension Commission degree of aggravation is now a question of entitlement and all the provisions of the Act relating to retroactivity apply to degree of aggravation. With regard to assessment, pension is award-

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ed in accordance with the extent of disability found on medical examination from time to time. As I mentioned earlier, Mr. Bigg, it may extend back many, many years and even beyond the scope envisaged by the Woods Committee recommendation. The recommendation is not accepted.

Recommendation 121. The Woods Committee recommended that in retroactive award cases assessment not be reduced below 50 per cent of the amount deemed to exist at the date of the award.

This recommendation is modified and it is proposed that where a retroactive award of entitlement is made in the absence of assessment having been made at the time of application, or in the event of lack of medical evidence covering the retroactive period, assessment should be based upon the best medical judgment available having regard to the type of disability under consideration. However, where medical evidence does exist assessment should be based upon this evidence.

Mr. Knowles (Winnipeg North Centre): And where it does not exist?

Mr. Ward: On the best medical judgment available on the facts that are available, sir.

Recommendation 122. The Woods Committee recommended pension medical examinations while pensioner in hospital for treatment and assessment to be retroactive. This recommendation is accepted unchanged.

Recommendation 123. The Woods Committee recommended that World War II pensions be stabilized after three years. Under current Commission policy stabilization applies only to World War I pensioners and no reductions in the assessment of disability are made provided such assessment has been in effect for three years or more. The Woods Committee recommendation is modified so that it is

[*Interprétation*]

Mais dans les cas où il y a demande de prestations en vertu des articles 31 (2) et 31 (3), la demande émane du représentant du candidat qui doit présenter des arguments bien précis en faveur du genre de paie rétroactive qu'il requiert. Cette recommandation n'a pas été acceptée.

Recommandation 120. Le Comité Woods avait recommandé que la rétroactivité s'applique au degré d'aggravation et à l'évaluation. Notre politique actuelle au sein de la Commission des pensions, au sujet du degré d'aggravation est actuellement une question d'éligibilité dans toutes les dispositions de la loi qui régissent la rétroactivité s'appliquant au degré d'aggravation. En ce qui a trait à l'évaluation, la pension est accordée selon la validité constatée par voies médicales. Alors cela pourrait prendre de nombreuses années et cela dépasserait même le cadre envisagé par le rapport de la Commission Woods. La recommandation n'a pas été acceptée.

A la recommandation 121, le comité avait recommandé, dans les cas d'allocations rétroactives, de ne pas réduire l'évaluation à moins de 50 p. 100 du montant qui doit être versé le jour même du versement. Cette recommandation a été modifiée et on propose, lorsqu'une allocation rétroactive est accordée sans qu'une évaluation soit faite au moment de la demande ou dans le cas d'une absence de décision médicale, de fonder l'évaluation sur le meilleur jugement médical disponible, compte tenu du genre d'invalidité en cause. Toutefois, lorsqu'il existe une décision médicale, elle doit servir de base à l'évaluation.

M. Knowles (Winnipeg-Nord-Centre): Alors l'évaluation devrait reposer sur cette décision?

M. Ward: Sur le meilleur jugement médical, sur les faits, monsieur.

Recommandation 122: Le comité Woods a recommandé de faire des examens médicaux en vue de la pension pendant que le pensionné est à l'hôpital et a recommandé aussi que l'évaluation soit rétroactive. Cette recommandation a été acceptée sans modification.

Recommandation 123. Le comité a recommandé que les pensions de la deuxième guerre mondiale soient stabilisées après trois ans. Notre politique prévoit que la stabilisation s'applique seulement aux pensionnés de la première guerre mondiale, mais qu'il n'y ait pas de réduction dans l'évaluation de l'invalidité qui est en vigueur depuis au moins trois ans. La recommandation du comité a été

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intended to extend the stabilization benefit to all post World War I disability pensioners when the assessment has remained unchanged for 10 years and the pensioner has reached the age of 60 years. It will apply equally to disability pensioners based on World War II service, service in a theatre of operations, Korea for instance, special duty areas, regular force and reserve army service. World War I pensioners are in a separate category with regard to this benefit. Since they have had stabilization benefits since 1948 it is not proposed to extend the three year fixed assessment to 10 years in their case.

The age requirement of age 60 will apply to World War I pensioners but, as you know, they have all long since passed over the age of 60 and so it has no limiting effect whatsoever.

Mr. Whicher: Mr. Chairman, might I ask a question. Obviously there is a different here—World War II veterans are being treated on a different basis than World War I veterans. Is there any reason for this?

Mr. Ward: Mr. Chairman, I might point out that when the stabilization policy was brought into being for World War I pensioners in 1948 the average age, as I understand it, of such pensioners at that time was 59 years of age. In bringing in the similar benefit for the World War II or post World War I pensioners, limiting it to age 60 is fairly close to what had been applied to World War I pensioners. Now with regard to the 10 years, undoubtedly in considering the proposals it was felt that the adjudicating authorities, those responsible for assessment of disabilities, should have sufficient time to observe the progress of disabilities to determine whether or not this was going to be a fixed disability within a certain time. And the Woods Committee did in fact recommend that such a 10 year time limit be applied in regular force cases for the same reason.

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Mr. Whicher: Why would you pick the 10th year? Why not pick 8 or 12? If one had it for six years that would be a pretty good indication that he was going to have it for the rest of his life. Also, there is the mental worry that this is going to be cut off at any time and I feel that we should think about the veterans who may experience this mental worry.

[Interpretation]

modifiée de telle sorte qu'il soit possible d'accorder les avantages de la stabilisation à tous les pensionnés de la première guerre mondiale lorsque l'évaluation n'a pas été modifiée après dix ans et que le pensionné a atteint l'âge de soixante ans. Cela s'appliquera aussi aux bénéficiaires de pensions d'invalides qui ont fait du service pendant la deuxième guerre mondiale, sur un théâtre de guerre, en Corée par exemple, dans les troupes régulières ou dans l'armée de réserve. Pour ce qui est des pensionnés de la première guerre mondiale, ils sont dans une catégorie spéciale, à propos de ces avantages. Vu qu'ils jouissent des avantages de la stabilisation depuis 1948, nous ne voulons pas prolonger cette évaluation de trois ans à dix ans.

L'âge obligatoire de soixante ans s'appliquera aux pensionnés de la première grande guerre, mais comme vous le savez, il y a longtemps qu'ils ont dépassé l'âge de soixante ans. Par conséquent, cette restriction ne les touche pas.

M. Whicher: Monsieur le président, il est évident que les vétérans de la Deuxième guerre mondiale ne sont pas traités de la même façon que ceux de la Première. Y a-t-il des raisons pour cette distinction?

M. Ward: Monsieur le président, je pourrais signaler que lorsque la politique de stabilisation a été appliquée en faveur des pensionnés de la première guerre en 1948, l'âge moyen des pensionnés à l'époque était de 59 ans. Alors en accordant les mêmes avantages aux pensionnés de la deuxième guerre ou à ceux qui ont eu leur pension après la première guerre mondiale, l'âge limite étant de soixante ans, on accorde des avantages passablement semblables à ceux qui ont été établis pour les pensionnés de la première guerre. Il est certain, lorsqu'on examine les propositions au sujet de la limite de 10 ans que l'adjudicateur, ceux qui sont responsables de l'évaluation de l'invalidité, devraient pouvoir observer l'évolution de l'invalidité suffisamment longtemps pour déterminer si l'invalidité sera permanente ou temporaire. Alors le comité Woods avait recommandé que ce délai de dix ans soit prévu pour les soldats des forces régulières pour la même raison.

M. Whicher: Pourquoi choisir dix ans? Pourquoi pas huit ou douze? Si quelqu'un est invalide six ans, il se peut fort bien qu'il le reste jusqu'à la fin de sa vie. Il y a aussi l'inquiétude que cela produit chez l'ancien combattant. Nous devons en tenir compte.

[*Texte*]

Mr. Ward: Speaking for myself right at the moment, I can agree with Mr. Bigg when he implied that time limits, stated periods of time and so on are odious and that a great deal of discretion should be exercised in these matters. I have no doubt that the authorities will be prepared to listen and listen carefully to recommendations from any source pertaining to matters of this sort when we are dealing with the question of whether it should be 5, 6, 7 or 10 years.

Mr. Weatherhead: Mr. Chairman, when The War Amputations of Canada association were before us yesterday, at page 49 of their brief, referring to stabilization of pensions, they referred to the fact that World War I veterans pensions were stabilized in 1936. You will recall that they made quite a submission, one of the main points being that World War I veterans were stabilized within 18 years after World War I. Mr. Ward has now indicated a date of 1948 and I wonder just which date is correct. Could you comment on that.

Mr. Ward: I understand, Mr. Chairman, that there was a parliamentary committee on veterans affairs in 1948 that recommended implementation of a stabilization policy and the Canadian Pension Commission acted upon that recommendation in 1948.

Mr. Weatherhead: So the 1936 date is just not correct, as far as you know?

Mr. Ward: I have not seen the brief of the organization you mentioned, but it may be that there were extenuating circumstances that would explain why they said 1936. For instance, there may have been a semi-policy in effect.

The Chairman: Mr. Ward, would it be in order to ask you to check into this later and then pass the information on to the Committee? Would you be prepared to do that?

Mr. Ward: Yes, I would be very pleased to do so, Mr. Chairman.

The Chairman: I have two or three members who wish to speak.

Mr. Bigg: Mr. Chairman, this question has come up many times before and it has been my understanding—I think Mr. MacRae will probably back me up—that the rationalization behind this stabilization was as follows: Like the Hong Kong veterans, World War I veterans fought a war under standard conditions of

[*Interprétation*]

M. Ward: Pour ma part, je parle en mon nom personnel. Je me range à l'avis de Monsieur Bigg qui a dit que les délais sont odieux et qu'il faut faire montre de beaucoup de discernement dans ces questions-là. Je suis certain que les pouvoirs publics accepteraient d'entendre et de peser les recommandations qui émanent de n'importe quelle source à propos de tels cas, lorsqu'on parle de la question d'une période de temps ou d'un nombre d'années quelconque.

M. Weatherhead: Lorsque l'Association des amputés de guerre témoignait hier au sujet de la stabilisation des pensions mentionnée à la page 49 de leur mémoire ils ont déclaré que les pensions de la première guerre mondiale avaient été stabilisées en 1936. Vous vous rappelez qu'ils ont bien insisté sur cette question. Nous savons que les vétérans de la première guerre mondiale ont vu leurs pensions stabilisées 18 ans après la fin de la guerre. Maintenant monsieur Ward a mentionné la date de 1948. Je voudrais savoir quelle date est la bonne. Pourrait-on m'éclairer là-dessus.

M. Ward: Je crois savoir monsieur le président, qu'un comité parlementaire des affaires des anciens combattants établi en 1948 avait recommandé l'établissement d'une politique de stabilisation pour la Commission des pensions.

M. Weatherhead: Alors l'année 1936 n'est pas exacte selon vous?

M. Ward: Je n'ai pas lu le mémoire de l'Association que vous avez mentionné, mais il est possible qu'il y avait des circonstances atténuantes pour expliquer pourquoi ils ont parlé de l'année 1936. Il y avait peut-être un début de politique en vigueur. L'amorce d'une politique.

Le président: Monsieur Ward, pourriez-vous vérifier cette question et communiquer le résultat de vos recherches au Comité.

M. Ward: Oui, je me ferai un plaisir de le faire, monsieur le président.

Le président: Je crois que certains députés désirent témoigner.

M. Bigg: Monsieur le président, cette question a été soulevée plusieurs fois et je crois connaître que monsieur MacRae pourra m'appuyer également, le principe de cette stabilisation. Par exemple, les anciens combattants de la première guerre, comme les anciens combattants de Hong Kong, ayant fait la

[*Text*]

trench warfare and that the whole idea behind considering them as a group for

• 1500

certain purposes was that they fought an entirely different war than we did in World War II.

Although I believe in stabilization payments too I think perhaps they would have to be based on different terms of reference than either the Hong Kong veterans or the World War I veterans. I agree that World War I veterans were aged because of trench warfare to a much greater extent across the board than we were. That is the rationalization that has been put before the Committee over the years. As to the arbitrary time of 10 years, I am not prepared to say whether it should be 8—

Mr. Whicher: You see, I was just as scared as any World War I veteran.

Mr. Bigg: But very few of us spent three years in the mud at Flanders.

The Chairman: Are there any further comments?

Mr. Weatherhead: Mr. Chairman, I have just been handed a piece of paper which indicates the stabilization policy was effective in June 1948 for World War I veterans I think it is unfortunate, therefore, that the brief we heard yesterday referred to 1936 but it would be interesting to know what they were basing that '36 figure on because perhaps it was, as somebody mentioned, partially in effect or was the unwritten rule or something like that at that time.

Mr. Ward: I believe there is mention, Mr. Chairman, in that portion of the Woods Committee Report dealing with his comment relating to this recommendation. I am searching my memory but I think there was reference to 1936 in the report and I believe there was an unofficial policy.

Mr. Knowles (Winnipeg North Centre): I think there was a reference to the fact that this was in the middle of the depression and some of the men were getting worried about it and that in an unofficial way they started stabilizing most pensions.

The Chairman: I think we can check this and introduce something into our proceedings later dealing with this. Do you want to proceed Mr. Ward?

Mr. Ward: Recommendation 124. The Woods Committee recommended that regular

[*Interpretation*]

guerre des tranchées, une forme de guerre totalement différente de celle que nous avons connue durant la Deuxième guerre mondiale, nous les plaçons dans un groupe à part pour certaines fins.

Bien que je croie moi aussi à la stabilisation, elle devrait peut-être être fondée sur des critères autres que ceux qui s'appliquent aux anciens combattants de Hong-kong ou de la Première Grande guerre. Par exemple, la première guerre était une guerre de tranchées. C'est le principe énoncé au Comité depuis nombre d'années. En ce qui concerne le délai arbitraire de dix ans, je ne suis pas prêt à dire que c'est le bon délai.

M. Whicher: Bon.

M. Bigg: Très peu ont passé trois ans dans la boue des Flandres.

Le président: Y a-t-il d'autres commentaires?

M. Weatherhead: Monsieur le président, j'ai un document ici qui indique que la politique de stabilisation était en vigueur en juin 1948 pour les anciens combattants de la première guerre et que le mémoire qu'on a entendu hier parlait de 1936. Peut-être quelqu'un a-t-il mentionné que cette mesure était partiellement en vigueur à l'époque.

M. Ward: Je crois, monsieur le président, que la commission Woods a traité ou commenté diverses questions pour proposer cette recommandation. J'essaye de me souvenir, mais je pense qu'on a parlé de 1936 dans le rapport et je crois qu'il s'agissait d'une politique non officielle.

M. Knowles (Winnipeg-Nord-Centre): Je crois qu'on a dit que c'était au milieu de la dépression économique et que certains s'inquiétaient et que cela constituait en somme une façon officieuse de stabiliser les pensions de façon non officielle.

Le président: Je pense que nous pourrions approfondir cette question afin d'avoir plus de détails à inclure dans notre compte rendu. Voudriez-vous poursuivre, monsieur Ward?

M. Ward: A la recommandation 124 le comité Woods propose que les pensions des

[*Texte*]

force pensions be stabilized after three years if more than 10 years since release from the forces.

At the present time there is no stabilization for regular force pensioners and this recommendation is modified to the extent, as I outlined with regard to Recommendation 123.

Mr. Peters: Mr. Chairman, could I ask if the recommendation is for extensions for any disability suffered or is it only for disability in a theatre of war in the regular forces since 1946? Does that cover the Korean war and the Cyprus situation?

Mr. Ward: Under existing Commission policy, there is only stabilization with respect to World War I pensioners at the present time. The proposals I have outlined are that the stabilization policy will apply equally to all periods of service post World War I.

Mr. Knowles (Winnipeg North Centre): But we are talking about pensions under the Pension Act, not pensions under the Canadian Forces Superannuation Act.

Mr. Ward: No, it is limited to pensions under the Pension Act, sir.

The Chairman: Are there any further comments? Mr. Ward.

Mr. Ward: Recommendation 125 is the Woods Committee recommended procedure for dealing with split pensions. Under the present Section 34(1) of the Pension Act there is provision for payment of additional pension direct to a wife in certain cases. In the main, divided pensions have been paid under the provisions of Section 18 of the Pension act, either at the request of the pensioner or at the request of one or more dependants or the public trustee in certain cases where it seems clear the pensioner is not maintaining the members of his family to whom he owes the duty of maintenance. I understand the philosophy of the Canadian Pension Commission with regard to dependants is that dependants hold no entitlement to any pension payments during the pensioner's lifetime. Pension is paid to the veteran with an additional payment to enable him to provide for those to whom he owes the duty of maintenance.

• 1505

The Commission apparently has always held that additional pension on behalf of dependants must be paid where such dependants are maintained. The Commission must

[*Interprétation*]

forces régulières soient stabilisées après trois ans s'ils ont été libérés des forces depuis plus de dix ans. A présent, la pension des forces armées régulières n'est pas stabilisée et cette recommandation est modifiée dans la mesure que j'ai mentionnée en ce qui concerne la recommandation 123.

M. Peters: Monsieur le président, pourrais-je savoir si la recommandation préconise des prolongations pour toute invalidité ou seulement pour invalidité causée pendant la guerre dans les forces armées régulières depuis 1946? Ceci englobe-t-il la guerre de Corée, la guerre de Chypre?

M. Ward: Aux termes de la politique actuelle de la Commission, il y a une stabilisation seulement pour les pensionnés de la première guerre mondiale. Les propositions que j'ai signalées sont les suivantes: la politique de stabilisation s'appliquera également à toutes les périodes de service militaire après la première guerre mondiale.

M. Knowles (Winnipeg-Nord-Centre): Mais nous parlons des pensions aux termes de la Loi sur les pensions et non pas de la Loi sur la pension de retraite des forces canadiennes.

M. Ward: Nous traitons uniquement des pensions qui tombent sous le coup de la Loi sur les pensions.

Le président: Est-ce qu'il y a d'autres commentaires à ce sujet? Monsieur Ward

M. Ward: A la recommandation 125, le Comité Woods a proposé une procédure pour traiter des pensions séparées. L'article 34 (1) de la loi actuelle stipule qu'il faut verser des pensions additionnelles directement à l'épouse dans certains cas. Mais de façon générale, des pensions séparées ont été versées aux termes de l'article 18 de la Loi sur les pensions, soit à la demande du pensionné ou à la demande d'une ou plusieurs personnes à charge ou des fiduciaires, dans certains cas où il semble clair que le pensionné n'entretient pas sa famille. Je crois savoir que la Commission canadienne des pensions adopte le principe suivant à l'égard des personnes à charge; les personnes à charge n'ont pas de droit direct sur la pension d'un ancien combattant du vivant de celui-ci. En somme, c'est le pensionné qui reçoit l'argent et qui a une somme supplémentaire pour faire vivre les personnes qui sont à sa charge.

La Commission a toujours soutenu que cette pension supplémentaire pour les personnes à charge ne doit être versée que quand ces personnes bénéficient en fait de cette pen-

[*Text*]

establish that the pensioner has made an honest effort to wholly or to a substantial extent maintain his dependants or there must be evidence that a court of competent jurisdiction has declared that his dependants are entitled to be maintained. This practice has led to some complaints, particularly in those cases where the Commission has required a pensioner to contribute from his own funds, either through pension or other sources, to justify the continuing payment of additional pensions. This has been a particularly vexing problem where a veteran is in receipt of a very small pension.

In essence the Commission has declined in the absence of a court order, to pay additional pension unless there is some attempt on the part of the veteran to make a worthwhile effort, as far as he has funds available, to contribute at least up to the level of additional pension to the maintenance of any or all of his dependants.

The Woods Committee recommendation is generally acceptable in principle but it is modified to the extent that paragraphs (b) and (c) of Recommendation 125 are not accepted.

The remaining paragraphs and the provisions contained in those paragraphs, I should say, are completely acceptable.

Mr. Bigg: Where do they vary or are you going to tell us that? Could you suggest where they differ from the Woods Report?

Mr Ward: In essence, the Woods Committee recommended that there be no split pension in the absence of a court order. However, the Woods Committee did make provision that if a person desired, or was willing, to get a court order but for one reason or another was unable to get a court order of maintenance, then there would be provision made. By deleting paragraphs (b) and (c) it means in effect that in all cases of split pension the wife must obtain a court order for maintenance.

Recommendation 126. The Woods Committee recommended authority for divided pensions be removed from Section 18 and incorporated into Section 34(1). This recommendation is accepted unchanged.

Recommendations 127 and 128. The Woods Committee recommended that improper conduct should not apply if member of the forces totally disabled and also that venereal disease

[*Interpretation*]

sion. La Commission exige qu'il y ait une preuve qui établisse que le pensionné a fait des efforts raisonnables pour aider à faire vivre les personnes qui sont à sa charge. Ou alors on doit avoir une preuve fournie par un tribunal compétent à l'effet que les personnes à charge ont bien le droit de l'être. Ceci a entraîné certaines réclamations, par exemple quand la Commission exigeait qu'un pensionné paie de sa poche pour justifier cette pension supplémentaire. Ceci est un problème particulièrement délicat pour les anciens combattants qui ne reçoivent qu'une très petite pension.

Donc, la Commission se refuse à verser une pension supplémentaire à moins d'être munie d'un ordre du tribunal et à moins qu'il y ait la preuve que l'ancien combattant a fait des efforts raisonnables pour aider les personnes qui sont à sa charge en versant au moins une somme correspondant à la pension supplémentaire pour une ou toutes ses personnes à charge. Ce comité Woods a donc présenté des recommandations acceptables d'une façon générale, mais par contre, le paragraphe b) et le paragraphe c) de la recommandation 125 sont rejetés. Les autres paragraphes et les dispositions de ces paragraphes sont tout à fait acceptables.

M. Bigg: Est-ce différent des recommandations du comité Woods; allez-vous nous dire cela? Pourriez-vous nous dire ce qui est différent du Rapport du comité Woods.

M. Ward: Le comité Woods recommande qu'on ne divise pas la pension à moins d'avoir l'ordre du tribunal. Mais le comité Woods a pris les dispositions nécessaires pour que toute personne qui désire obtenir un ordre du tribunal en vue d'obtenir une pension et qui pour une raison ou pour une autre ne peut pas avoir satisfaction du tribunal, puisse quand même obtenir sa pension. En supprimant les alinéas (b) et (c) en fait dans tous les cas où il y a une pension séparée, la femme doit avoir un ordre du tribunal pour obtenir une pension.

A la recommandation 126, le comité Woods préconise que l'autorisation de verser des pensions séparées soit incluse dorénavant dans l'article 34(1) au lieu de l'article 18. Cette recommandation est adoptée sans modification.

Recommandations 127 et 128. Le comité Woods recommande que la clause relative à la mauvaise conduite ne s'applique pas pour les membres des Forces armées qui sont totale-

[*Texte*]

not be considered improper conduct under the Pension Act.

Under current legislation, Section 14 of the Pension Act provides that pension shall not be awarded when the death or disability of the member of the forces is due to improper conduct. Improper conduct has been defined in the Pension Act and includes wilful disobedience of orders, wilful self-inflicted wounding and vicious or criminal conduct.

Under Section 14(2) of the Pension Act, the Commission has the discretion to award pension in any event if the applicant is in a dependent condition.

Under Section 14(3) of the Pension Act it is provided that the provisions of Section 14 barring pension because of improper conduct do not apply in cases where death of a member of the forces occurred during World War I or World War II. There is also a provision in Section 14(4) of the Pension Act providing for

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pension in cases of pre-enlistment venereal disease aggravated during service, provided you served overseas and provided that the pension will be paid for that amount of disability that existed at the time of the man's discharge and will never be increased beyond that amount but can be decreased if the condition improves.

The Chairman: Mr. Whicher.

Mr. Whicher: Mr. Chairman, may I ask for an explanation. Does this mean that a man who contracted venereal disease in France in the Second World War, as an example, and was disabled or died because of it, gets a pension or not?

Mr. Ward: If he contracted venereal disease during service, there is no provision in the Pension Act for payment of pension except that if he is in a dependent condition, the Commission may, in its discretion, award him such pension as they deem fit.

Mr. Whicher: This is a rather touchy subject, of course, Mr. Chairman. It reminds me of the pills that we had to take when we were overseas to take our minds off the opposite sex and it is something that the people do not like to talk about. As far as those pills are concerned, I am sure that everyone around the table will agree that they are the best pills I ever saw in my life because I have not

[*Interprétation*]

ment invalides et que les maladies vénériennes ne soient pas considérées comme mauvaise conduite aux termes de la Loi sur les pensions.

L'article 14 de la Loi sur les pensions prévoit que la pension ne doit pas être donnée si la mort ou l'invalidité d'un militaire résulte de sa mauvaise conduite. Ceci a été défini dans la Loi sur les pensions et comprend la désobéissance volontaire aux ordres, conduite criminelle et vicieuse ainsi que des blessures infligées par soi-même. En vertu de l'article 14(2) de la Loi sur les pensions, la Commission a le pouvoir de donner une pension dans tous les cas où le pensionné se trouve dans une condition particulière.

Au terme de l'article 14 (3) de la Loi sur les pensions, les dispositions de l'article 14 qui empêchent le versement de la pension dans le cas de mauvaise conduite ne s'appliquent pas dans les cas où il y a mort évidemment des militaires au cours de la Première ou de la Deuxième guerre.

Les dispositions prévues dans l'article 14 (4) de la Loi sur les pensions stipulent que dans le cas de maladies vénériennes qui s'aggravent pendant les années de service militaire outre-mer, la pension sera payée pour le pourcentage d'invalidité qui existait au moment de la libération; elle ne sera jamais augmentée, mais elle pourra être diminuée si l'état de santé du pensionné s'améliore.

Le président: Monsieur Whicher.

M. Whicher: Monsieur le président, puis-je vous demander une explication? Cela veut-il dire qu'une personne qui a contracté une maladie vénérienne en France au cours de la Seconde Guerre mondiale par exemple et qui est atteinte d'une invalidité ou qui meurt par suite de cette maladie, reçoit une pension?

M. Ward: S'il a contracté une maladie vénérienne au cours de son service militaire, la Loi sur les pensions ne prévoit aucune disposition visant à payer une pension, sauf s'il est dans un état de dépendance, la Commission peut à discrétion lui donner une pension.

M. Whicher: C'est un sujet assez délicat, monsieur le président. Ceci me rappelle que nous devions prendre des pilules pour nous enlever les femmes de l'esprit, mais les gens n'aiment pas en parler. Je pense que tout le monde autour de la table reconnaîtra que ce sont les meilleures pilules que j'ai vues car je n'en ai pas pris depuis 25 ans et elles commencent à faire effet.

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had one for 25 years but they are starting to work.

The Chairman: I think we shall change the subject.

Mr. Whicher: This question of venereal disease is also a rather touchy subject, but I feel that a person is entitled to a pension. I think it is one of the hazards of service life.

The Chairman: And are you concerned about the retroactive feature?

Mr. Whicher: No, I am not involved in this myself, you will be glad to know, but I feel that in such instances they should be pensionable.

Mr. Ward: The recommendation is modified, Mr. Chairman, to the extent that it does take some of the sting out of the present situation. It is proposed to introduce legislation completely removing the bar to pension on the grounds of improper conduct in all death claims under the Pension Act.

Mr. Peters: How extensive is this problem?

Mr. Ward: There have been, over the years, a fair number of cases involving venerial disease; much more following the First World War than the Second World War, primarily, I suppose, because the medical treatment was more effective during and following the Second World War, and for other reasons. It is virtually impossible for me to give you any meaningful figure as to the number of cases that have applied in the past and have been turned down by virtue of the prohibition.

Mr. Bigg: Surely you met with other misconduct as well. There are some very grievous cases where widows' pensions have been stopped because a young airman broke aeronautic regulations or standing orders, even in cases where they were killed not in wartime but in training or flying out of Cold Lake air base and even on duty. Mr. Chairman, there have been documented cases where the widow was not allowed pension because he presumably had broken aeronautic regulations. It is very difficult to prove when the aircraft is burnt and wrecked. Whether or

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not venereal cases are worthy of attention, surely in this type of case where the man has broken standing orders and his wife and children are deprived of pension there is a grievous miscarriage of justice. We are very

[*Interpretation*]

Le président: Je pense que l'on devrait changer de sujet.

M. Whicher: La question des maladies vénériennes est délicate, mais j'estime qu'une personne a droit à une pension. Je pense que c'est un des dangers de la vie de militaire.

Le président: En connaissez-vous les effets rétroactifs, monsieur?

M. Whicher: Je ne fais pas partie de ces cas, vous serez heureux de l'apprendre, mais je crois qu'en de telles circonstances, ils devraient avoir droit à une pension.

M. Ward: La recommandation est modifiée, monsieur le président, dans la mesure où elle assouplit la situation actuelle et il est proposé de présenter une loi qui enlève tout à fait le droit à la pension, en tenant compte de la mauvaise conduite dans toutes les plaintes de décès en vertu de la Loi sur les pensions.

M. Peters: Quelle proportion prend ce problème?

M. Ward: Au cours des années, il y a eu un bon nombre de cas de maladie vénérienne, beaucoup plus après la Première guerre mondiale qu'après la Seconde, tout d'abord parce que je pense que les traitements étaient beaucoup plus efficaces au cours de la Seconde Guerre mondiale, et pour d'autres raisons aussi. Il est à peu près impossible pour moi de vous donner des chiffres sur le nombre de cas de maladies vénériennes, qui se sont présentés ou par suite de la prohibition.

M. Bigg: Vous rencontrez sûrement une autre mauvaise conduite. Il y a quelques cas très pénibles où la pension de la veuve a été arrêtée parce qu'un jeune aviateur a dérogé aux règlements aéronautiques ou aux directives, même s'ils ont été tués, non pas en temps de guerre, mais en période de formation ou de vol, à partir de la base aérienne de Cold Lake, alors qu'ils étaient même en service. Monsieur le président, il y a eu des cas bien documentés où la veuve n'a pas eu droit à la pension parce que, semble-t-il, il n'avait pas respecté les règlements de l'aéronautique. C'est très difficile de le prouver lorsque l'avion s'est écrasé et a brûlé. Que les cas de maladies vénériennes soient dignes d'attention, il ne fait aucun doute que lorsque l'homme déroge au règlement et que sa femme et ses enfants sont privés de la pension, il s'agit d'une malheureuse erreur judi-

[*Texte*]

pleased—I am at least—to see that we envisage a change in this section of the Act.

Mr. Ward: Mr. Bigg, it will make it a great deal easier for the applicant's representative to present the case and will make it easier, I believe, for the adjudicators to consider the case. I might say that some of the cases you mention of regular force have gone on the appeal and many of them have been granted, but they have always been very difficult to deal with from both sides of the table.

The Chairman: I am sure the Committee will be glad to hear that, Mr. Ward.

Mr. Ward: Recommendation number 129. The Woods Committee recommended that applications on behalf of Newfoundland veterans be considered first by British Pension Authority the applicant to be assisted by the Department of Veterans Affairs and the Canadian Pension Commission, and the Commission to minimize delay in processing applications. Under the current legislation, briefly the situation is this: that Newfoundlanders who served in Newfoundland forces during World War I and World War II may come direct to the Canadian Pension Commission and have their claims adjudicated upon just as if their service had been in Canadian forces during either of those wars.

However, Newfoundlanders who served in—what shall we say—British forces in the sense of the Royal Air Force, the Royal Navy, the Royal Artillery, must first present their claims to the British authorities. If they are successful, then the Canadian Pension Commission under the Pension Act can supplement their pensions to Canadian rates. If such applicants are unsuccessful before the British authorities, they may then come before the Canadian Pension Commission under a discretionary clause in the Act which permits the Commission to adjudicate. To my knowledge, to this date the Commission has never refused to adjudicate.

Mr. Marshall: Mr. Chairman, Mr. Ward indicates that a Newfoundland veteran applies to the British Social Registry in the United Kingdom. In 1949 it was agreed by the Canadian Government and the Minister of Veterans Affairs that Newfoundland veterans would be treated as if they had served in the Canadian forces. Is it reasonable to expect that all the records of the Newfoundland vet-

[*Interprétation*]

ciaire. Nous sommes très heureux tout au moins, je le suis, de constater qu'on envisage de modifier cet article de la loi.

M. Ward: Monsieur Bigg, à mon avis, cela facilitera la tâche du représentant du requérant et des juges. Je dois ajouter que certaines personnes des forces régulières dont vous avez fait mention sont allées en appel et plusieurs d'entre elles ont été acceptées, mais il y a toujours été difficile d'étudier la question en se mettant aussi à la place du requérant.

Le président: Je suis certain que le Comité aimerait bien entendre vos commentaires à ce sujet.

M. Ward: Recommandation 129. Le Comité Woods recommande que les demandes faites par les anciens combattants de Terre-Neuve soient d'abord étudiées par les autorités britanniques sur les pensions, et que le ministère des Affaires des Anciens combattants et la Commission canadienne des pensions aident le requérant et que la Commission des pensions minimise le retard relatif aux demandes de pensions. Aux termes de la loi actuelle, la situation est la suivante: en deux mots, les Terre-neuviens qui ont servi dans les forces de Terre-Neuve pendant les deux guerres mondiales peuvent s'adresser directement à la Commission canadienne des pensions, et cette Commission peut régler leur cas comme si c'était des militaires canadiens qui avaient servi pendant les deux guerres.

Toutefois, les Terreneuviens qui ont servi, comment allons-nous dire cela, dans les forces britanniques comme la marine, l'artillerie ou l'aviation britannique, doivent d'abord présenter leurs revendications aux autorités britanniques. S'ils obtiennent satisfaction, la Commission canadienne des pensions peut en vertu de la Loi sur les pensions rajouter de l'argent pour atteindre les taux canadiens. Mais si ces personnes ne réussissent pas auprès des autorités britanniques, elles peuvent s'adresser à la Commission canadienne des pensions, aux termes d'une disposition discrétionnaire de la Loi qui permet à la Commission de porter un jugement. A ma connaissance, la Commission n'a jamais refusé de juger des cas semblables.

M. Marshall: Monsieur le président, monsieur Ward indique que l'ancien combattant de Terre-Neuve s'adresse au ministère de la Sécurité sociale du Royaume-Uni. En 1949, il y avait une entente entre le gouvernement canadien et le ministre des Affaires des anciens combattants pour que les anciens combattants de Terre-Neuve soient traités comme s'ils avaient servi dans les Forces

[*Text*]

erans, or photostatic copies of the same, could be brought back to Canada, and that these veterans could apply direct to the Canadian Pension Commission and avoid delay?

Mr. Ward: I am not sure that I am competent to comment very much on the statute law amendment in the Newfoundland Act and the terms of union leading up to that Act, but I think I can say that by and large we do now possess most of the records pertaining to Newfoundlanders. We now have them in the Department of Veterans Affairs because over the years we have been getting these records from the British authorities, photographing them and placing them on our files.

Mr. Marshall: Then why are they still applying to Britain?

Mr. Ward: Because they have the right, under British legislation, to apply for pension and they did serve in British forces. Of

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course, because they joined Canada in 1949 they were then given I think as much as possible—and I believe the Woods Committee Report confirms that—equivalent benefits as if they had served in the Canadian forces. In fact they are to some extent at an advantage as they have a double opportunity. They can go to the British and they may very well receive an award there for which the Canadian Pension Commission could not award entitlement, yet we would then supplement that pension award.

Mr. Marshall: I agree with that but when they apply to the U.K. and the application is accepted and approved, does the Canadian Government not bring that rate up to equal it?

Mr. Ward: Up to the equivalent rate for that particular disability and assessment under the Canadian scheme.

Mr. Marshall: Are the U.K. still charged with the initial payment of the pension disability?

Mr. Ward: I am afraid I do not know just what the saw-off is, how they decide who pays what, but the net result is that the pensioner receives the equivalent of Canadian pension rates.

Mr. Marshall: But is he getting part from Britain and part from Canada?

[*Interpretation*]

canadiennes. Est-ce que l'on peut s'attendre à ce que tous les dossiers des Terreneuviens, ou leurs photocopies soient ramenés au Canada, et que les Terreneuviens puissent s'adresser à la Commission canadienne des pensions et éviter ainsi les retards?

M. Ward: Je ne suis pas certain d'avoir la compétence nécessaire pour commenter cette modification statutaire à la Loi de Terre-Neuve, ainsi que les conditions de l'union qui a conduit à cette Loi, mais je puis dire, je crois, qu'en gros, nous avons maintenant la plupart des dossiers des Terreneuviens. Nous les avons au ministère des Affaires des anciens combattants, parce qu'au cours des années, nous avons obtenu ces dossiers des autorités britanniques et nous les avons photographiés et placés ensuite dans nos dossiers personnels.

M. Marshall: Mais pourquoi s'adressent-ils toujours à la Grande-Bretagne?

M. Ward: Parce qu'aux termes de la Loi britannique ils ont le droit de demander des pensions à l'Angleterre s'ils ont servi dans les forces britanniques. Naturellement, comme ils font maintenant partie du Canada, depuis 1949, on leur a donné autant que possible, et je pense que le Comité Woods le confirme bien, les mêmes avantages que s'ils avaient servi dans les forces canadiennes. En réalité, ils sont traités d'une façon avantageuse en quelque sorte, parce qu'ils peuvent s'adresser à deux endroits: ils peuvent s'adresser en Grande-Bretagne, d'où ils peuvent toucher une pension que la Commission canadienne des pensions ne pourrait accorder, mais nous ajouterions ensuite un supplément à la pension.

M. Marshall: Oui, je suis d'accord, mais lorsqu'ils s'adressent au Royaume-Uni et que la demande est acceptée et approuvée le gouvernement canadien ne ramène-t-il pas le taux au taux canadien?

M. Ward: Oui, jusqu'au taux correspondant à cette cote d'invalidité déterminée en vertu du régime canadien.

M. Marshall: La prestation initiale de la pension d'invalidité est-elle encore imputée à la Grande-Bretagne?

M. Ward: Je ne saurais vous dire où se trouve la ligne de démarcation, comment ils déterminent le montant versé et qui le versera, mais le pensionné reçoit en tout cas l'équivalent de la pension canadienne.

M. Marshall: Mais une part provient de la Grande-Bretagne et l'autre du Canada?

[*Texte*]

Mr. Ward: I do not know, sir. Perhaps one of the experts could answer that question, Mr. Chairman.

Mr. Marshall: I will ask it again, if that is all right.

The Chairman: Yes, Mr. Marshall, make a note of it and you will have an opportunity to ask further questions.

Mr. Knowles (Winnipeg North Centre): Are there any cases of veterans from parts of Canada other than Newfoundland who enlisted in the British forces and, if so, is the treatment comparable?

Mr. Ward: Veterans who enlisted, say, from British Columbia and who were domiciled in Canada at the outbreak of the war but served in British forces may approach the British authorities and also receive the same supplementation benefit and, if unsuccessful, may then come before the Canadian Pension Commission.

Mr. Knowles (Winnipeg North Centre): The position sounds exactly the same.

Mr. Whicher: What about Canadians who served in the American army?

Mr. Ward: I believe they are in the same position. I understand the current legislation applies to all our service in any of our allied forces.

The Chairman: No doubt there are reciprocal arrangements that have been worked out by the departments of the different countries.

Mr. Guay (St. Boniface): Is it a problem for Newfoundlanders or those from British Columbia who served under the British forces to apply because of their applications having to be considered in England? Has this been a problem to the applicants?

Mr. Ward: Certainly, sir, it would be a problem in that he may have to encounter more delay in achieving the final result than his counterpart. Again, he has two chances and that may offset to some extent the fact that he may have to wait a little longer. However, he may not have to wait longer—it varies.

Mr. Guay (St. Boniface): If they are called to appear do they pay their expenses to go over?

[*Interprétation*]

M. Ward: Je ne sais pas, monsieur. L'un des spécialistes du ministère pourrait peut-être répondre à cette question, monsieur le président.

M. Marshall: Je vais la poser de nouveau, si on n'y voit pas d'inconvénient.

Le président: Oui. Prenez-en note, car vous aurez l'occasion de poser d'autres questions.

M. Knowles (Winnipeg-Nord-Centre): Y a-t-il des anciens combattants de régions du Canada, autres que Terre-Neuve, qui ont servi dans les forces britanniques, et, si oui, la pension est-elle comparable?

M. Ward: Les anciens combattants, disons de la Colombie-Britannique, qui se sont enrôlés et qui étaient domiciliés au Canada au début de la guerre, mais qui ont servi dans les forces britanniques, peuvent s'adresser aux autorités britanniques et obtenir le même complément de pension. Si ces personnes n'obtiennent pas ce qu'elles veulent, elles peuvent alors s'adresser ensuite à la Commission canadienne des pensions.

M. Knowles (Winnipeg-Nord-Centre): La situation semble exactement la même.

M. Whicher: Et les Canadiens qui ont servi dans l'armée américaine?

M. Ward: Ils sont, je crois, dans la même situation. Je crois savoir que la loi actuelle s'applique à tous nos militaires, dans toutes les armées de nos alliées.

Le président: Les ministères des divers autres pays en sont sans doute arrivés à des accords de réciprocité.

M. Guay (St-Boniface): Les Terreneuviens ou les militaires de Colombie-Britannique qui ont servi dans les forces britanniques éprouvent-ils des difficultés à présenter leurs demandes du fait que ces demandes doivent être étudiées en Angleterre? Ce fait leur pose-t-il un problème?

M. Ward: Certainement, monsieur. Ceci leur pose un problème dans la mesure où ils tardent, plus que d'autres à obtenir un résultat. D'autre part, ils ont deux chances, ce qui peut compenser jusqu'à un certain point des délais qu'ils doivent subir. Parfois, il n'attendent pas plus longtemps que les autres; tout dépend.

M. Guay (Saint-Boniface): S'ils sont convoqués, doivent-ils assumer les frais de leur voyage outre-mer?

[*Text*]

Mr. Knowles (Winnipeg North Centre): The British Ministry of Pensions has offices here. They use our DVA facilities.

Mr. Guay (St. Boniface): It is all dealt with here then?

Mr. Bigg: Yes, on Elgin Street. They use our doctors and go to our hospitals if they have a problem.

Mr. Ward: The recommendation, Mr. Chairman, is accepted in principle; that part of the recommendation which relates to formal assistance being given to such applicants by the Veterans' Bureau is slightly modified, and since a foreign jurisdiction is involved any assistance given requiring formal representations to the British authorities would be limited to the extent authorized by such authorities. I might say that we have a fairly good working arrangement at the present time. We do offer assistance. Granted, it is unofficial assistance. We do not make any formal representations to the British authorities on behalf of these applicants but, short of it being a formal Veterans' Bureau submission, we do assist the applicants.

Mr. Whicher: What would a 100 per cent pension be over there.

Mr. Bigg: It is much smaller.

The Chairman: I think we might get some general information on their basic pension.

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Mr. Whicher: I would be surprised if those socialists over there could afford quite as much.

The Chairman: Mr. Ward, do you want to continue.

Mr. Ward: Recommendation No. 130. The Woods Committee recommended that the Canadian Pension Commission should act if British authorities are unable to process the claim after two years due to loss of documents. This recommendation is accepted in principle but it is modified to the extent that it is felt that the benefit of this recommendation should not be limited only to those claims where there were loss of documents but that it should be extended for any other reason, including loss of documents.

The Chairman: I am sure the Committee will be happy to hear that, Mr. Ward.

[*Interpretation*]

M. Knowles (Winnipeg-Nord-Centre): Il y a ici un ministère des anciens combattants britannique qui utilise les installations de notre ministère.

M. Guay (Saint-Boniface): Tout ce fait donc ici?

M. Bigg: Oui, sur la rue Elgin. S'il survient un problème, ils utilisent nos médecins et nos hôpitaux.

M. Ward: En principe, monsieur le président, on accepte que la partie de la recommandation qui concerne l'aide donnée à ces postulants par le Bureau des anciens combattants soit légèrement modifiée, et puisque l'on fait appel à une juridiction étrangère, toute assistance qui exige qu'une demande officielle soit adressée aux autorités britanniques, serait restreinte aux limites posées par les autorités britanniques. J'ajouterais que nous nous entendrons assez bien pour travailler. Nous offrons de l'aide. Pourvu que ce soit officieusement. Nous n'adressons pas de demandes officielles aux autorités britanniques à l'égard de ces demandeurs, mais nous les aidons de toutes les manières à adresser leurs demandes sans jamais engager officiellement le Bureau des anciens combattants.

M. Whicher: Quelle serait outre-mer la pension pour invalidité de 100 p. 100.

M. Bigg: Elle est bien moindre.

Le président: Il nous faudrait, je crois, nous renseigner sur leur pension de base.

M. Whicher: Je serais surpris si ces socialistes d'outre-mer pouvaient se permettre autant.

Le président: Monsieur Ward, désirez-vous poursuivre?

M. Ward: Recommandation 130. Le comité Woods recommande que la Commission canadienne des pensions agisse si, après deux ans, les autorités britanniques sont incapables de traiter la demande parce qu'elles ont perdu les documents. Cette recommandation est acceptée en principe, mais elle est modifiée dans la mesure où l'on a jugé qu'on en devait point restreindre la portée aux seules réclamations où il y a eu perte de documents mais l'appliquer à toutes demandes, y compris celles où il s'est produit la perte des documents.

Le président: Je suis certain, M. Ward, que le Comité sera heureux d'apprendre cette nouvelle.

[*Texte*]

Mr. Ward: Recommendation No. 131. The Woods Committee recommended that the special group of Newfoundland pensioners receive comparative increases and basic rate of pension under the Pension Act and that the effect of this recommendation be retroactive.

As members of this Committee know, there was a small group of special Newfoundland awards, I believe under 20 in number, that were taken over by Canadian jurisdiction at existing rates in 1949 following union. These pensions had been continued in payment but they had been continued at the rate then existing—that is to say, the rate existing in 1949 with no subsequent increases. I understand that these are in the nature of compassionate awards. In any event the recipients would not qualify under the British war pension scheme nor under our Pension Act. Indeed, the relevant cases were reviewed following union and it was found that they would not qualify under the British war pen- Civilian War Pensions and Allowances Act.

In any event, Mr. Chairman, this recommendation has not been accepted.

The Chairman: Did you say there were only 20 involved?

Mr. Ward: I believe there are less than 20.

Mr. Bigg: Do these involve service personnel or are these civilian awards which have not been kept in line?

Mr. Ward: I believe that they involve some persons who served in rescue-tug service and merchant marine, and some dependants.

Mr. Marshall: The pensions that these people are getting are so minimal—under the terms of union this was taken over by the Canadian government—that to say that in respect of these 20—I do not know how many of them are living now—that they would not adopt this retroactive clause is a bit ridiculous. But I apologize for saying that.

Mr. Bigg: The reason for my question is that it seems to me that we have our hands full handling veterans problems, and that if this is a *bona fide* case a submission to Treasury Board might well handle these 20 cases quite apart from anything we could do.

The Chairman: The Committee may want to return to this.

[*Interprétation*]

M. Ward: Recommandation 131. Le comité Woods recommande que le groupe spécial des pensionnés de Terre-Neuve reçoive des augmentations et un taux de base de pension comparables en vertu de la Loi sur les pensions et que cette recommandation s'applique avec un effet rétroactif.

Les membres de ce Comité n'ignorent pas qu'il y a un petit groupe de pensions accordées aux terreneuviens, moins de 20 je crois, qui sont tombées sous la juridiction du Canada, aux taux existants alors, à la suite de l'union en 1949. Ces pensions ont continué d'être versées, mais aux taux qui existaient en 1949, sans augmentation subséquente. Je crois savoir qu'il s'agit de pensions de commisération. De toute façon, le pensionné n'aurait pas été admissible, en vertu du régime britannique ou de notre Loi sur les pensions. En fait, les cas pertinents ont été étudiés à la suite de l'union et l'on a constaté que ces personnes n'avaient pas droit à une pension aux termes de notre Loi sur les pensions.

De toute façon, monsieur le président, cette recommandation n'a pas été acceptée.

Le président: Avez-vous dit que seules 20 personnes étaient en cause?

M. Ward: Je crois qu'il y en a moins de 20.

M. Bigg: S'agissait-il de pensions de militaires ou civiles?

M. Ward: Il s'agissait je crois de quelques personnes affectées aux manœuvres de sauvetage sur un remorqueur ou en service dans la marine marchande et des quelques unes de leurs personnes à charge.

M. Marshall: Les pensions que touchent ces personnes sont si peu élevées—aux termes de l'union c'est le gouvernement canadien qui les assume—c'est-à-dire que en ce qui concerne ces 20 pensionnés dont j'ignore combien sont encore vivants qu'ils refuseraient d'adopter cette clause avec effet rétroactif semble un peu ridicule. Mais je m'excuse d'avoir dit cela.

M. Bigg: La raison pour laquelle je pose ma question est qu'il me semble que nos mains débordent de problèmes concernant les anciens combattants, et il me semble que s'il s'agit là de cas «de bonne foi», le Conseil du Trésor pourrait s'occuper de ces quelques vingt cas sans que nous puissions faire un geste.

Le président: Le Comité voudra peut-être revenir sur ce sujet.

[*Text*]

Mr. Ward: Recommendation 132: The Woods Committee recommended that commissioners of the Canadian Pension Commission need not be professional men; that some should be representative of veterans organizations, or veterans in general, and of the armed forces.

The current situation, as I understand it, is that the policy has been to appoint as commissioners persons who have served in the Candian armed forces during war time. There has been a reasonable attempt to have the number of commissioners proportionate, roughly one-third longers, one-third doctors, one-third laymen in the past in order that what many people consider to be an ideally constituted appeal board of one lawyer, one doctor and one layman could be continued.

This recommendation is accepted in principle. It has been modified very slightly to the extent that in making such appointments—that is to say, of the professionally-trained personnel—a practical ratio of the appropriate professions be considered in the light of the Commission's requirements; in other words, some flexibility.

Recommendation 133: The Woods Committee recommended appointment to the Commission on recommendation of the Chairman of the Canadian Pension Commission.

The current situation, of course, is that under Section 3 of the Pension Act appointment of commissioners is made by Governor in Council. I dare say that the Chairman may make recommendations from time to time about who should serve on the Commission, particularly as he has a desire I am sure to try to make sure, as much as it is possible for him to do so, that well qualified persons are asked to serve. In any event, this recommendation is not accepted.

Recommendation 134: The Woods Committee recommended that the Chairman of the Canadian Pension Commission have control and direction over the disposition of staff assigned by the department.

Under current legislation the Chairman of the Commission has the rank and powers of a deputy head of a department and has control and direction over the disposition of, and duties to be performed by, the other commissioners, as well as control over the duties to be performed by such staff as may be assigned to the Commission by the department.

Under the new proposals relating to administration and adjudication, as outlined in the White Paper, the Commission's new role, as an independent body confined more

[*Interpretation*]

M. Ward: Recommandation n° 132. Le Comité Woods a recommandé que les commissaires de la Commission canadienne des pensions ne soient pas tenu d'être des professionnels et que certains d'entre eux devraient être des représentants des associations d'anciens combattants et des représentants des forces armées.

A l'heure actuelle, selon moi, on a tenu a nommé des personnes qui avaient servi dans les forces armées canadiennes pendant la guerre. On a cru raisonnable autrefois de nommer ⅓ de médecins, ⅓ d'avocats, ⅓ de profanes pour qu'une personne tienne la constitution de la Commission comme idéale pour un conseil pour un tribunal d'appel. Cette recommandation a été acceptée en principe, on y a apporté une modification mineure, ainsi lorsqu'on décide de telles nominations de personnel qualifié pour établir une proportion raisonnable à la lumière des exigences de la Commission, il faut qu'une certaine latitude soit acceptée.

Recommandation n° 133. Le Comité Woods a recommandé que les nominations à la Commission se fassent sur recommandation du président de la Commission canadienne des pensions. A l'heure actuelle, en vertu de l'article 3 de la loi sur la pension, la nomination des commissaires dépend du gouverneur en conseil. Je dois dire que le président peut faire des recommandations de temps à autre pour le nom des candidats éventuels alors qu'il désire certainement recommander des personnes hautement qualifiées. Quoiqu'il en soit cette recommandation n'a pas été acceptée.

Recommandation n° 134. Le Comité Woods avait recommandé que le président de la Commission canadienne des pensions ait la haute main sur le personnel qui lui est confié par le ministère. En vertu de la loi actuelle le président de la Commission a le rang de sous-ministre et détient le contrôle la direction et les charges qu'il peut désigner à d'autres commissaires ou à d'autres membres du personnel qui sont affectés à la Commission par le ministère. En vertu de la nouvelle proposition concernant l'administration et les décisions à rendre telle qu'exposée dans le Livre blanc, le nouveau rôle de la Commission en tant qu'organisme autonome qui se préoccupe d'audiences et d'appels en vertu de l'article 73, le personnel administratif sera plus restreint et il serait beaucoup plus efficace si le ministère

[*Texte*]

or less to entitlement board hearings and appeals and Section 7(3) assessment hearings, will be very small and its administrative support will be very small. It would be more efficient and less costly to continue the present policy of assigning support staff to the Commission. Therefore, the recommendation has not been accepted.

Recommendation 135: The Woods Committee recommended a quality control system for review of decisions.

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The question of a quality control system has been accepted in principle and is referred to in Recommendation 16. It is felt that Recommendation 135 is more or less a restatement of Recommendation 16 and, of course, is acceptable in principle, with the modifications as outlined relative to Recommendation 16.

Recommendation 136: The Woods Committee recommended certain measures to ensure standardization of adjudication, and these measures related to issuance of policy directives, memoranda to commissioners when there is some indication that they might be departing from policies established by the Commission, and filing systems to record relevant comments and decisions.

The Commission currently has a similar system, not as sophisticated as, nor to the extent envisaged by, the Woods Committee recommendation. In any event, the recommendation is accepted unchanged.

Recommendation 137: The Woods Committee recommended commissioners to have life appointment to age 70 and not require appointment every 10 years.

Under the present legislation each commissioner, except an ad hoc commissioner, holds office during good behaviour for a term of 10 years, or such lesser period as may be specified by the Governor in Council. This recommendation is not accepted.

Recommendation 138: The Woods Committee recommended posthumous assessment to determine a widow's eligibility under Section 36(3) of the Pension Act. This recommendation is accepted unchanged.

Recommendation 139: The Woods Committee recommended that the Commission publish an assets and income guide setting out permissible assets and maximum income ceilings in cases in which a discretionary award may be made and the decision depends upon the financial circumstances of the dependent or the pensioner.

[*Interprétation*]

maintient la politique d'affecter son personnel de soutien à la Commission. A cause de cela cette recommandation a été rejetée.

Recommandation nº 135. Le Comité Woods a recommandé un système de vérification des motifs pour la revision des décisions rendues. La question du contrôle de la qualité a été acceptée en principe et on l'a référée à la recommandation nº 16. On pense que la recommandation nº 135 est ni plus ni moins qu'une réaffirmation de la recommandation nº 16 et, par conséquent, on l'a acceptée en principe avec les modifications telles qu'exposées qui ont été apportées à la recommandation nº 16.

Recommandation nº 136. Le Comité Woods avait recommandé certaines mesures pour assurer une uniformisation des décisions; ces mesures seraient inscrites dans des mémorandums de directives destinés aux commissaires pour éviter qu'ils s'éloignent de la politique établie par la Commission, ainsi que pour assurer un système d'archives pour recueillir les commentaires et les décisions déjà rendues. La Commission emploie déjà un système semblable, pas aussi perfectionné que celui qu'envisage le Comité Woods, mais la recommandation a été acceptée sans modification.

Recommandation nº 137. Le Comité Woods avait recommandé que le commissaire soit nommé jusqu'à l'âge de 70 ans, au lieu d'être nommé pour une période de 10 ans. La loi actuelle prévoit que chaque commissaire, sauf un commissaire nommé par exception, dont le jugement est bon peut être nommé pour une période allant jusqu'à 10 ans, ou pour toute période plus courte spécifiée par le gouverneur en conseil. Cette recommandation n'a pas été acceptée.

Recommandation nº 138. Le Comité Woods avait recommandé une évaluation posthume pour déterminer l'admissibilité d'une veuve en vertu de l'article 36(3) de la Loi sur les pensions. Cette recommandation a été acceptée sans modification.

Recommandation nº 139. Le Comité Woods avait recommandé que la Commission publie un guide des biens et des revenus pour établir le maximum des biens ou des revenus permissibles dans les cas où l'on pourrait rendre une décision discrétionnaire qui dépende des conditions financières de la personne à charge ou du pensionné.

[*Text*]

Under the current system the Commission has some guidelines of this nature. I have in mind those that relate to dependent parents. But certainly their guidelines are not to the extent envisaged by the Woods Committee recommendation.

The principle of creating and publishing such guidelines is acceptable, but it is desired to make a modification because it is felt that these guidelines should be broad and flexible in order that they will not restrict the exercise of the statutory discretion which is given to the adjudicators. For instance, if the guideline sets forth maximum income ceilings it is possible that such a guideline would, in effect, become legislation and be slavishly followed, and then there would be no discretion exercised when the Act calls for the exercise of discretion. You may very well have a case where you wish to award pension to a person in a dependent condition who slightly exceeds the permissible income level established by the guideline. So the modification is that these guidelines be broad and flexible.

Recommendation 140: The Woods Committee recommended that the Commission published a suggested expenditure guide setting out permissible allowances for food, shelter, clothing and other necessities on an adjustable basis for each geographical area. Again the recommendation is accepted in principle, but it is modified to the extent that any such guidelines brought into being should be broad and flexible so that the statutory discretion will not be virtually eliminated by a fixed inflexible guideline setting forth specific amounts.

Mr. Peters: Mr. Chairman, is this not almost impossible to arrive at if it takes in not only the standard of living a person might be accustomed to, but area rates, housing costs, housing evaluations and urban versus rural standards of living. I just do not see how this can be arrived at in any case without saying that there is no discretionary power. I do not see how you can publish it; I cannot see any similarity between a guideline published for downtown Toronto and Northern Ontario—

An hon. Member: Or downtown Timiskaming.

Mr. Peters: Or downtown Timiskaming, yes. There would be such a variation, if you are really saying, as I am sure all the Members are, that this should not work undue hardship by having criteria. We have done this by allowing discretion to take these into

[*Interpretation*]

A l'heure actuelle la Commission applique quelques directives dans ce sens. Je pense à celles qui régissent le cas des personnes à charge, mais ces directives ne répondent pas aux normes envisagées par le Comité Woods.

Le principe de publier de telles directives est acceptable mais on a jugé bon d'y apporter une modification parce que ces directives devaient être assez larges et flexibles pour qu'elles ne restreignent pas l'exercice du pouvoir discrétionnaire qui est accordé aux commissaires chargés de rendre une décision. Par exemple, si ces directives déterminent un plafond du revenu il est possible que de telles directives soient suivies en fait à la lettre, et qu'alors il n'y aurait plus de pouvoir discrétionnaire pouvant être exercé selon la Loi, quand la Loi exige un tel pouvoir discrétionnaire. Lorqu'il s'agit, par exemple, d'accorder une pension à une personne dépendante dont le plafond de revenu dépasserait légèrement, celui fixé par les directives. Ainsi la modification veut que ces directives soient larges et flexibles.

Recommandation n° 140. Le Comité Woods recommande que la Commission publie un manuel des dépenses pour prévoir les allocations pour l'achat d'aliments, le logement, les vêtements et d'autres nécessités, et les a adaptées au sein des région géographiques. Dans ce cas aussi, la recommandation a été acceptée en principe. Elle a été modifiée pour que toutes les directives soient assez souples pour que la discrétion statutaire ne soit pas éliminée par des directives rigides qui prévoient des montants précis.

M. Peters: C'est presque impossible d'établir une telle formule si on tient compte seulement du niveau de vie auquel une personne est habituée. Dans l'évaluation des besoins en logement, il faut tenir compte du coût des logements urbains par rapport à celui des logements ruraux. Enfin, je ne vois pas comment on pourrait déterminer une telle formule sans déclarer qu'il n'y a pas de pouvoirs discrétionnaires. Comment peut-on publier un tel manuel. Je ne vois pas de rapport entre une directive publiée pour le centre ville de Toronto et une autre directive pour le nord de l'Ontario.

Une voix: Ou le centre ville de Témiscamingue.

M. Peters: Oui, si vous déclarez que les critères devraient éviter de causer des épreuves aux éventuels bénéficiaires. Est-ce que les pouvoirs discrétionnaires doivent tenir compte des hauts et des bas? Je ne vois pas comment on pourrait appliquer une telle for-

[*Texte*]

consideration. You would have a high and a low and it is likely that one of the ceilings, either the low ceiling or the high one, would be the norm. I just do not see how it can apply then. I would like to know if we are already using guidelines. Are guidelines available to district offices, for instance, at the present time, and if so, how how close are these, or what are the limits between Vancouver and Bonaventure Bay?

Mr. Ward: Mr. Chairman, exercising discretion of this nature in the dark makes it very easy for adjudicators. However, people do want to know how you are reaching your decisions in these discretionary areas. There have been representations made that some guidelines should be published. It must be clearly understood that they are guidelines; they are not legislation contained in the Pension Act setting forth fixed ceilings.

I agree, it is very difficult and I can say that the veterans welfare services have a needs test formula which is very complicated I understand, but it does serve its purpose. I imagine they have their difficulties. The Canadian Pension Commission has guidelines and I mention they have them with respect to dependant parents, but I feel that the guidelines suggested by the Woods Committee recommendation go far beyond that now in effect. All I can say is that as long as it is understood that they are merely guidelines—even at that they will be difficult to administer, I daresay.

Mr. Peters: Well, Mr. Chairman, the witness has handled many of the cases where a decision on these factors has been made, would he say that in his experience it is not so much variation to publish them, one for either the low area or for the high area. It would almost make it impossible for somebody to use any discretionary power. In other

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words, if the discretionary power is going to be used it has to be based on a number of factors and the factors likely will be a community standard of living involving a certain class of housing and a certain standard of living in that area, but it will vary immensely with other areas. If you put a guideline in one you might get a very rich person in a very poor area and you would have to use the high limit and yet this is not equality at all.

Mr. Ward: My experience, Mr. Chairman, has been limited to that of asking for more on behalf of our client the pensioner. Mr. Anderson or Mr. Forman perhaps could answer that

[*Interprétation*]

mule. J'aimerais savoir si on adopte de telles directives ou si ce sont des directives qui sont déjà émises dans les bureaux régionaux et quelles sont les différences entre Vancouver et la Baie de Bonaventure?

M. Ward: Lorsqu'on exerce le pouvoir discrétionnaire à l'aveuglette, cela rend la décision plus facile, mais les personnes peuvent savoir sur quoi se repose la décision dans ces secteurs discrétionnaires. On a reçu des instances voulant qu'on établisse et qu'on publie des directives. On doit établir clairement qu'il s'agit de directives et qu'il ne s'agit pas d'articles législatifs contenus dans la Loi sur les pensions aux anciens combattants.

J'admets qu'il est très difficile de les établir, mais le Service du bien-être social des anciens combattants ont des formules d'évaluation des besoins, formules très compliquées, mais qui répondent à ces besoins. Il y a peut-être des difficultés. J'imagine que la Commission établit des directives à propos des personnes à charge. J'estime que les directives prévues par les recommandations du Comité Wood dépassent la pratique actuelle. Tout ce que je puis dire c'est qu'aussi longtemps qu'on comprend qu'il ne s'agit que de directives et même dans ces cas, il sera difficile de les appliquer.

M. Peters: Le témoin pourrait-il dire que selon sa propre expérience, il est un des cas où une décision sera tenue sans tenir compte de tous ces éléments?

Il est donc presque impossible d'exercer un pouvoir discrétionnaire. Autrement dit, a-t-on l'intention d'utiliser, d'invoquer le pouvoir discrétionnaire en tenant compte d'un certain nombre de facteurs, par exemple, les normes de vie de toute une collectivité, certaines normes de logement, certaines normes de vie dans cette région? Cela pourrait varier grandement avec d'autres régions. Alors, si on établit une directive dans un tel cas, on pourrait avoir une personne très riche vivant dans un milieu pauvre et il vous faudra utiliser la norme élevée et pourtant cela ne correspond du tout pas à l'égalité.

M. Ward: Que je sache, l'intention était de demander des allocations plus généreuses pour nos pensionnés, mais M. Anderson ou M. Foreman pourrait vous donner une réponse

[*Text*]

question far more accurately than I could because I have no experience as an adjudicator.

Mr. Weatherhead: When Mr. Ward is asking for more, or trying to assess whether his client should be getting more, he must have some guidelines that he goes by himself as to how much he should ask for and this sort of thing, is this not the case?

Mr. Ward: We ask for the maximum and endeavour to present any and all argument that we can to support a request for the maximum.

Mr. Weatherhead: Even asking for the maximum you would have some guidelines in effect as to what the maximum would be, would you not?

Mr. Ward: No, we just ask for as much as we can get, if you like.

Mr. Weatherhead: I suppose the Woods Committee by putting these recommendations in were concerned that there were no guidelines at all and no one knew really how much they could get or how much they could not get, would this be correct?

Mr. Ward: Yes, that perhaps has been a difficulty and we have faced that difficulty. We are asking for more and we do not really know whether we have a good cause or not, because there may not be sufficient information indicating there is not a chance of more in this case because of certain guidelines relating to maximum income ceilings and things of that sort. There are some guidelines available but as I say not to the extent envisaged by this recommendation.

Mr. Weatherhead: So under the White Paper it is now proposed that there will be some general guidelines without tying it down too tightly? Is that so?

Mr. Ward: That is the proposal, to let people know but to make it clearly understood that it is merely a guideline, that the adjudicator still has discretion.

The Chairman: Mr. Bigg?

Mr. Bigg: It seems to me to be consistent you could say that these guidelines could be very simple. By putting this kind of a ceiling on it in no case will a compassionate grant which is what the nature of this sort of thing has turned out to be really, shall ever exceed the equal of 100 per cent pension or something of that nature and there is no need to put a basement on it. Obviously if there is no

[*Interpretation*]

plus précise à ce sujet, parce que je n'ai pas l'expérience d'un commissaire.

M. Weatherhead: Les préposés doivent s'inspirer de certaines directives pour les montants qu'ils doivent verser aux pensionnés.

M. Ward: Nous demandons le maximum et nous présentons tous les arguments possibles pour appuyer notre demande.

M. Weatherhead: Mais même en demandant le maximum, il faut des directives pour établir le montant de ce maximum.

M. Ward: Non, nous demandons tout ce que nous pouvons obtenir, si on peut s'exprimer ainsi.

M. Weatherhead: Le Comité Woods craignait qu'il n'exista pas de directive, et personne ne savait au juste ce qu'il pouvait obtenir et ce qu'il ne pouvait obtenir.

M. Ward: C'est une difficulté à laquelle nous nous sommes heurtés et nous demandons davantage sans savoir si nous allons avoir gain de cause, parce qu'il peut y avoir une lacune dans les renseignements qui justifient le refus de cette demande parce que certaines directives régissent un plafond et d'autres facteurs similaires. Il y a certaines directives, mais pas les directives envisagées par ces recommandations.

M. Weatherhead: Le Livre blanc ne propose-t-il pas des directives générales sans préciser les éléments de ces directives?

M. Ward: Il a été proposé de renseigner les intéressés mais de leur faire savoir qu'il s'agit d'une simple directive qui laisse toute discrétion au commissaire.

Le président: Monsieur Bigg?

M. Bigg: Si aucune allocation n'est justifiée alors il est évident qu'on refusera la demande. La question est laissée à la discrétion du commissaire qui peut décider de verser quelque chose pour subvenir aux besoins immédiats comme la nourriture ou les soins médicaux et la liquidation de dettes. Il ne s'agit pas de besoins de luxe, mais bien de secourir les pensionnés sans qu'ils aient à mendier.

[*Texte*]

need for a grant at all the answer is going to be no. From there on if we are leaving discretion surely the Canadian Pension Commission will say, "We will give them as much as we can to relieve distress." This does not mean shortage of diamonds or shortage of the best imported Scotch whisky, it means a shortage of groceries and shortage of medical attention and debts and things which are causing undue hardship on people who deserve help from the public first without begging.

So I think we can leave it to the discretion of well-placed personnel to handle that as long as, if we have to have a statutory limit, we say that in no case shall this exceed 75 per cent of a pension or whatever some statutory thing is.

I think we are certainly running into danger to start talking about what is adequate for a certain branch of society in the way of assistance, and what is adequate for somebody who is used to being a labouring man.

Mr. Ward: It is the old conflict, Mr. Bigg, of too much discretion or too many specific things.

Mr. Bigg: Yes, I am afraid of those as I have pointed out many times. I think we can put a statutory ceiling on it which Treasury cannot go beyond. At the same time we do not expect the board to give the maximum where the maximum is not called for.

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Mr. Knowles (Norfolk-Haldimand): I wonder what Mr. Ward would think about where it says "on an adjustable basis", adding for each geographical area, also relate it to the cost of living and review it periodically. Would there be an advantage in having the cost of living spelled out as a guideline?

Mr. Ward: I think it would be reasonable, Mr. Chairman, that in administering anything of this nature, you keep an eye on the cost of living, particularly in certain different geographical areas so that when you are adjudicating you are not inadvertently giving someone less than they really should receive.

Mr. Knowles (Norfolk-Haldimand): That is the problem right now with so many veterans' pensions. As you well know, no doubt, they are caught in the inflation and the rise in the cost of living where their pensions remain stable. If something could be put in where they could be adjusted and spelled out in the Act it would be useful.

Mr. Ward: Recommendation 141. The Woods Committee recommended that "de-

[*Interprétation*]

C'est sur ce point que peut s'exercer la discrétion.

C'est-à-dire, cela ne devrait pas dépasser 75 p. 100 d'une pension. Les besoins d'un certain groupe social peuvent dépasser les besoins d'un manœuvre, par exemple.

M. Ward: La question est de savoir s'il faut apporter une trop grande discrétion pour préciser les critères rigides.

M. Bigg: Je pense que si on met une limite statutaire, le Conseil du Trésor ne peut pas dépasser cette limite. Quoi qu'il en soit, nous ne pouvons pas obliger le Conseil à verser le maximum lorsque le maximum n'est pas justifié.

M. Knowles (Norfolk-Haldimand): Adapter les pensions selon la région géographique et selon le coût de la vie. Conviendrait-il de préciser comme directive l'indice du coût de la vie?

M. Ward: M. le président, je crois qu'il serait raisonnable lorsqu'on s'occupe de ces choses de tenir compte du coût de la vie particulièrement dans plusieurs zones géographiques différentes. Lorsqu'on prend une décision, il faut pour éviter de donner moins, par inadvertance, que ce que la personne aurait récellement dû recevoir.

M. Knowles (Norfolk-Haldimand): Ces pensionnés sont atteints par l'inflation et la hausse du coût de la vie alors que le montant de leur pension reste fixe. On pourrait concevoir une formule qui permettrait d'ajuster ces pensions. Si c'était écrit dans la loi ce serait très utile.

M. Ward: Recommandation 141, le Comité avait recommandé que l'état de dépendance

[*Text*]

pendent condition" mean without earnings or income or without assets capable of producing income.

The current definition of "dependent condition" in the Pension Act is that the term means the condition of being without earnings or income sufficient to provide maintenance. I might add that the current definition therefore does not include taking into consideration a pensioner's home.

The Woods Committee recommendation, as written, appears to make it possible that the person earning only $40 a month and nothing else may not be considered to be in a dependent condition.

It also appears from the Woods Committee recommendation, as written, that a dependant's home may very well be taken into consideration and valued in that if he sold it there would then be income from that asset. So the Woods Committee recommendation is modified, and it is proposed that the Pension Act be amended to provide that "dependent condition" means the condition of being without income or assets sufficient to provide maintenance, and such assets are not to include the home in which the applicant or pensioner resides.

Mr. Peters: What is the situation now where a person has assets other than—I cannot think of anything that would really be an example, unless it would be a farm and a house in town and they did not use the farm—can they make them get rid of the farm? It is not a producing asset, but it is an asset that they are not using either.

The Chairman: A summer cottage, someone said.

Mr. Peters: A summer cottage is probably a good example, because I know of a number of cases where that is true.

Mr. Ward: The present definition, Mr. Chairman, means the condition of being without earnings or income sufficient to provide maintenance. It does not mention assets. A good example might be a person with 200,000 mining shares which are non-dividend producing, but which may be worth a substantial sum of money—$50,000 on the market. The proposal to modify the Woods recommendation would take into consideration those assets.

Mr. Bigg: Does that mean we do not care how many of those kind of assets he has, or even if he owns his own home? Are we still going to consider those frozen assets or home independently of his ability to earn an

[*Interpretation*]

signifie l'état d'une personne dépourvue de ressources ou de revenus suffisants. En vertu de la loi actuelle sur les pensions, le terme état de dépendance signifie ne pas avoir un salaire ou des revenus qui permettent de subvenir aux besoins.

Cette définition, par conséquent, n'inclut pas, ne tient pas compte de la maison du pensionné. La recommandation du comité telle quelle semble prévoir qu'une personne qui ne gagne disons que $40 par mois sans plus ne puisse pas être reconnue comme personne en état de dépendance. Cette recommandation telle qu'elle est rédigée, semble vouloir signifier que la maison de la personne à charge peut être incluse dans la valeur de ses biens. S'il vend cette maison, on pourrait dire qu'il touche un revenu provenant de ce bien. Alors, cette recommandation a été modifiée et on propose ou qu'on amende ou qu'on modofie la *Loi sur les pensions* pour définir l'état de dépendance comme il suit:

> C'est-à-dire l'état d'une personne dépourvue de ressources suffisantes pour pourvoir à son entretien, et ces ressources ne devraient pas inclure la maison où réside le demandeur ou le pensionné.

M. Peters: Quelle est la situation actuelle d'une personne qui a d'autres biens que, je ne vois rien qui puisse servir d'exemple, peut-être une ferme et une maison de ville et qu'elle ne s'occupe pas de la ferme. Peut-elle se débarasser de celle-ci. Ce n'est pas un bien qui produit des revenus mais c'est quand même un bien dont elle ne se sert pas.

Le président: Quelqu'un a parlé d'un chalet d'été.

M. Peters: Un chalet d'été est certainement un bon exemple. Je connais plusieurs cas de ce genre.

M. Ward: La définition actuelle signifie l'état d'une personne dépourvue de ressources y compris le salaire, et de revenues suffisants, pour pourvoir à son entretien. Les biens ne sont pas mentionnés. Un exemple parfait, prenons une personne qui possède des actions minières de $200,000 qui ne produisent pas de dividendes mais qui peuvent avoir une grosse valeur, une valeur peut-être de $50,000 sur le marché. La recommandation visant la modification de cette recommandation tiendrait compte de ce bien.

M. Bigg: Le gouvernement pourra peut-être tenir compte de ces biens ou même de la possession d'une maison. Nous tiendrons toujours compte de ces actifs gelés ou de la maison indépendamment de son aptitude à

[*Texte*]

income? It seems to me this could be greatly abused if you got into a position where you wanted to be on the veterans' list of dependants by these preferred shares which do not pay dividends. They are merely a capital gain. Or put all your money into a home and then say, "Here I am without a source of income and I want to be looked after".

[*Interprétation*]

gagner sa vie? Il me semble que la situation prêterait à abus si vous étiez sur la liste des anciens combattants en état de dépendance tout en possédant ces actions préférées qui ne paient pas de dividendes, elles représentent seulement un gain de capital ou bien si vous investissiez tout votre argent dans une maison pour dire ensuite: «Voyez je suis sans revenus et je veux qu'on me fasse vivre.»

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Mr. Ward: I am not saying that under the present legislation—while it does not mention assets with regard to a dependent position—I am not saying that assets would not be taken into consideration by the Canadian Pension Commission in determining whether a dependent condition exists.

M. Ward: Je ne dis pas qu'en vertu de la loi actuelle bien qu'il n'y soit pas question de biens relativement à l'état de dépendance cela ne veut pas dire qu'il ne serait pas tenu compte de ces biens par la Commission canadienne des pensions pour déterminer si la personne est en état de dépendance ou non.

Mr. Bigg: Yes, but this is the difficulty that we as lawmakers have here. We want to know, if we can, ahead of time where we are going with this thing. I for one do not want to pass a law where a man who has a million dollars in frozen assets comes to the Pension Commission and works in on somebody's dependant list. I would want him truly dependent, in other words that he, through no fault of his own, is unable to earn his own living and has no large amount of assets. If we could write that into the statute, then I would like him to be considered. But I certainly do not want the juggling of his estate around to the point where he becomes a burden on the taxpayers just because he is clever.

M. Bigg: Oui, mais c'est là notre problème en tant que législateurs. Nous voulons savoir à l'avance si possible, où nous allons dans cette affaire. Personnellement, je ne désire pas passer une loi pour permettre à un homme qui possède des biens d'une valeur d'un million de s'inscrire comme bénéficiaire à la Commission des pensions. Il faut qu'il soit réellement en état de dépendance. C'est-à-dire, que, sans que ce soit de sa faute, il soit incapable de gagner sa vie et qu'il ne possède pas de biens importants. Si nous pouvions l'écrire dans la loi alors j'accepterais que sa demande soit étudiée. Mais je ne voudrais certainement pas qu'il devienne un fardeau pour les contribuables juste parce qu'il est né malin et qu'il sait administrer ses biens.

Mr. Weatherhead: Mr. Chairman, I gather from what Mr. Ward says that we are going to exempt the home from being a possible potential income-producing property.

M. Weatherhead: D'après M. Ward, il semble que nous allons exclure la maison comme étant un bien susceptible de produire des revenus.

Mr. Ward: This appears to be the goal, yes.

M. Ward: Oui, c'est l'objectif.

Mr. Weatherhead: But other than that, the situation Mr. Bigg mentions would not arise. If he had a lot of mining stock or some other stock that was not producing income, he would still have to sell that first of all before he would be entitled to consideration. He was only exempting the home, I think, at the present time.

M. Weatherhead: Mais la situation que M. Bigg a mentionnée ne se produirait pas. Car si la personne possède soit des actions minières ou toutes autres actions non productives d'intérêt il devrait les vendre avant qu'on puisse tenir compte de sa demande. Jusqu'ici il est seulement question d'exclure la maison.

The Chairman: I think Mr. Weatherhead has summarized it correctly.

Le président: Je crois que M. Weatherhead a parfaitement résumé l'affaire.

Mr. Bigg: I still think this can be abused. If you had $100,000 you could buy a $100,000 home you did not want against the time when you would sell it, become a public charge, and die rich. I think that this up until now has been envisaged by the lawmakers and I do not think this is a point badly taken.

M. Bigg: Je crois cependant qu'il peut encore y avoir des abus. Si vous possédez $100,000, vous pouvez acheter une maison de ce prix mais vous ne voulez pas jusqu'à ce que vous la vendiez être une charge publique et mourir riche. Je crois que jusqu'ici les législateurs en ont tenu compte et que cela n'a pas été un sujet de difficulté.

[*Text*]

The Chairman: I wonder if we could leave it at the moment, Mr. Bigg, and pass to the next one.

Mr. Peters: Mr. Chairman, summer cottage, as you yourself mentioned, is a good example where many of the pensioners who did not put a heck of a lot of money into a summer cottage but considered it as a kind of a way of life over a period of years with a house in town have found this summer cottage to be a real problem. The value has gone up more than that of the house because of summer cottage properties...

The Chairman: It is the kind of problem you can live with, though.

Mr. Peters: . . . and they cannot sell it and they cannot even rent it to do the repairs and they have a real problem with the thing. I know at least a dozen who are in that kind of category and they are getting too old. Their licences have been taken away from them and they cannot even drive to the blooming thing. It is a problem.

Mr. Ward: I might point out, Mr. Chairman, that by and large this does not affect the ordinary pensioner. It has nothing to do with him. It applies to a very limited group of persons with dependent parents and dependent brothers and sisters and certain divorced separated wives who become in a dependent condition. There are very few involved, but where the pensioner or the applicant resides we wanted his home to be his castle. Under the Woods recommendation it appeared that that might not be the case.

The Chairman: In other words, this is another case where the Woods recommendation is more restrictive than the present policy, and generally speaking you do not want to change it.

Mr. Ward: Yes.

The Chairman: All right, fine.

Mr. Ward: Recommendation 142. The Woods Committee recommended that confidential information in veterans' files is not to be released to prospective employers and insurance companies.

Under the present situation, disclosure of information from veterans' files to prospective employers or insurance companies is governed by departmental instructions. These instructions have now been amended to provide that information will be disclosed only when in the opinion of the departmental officials the disclosure is in the best interest of

[*Interpretation*]

Le président: Est-ce qu'on pourrait réserver cette question M. Bigg et aborder la prochaine recommandation 142?

M. Peters: Un chalet d'été comme vous l'avez dit est un bon exemple alors que beaucoup de pensionnés n'y ont pas consacré beaucoup d'argent au départ c'était juste un endroit de repos alors qu'ils habitaient en ville maintenant c'est devenu pour eux un réel problème. La valeur a dépassé celle de la maison à cause de la plus-value des cottages...

Le président: C'est un problème supportable.

M. Peters: ...ils ne peuvent le vendre ni même le louer ils ont un vrai problème. Je connais au moins une douzaine de personnes dans cette situation, ils sont trop vieux, ils n'ont plus leur permis de conduire et ne peuvent même plus se rendre à leur chalet.

M. Ward: J'aimerais signaler, monsieur le président, que cela ne se rapporte pas aux pensionnés en général. Cela s'applique à un groupe bien restreint avec des personnes à charge, les frères et les sœurs ou des épouses qui ont divorcé et qui sont devenues à charge. Il n'y a que très peu de ces cas en cause. Mais nous voulons que la maison où demeure le pensionné ou le demandeur soit considérée comme son bien propre et intouchable. Aux termes de la recommandation du Comité Woods ce ne serait pas le cas.

Le président: En d'autres mots c'est encore un exemple où les recommandations du Comité sont plus restrictives que la politique actuelle et en règle générale vous ne voulez pas que celle-ci soit changée.

M. Ward: Oui.

Le président: C'est juste.

M. Ward: La recommandation 142, la Commission Woods recommande que des renseignements confidentiels contenus dans les dossiers des anciens combattants ne soient pas divulgués aux employeurs éventuels et aux compagnies d'assurance. Dans les circonstances actuelles, la divulgation des renseignements contenus dans les dossiers des anciens combattants aux employeurs ou aux compagnies d'assurance est régi par des instructions ministérielles. Ces instructions ont été modifiées. Elles prévoient maintenant que les renseignements ne seront donnés que si de l'avis

[*Texte*]

the veteran when the consent of the veteran has been obtained.

I should point out that the basic fundamental rule governing disclosure of information from veterans' files is that these files are confidential and that by and large information is not released unless the veteran's consent has been obtained. That has always applied with respect to insurance companies or prospective private employers seeking information from these files—the veteran's consent has always been obtained in the past—but this recommendation has been modified to the extent that even although the veteran has given his consent, if the departmental officials feel that disclosure will not be in his best interests they will not disclose, to give him a little more protection.

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The Chairman: Mr. Guay?

Mr. Guay (St. Boniface): Mr. Chairman, certain of the delegations have been concerned about this particular matter. I think it was yesterday that someone indicated to us that they particularly did not want the files made available to employers. You are still leaving it open that in certain circumstances—at least you lead me to understand—although it is not general, it could be that this information would be disclosed.

Mr. Ward: Never without the consent, or the request, of the veteran.

Mr. Guay (St. Boniface): I see.

Mr. Bigg: It does not say that in the paper. This is your qualification of what is in the paper?

Mr. Ward: The departmental instructions have now been amended so that information...

Mr. Bigg: It certainly reads as though the Department feels they have the right to this information and can use it for any purpose they think is correct.

Mr. Peters: Mr. Chairman, may I ask if there have been in the past any instances of the situation that a departmental official wants to make a few bucks and provides this information to insurance companies for a fee?

Mr. Ward: I have never had any inkling or suspicion of anything of that nature.

[*Interprétation*]

du ministère la communication de ces renseignements est dans le meilleur intérêt des anciens combattants et lorsque le consentement de celui-ci a été obtenu.

Je signalerais ici que la règle fondamentale qui régit la communication des renseignements relatifs aux anciens combattants c'est que ces dossiers sont confidentiels et qu'en général, ces renseignements ou ces informations ne sont pas communiqués à moins que l'ancien combattant n'y consente. Cette règle a toujours été appliquée en ce qui concerne les compagnies d'assurance ou des employeurs du secteur privé qui veulent prendre des renseignements dans ces dossiers. Dans le passé on a toujours obtenu l'approbation de l'ancien combattant et cette recommandation modifie la situation en ce sens que même si l'ancien combattant accepte et d'autre part si le ministère estime que ce n'est pas dans le meilleur intérêt de l'ancien combattant de dévoiler ces renseignements, ces derniers ne seront pas divulgués afin de mieux protéger l'ancien combattant.

Le président: Monsieur Guay?

M. Guay (Saint-Boniface): Monsieur le président, certaines délégations se sont préoccupées de cette question et je crois qu'hier un témoin nous a dit que la délégation ne voulait absolument pas que les dossiers soient remis entre les mains de l'employeur. Mais dans certains cas particuliers, ne dois-je pas comprendre d'après ce que vous me dites, qu'il pourrait arriver qu'on communique ces renseignements.

M. Ward: Jamais sans l'approbation de l'intéressé, de l'ancien combattant en cause.

M. Guay (Saint-Boniface): Je vois.

M. Bigg: Ce n'est pas ce que dit le Livre blanc. C'est votre interprétation, n'est-ce pas?

M. Ward: Les instructions du ministère ont été modifiées si bien que les renseignements...

M. Bigg: Il me semble pourtant que le Ministère estime qu'il a le droit d'utiliser ses renseignements comme bon lui semble.

M. Peters: Monsieur le président, a-t-on jamais entendu dire que les agents du ministère s'étaient fait quelque argent en communiquant de tels renseignements aux compagnies d'assurance.

M. Ward: Eh bien, on ne m'a jamais dit une chose pareille. On n'a jamais soupçonné les agents de choses semblables.

[*Text*]

Mr. Peters: Neither have I. I merely ask this...

Mr. Ward: I would hope not.

Mr. Bigg: That is what I was worried about.

Mr. Peters: I was wondering if that is why the Woods Committee went into this particular problem?

Mr. Ward: No; as I understand it—and one should really refer to the Woods report to get this information—persons seeking insurance, for instance, feel they are in an unfair position, because if they give consent to the Department to release information to the insurance company they might not receive their insurance after the company obtains the information.

Mr. Bigg: That is one.

Mr. Ward: There are others. That is one that comes to mind.

Mr. Bigg: In a case I have knowledge of the Department says that the man has a psychopathic personality. So far this is within the Department. If this information were released this man would be unemployable in a great many places, and yet it is only the opinion of one person who happens to have "M.D." after his name. But I know the gentleman on whom he gave this opinion—medical opinion though it may be—and I also happen to know the doctor. In my lay opinion it is the doctor who has the psychopathic personality and not the veteran.

In the one case the doctor is in no danger of not being employed—he happens to be employed by the Department of Veterans Affairs—but the other fellow is now seeking employment. If this information were to get out he would be unemployed permanently. This is not a light matter. To me, if the Department felt they had the right to broadcast this, they would make this man permanently unemployable.

The Chairman: Surely there has never been any suggestion of this information being broadcast or given out freely?

Mr. Bigg: How far does it have to go, Mr. Chairman? This should be privileged, as between client and lawyer. After all, the fellow could end the whole discussion by merely withdrawing his pension application. His reputation of being a psychopath would die in his file.

[*Interpretation*]

M. Peters: Moi non plus.

M. Ward: J'espère bien.

M. Bigg: C'est ce dont je m'inquiétais.

M. Peters: Je me demande si c'est la raison pour laquelle le comité Woods s'est attaqué à ce problème.

M. Ward: Non. D'après ce que je crois savoir, bien que je pense qu'il faille se reporter aux commentaires du comité Woods pour vérifier ces renseignements, une personne qui cherche à obtenir une police d'assurance, par exemple, peut juger qu'elle est dans une position injuste parce que si le ministère peut communiquer des renseignements à la compagnie elle ne pourra peut-être pas être assurée.

M. Bigg: Oui. C'est un cas qui peut se produire.

M. Ward: Il y a d'autres cas aussi, d'autres cas qui ne me viennent pas à l'esprit tout de suite.

M. Bigg: Dans un cas que je connais, le Ministère affirme que l'ancien combattant est un malade mental. Pour le moment, seul le Ministère est au courant. Mais si cela devait être divulgé, cet homme ne pourrait plus se trouver de travail dans beaucoup d'endroits. Et cette opinion n'est que celle d'une seule personne qui se trouve être médecin. Mais je connais personnellement le patient ainsi que le médecin et des deux, je crois que c'est le médecin qui est un malade mental. Mais dans un cas le médecin était employé par le ministère des Affaires des anciens combattants et l'ancien combattant cherchait à obtenir un emploi. Voilà le genre de problèmes qui se pose. Si ces renseignements transpiraient, l'ancien combattant ne pourrait jamais trouver du travail. Il ne faut pas prendre cela à la légère. Si le ministère estime qu'il a le droit de dévoiler ces renseignements cela voudrait dire que la personne ne pourrait plus le faire embaucher.

Le président: Il n'a jamais été question de divulguer ou de fournir ces renseignements facilement.

M. Bigg: Jusqu'où cela peut-il aller, monsieur le président? Cela devrait être privé comme entre un avocat et son client. Après tout, l'ancien combattant pourrait clore toute discussion en retirant tout simplement sa demande de pension. Sa réputation de malade mental irait dormir dans son dossier.

[*Texte*]

The Chairman: Again this is a point on which we may wish to query the veterans' organizations and in particular the Royal Canadian Legion.

Mr. Bigg: I am only trying to clear up the point at issue. I do not think I have gone too far.

Mr. Ward: Yes; the disclosure of the type you mention, Mr. Bigg, probably is not in the veteran's best interest, but now, in light of the amendment to the departmental instructions, the departmental officials would clearly recognize that such disclosure is not in the best interest of the veteran. Even if the veteran wanted it released they might very well decide not to release it because it might do more damage.

Mr. Bigg: I am happy about that.

Mr. Knowles (Winnipeg North Centre): What is your comment, Mr. Ward, on the kind of case that you yourself referred to? I believe you were giving the Woods Committee comment. What about the man who is applying for insurance and the insurance company says, "May we have access to your veterans file?" And he says, "No"?

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If the law said, as the Woods Committee Report recommended, that it could not be done even with his consent then he is in the same position as everybody else, but under these circumstances if he says, "No", in the eyes of the insurance company he is suspect, is he not?

Mr. Ward: I would think so. Mind you, he may still receive insurance; but on the other hand he may not receive insurance if he refuses to give his consent to release information of a medical nature that would assist the insurance company in determining what his insurable risk is.

Mr. Knowles (Winnipeg North Centre): It is in the light of that that I asked you if there was any further comment on the position of the Department in refusing to go along with the Woods Committee recommendation. It seems to me there is some merit to it in the kind of case we are talking about.

Mr. Ward: Of course, many veterans who want information disclosed from departmental files to other people for various reasons are quite adamant. They want that information disclosed and to say "No we will not disclose information", when it may very well

[*Interprétation*]

Le président: Vous soulevez une question au sujet de laquelle nous aimerions peut-être avoir l'opinion des organisations d'anciens combattants et en particulier la légion royale du Canada.

M. Bigg: Je veux simplement clarifier cette question litigieuse. Je ne crois pas être allé trop loin.

M. Ward: Oui, le fait de révéler ces renseignements n'est sans doute pas à l'avantage de l'ancien combattant mais à la lumière des nouvelles instructions ministérielles les agents du Ministère détermineront si oui ou non le fait de communiquer ces renseignements est à l'intérêt de l'ancien combattant. Même si l'ancien combattant veut que ces renseignements soient communiqués, le ministère pourra très bien le refuser si ce n'est pas dans l'intérêt de l'ancien combattant.

M. Bigg: J'en suis heureux.

M. Knowles (Winnipeg-Nord-Centre): Que pensez-vous, monsieur Ward, du cas dont vous avez parlé? Je crois que vous avez en fait donné le commentaire du comité Woods. Que se passe-t-il si un ancien combattant qui fait une demande d'assurance auprès d'une compagnie se voit refuser l'accès à son dossier?

Si la loi stipulait, comme le recommande le comité Woods, que tout ancien combattant, même s'il le désire ne peut avoir accès à son dossier, la compagnie ne trouverait cela nullement suspect, mais il en est bien autrement dans les circonstances actuelles, n'est-ce pas?

M. Ward: Évidemment ce qui ne veut pas dire qu'il ne puisse pas prendre une assurance; mais d'autre part, il se peut qu'on ne l'assure pas s'il refuse qu'on dévoile son dossier médical, ce qui permettrait à la compagnie de déterminer ses risques d'assurance.

M. Knowles (Winnipeg-Nord-Centre): C'est la raison pour laquelle je vous ai demandé si quelqu'un avait des commentaires à faire au sujet du refus du Ministère de se conformer à la recommandation du comité Woods. Je crois que cela en vaut la peine.

M. Ward: Eh bien, un bon nombre d'anciens combattants qui veulent qu'on communique les renseignements des dossiers du Ministère, à d'autres personnes pour diverses raisons sont bien inflexibles. Ils veulent qu'on communique ces informations; le Ministère

[*Text*]

assist a veteran—and I understand it usually does—would be rather a high and lofty bureaucratic attitude for the Department to adopt.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, the Committee seems to be on the horns of a dilemma, because following on from what Mr. Stanley Knowles said, what of the case when the veteran says, "Yes, I will consent to my material being disclosed"? In the Department's opinion the medical evidence would be damaging to his insurability and they would say, "No, we will not disclose it." Surely in that case the insurance companies will soon get to know that the veterans...

The Chairman: He is prejudiced just as much...

Mr. Weatherhead: The Commission will say yes if it is beneficial and say no if it is not beneficial, and they will not release it. They will think twice about insuring the man.

I suppose in our particular insurance case the insurers have their own doctors and they give them very thorough medical examinations, so perhaps they will take their own evidence. But it seems to me, in any event, that the Commission and those in charge would like to help the veterans out as much as they can by releasing good information, but when they do not it automatically means that the information is not good.

The Chairman: In other words, the veteran would be prejudiced just as much by his refusal to release it as he would be if the Department refused; and, therefore, you are inclined to the Woods Committee recommendation on this?

Mr. Weatherhead: I do not know. I agree with what you have said so far, but in relation to the recommendation, if Mr. Ward and others say that in most cases the information being released is very beneficial to the veterans you have to weigh the one against the other.

The Chairman: Yes.

Mr. Ward: I base that on the fact that most veterans who ask the Department to release information probably have a fairly good idea of the nature of the information that will be released.

[*Interpretation*]

s'y refuse, même quand cela pourrait servir la cause des anciens combattants.

Cela aide bien souvent la cause de ces derniers montants. Je trouve qu'une telle attitude est trop rigide de la part du Ministère.

Le président: Monsieur Weatherhead?

M. Weatherhead: Monsieur le président, le Comité semble aux prises avec un problème insoluble, pour continuer la discussion que M. Stanley Knowles a entreprise. Que penser du cas où un ancien combattant consent à ce qu'on dévoile son dossier où le Ministère le refuse parce qu'il considère que ce serait nuisible à l'ancien combattant. Évidemment dans une telle situation, les compagnies d'assurances...

Le président: Il est autant logique...

M. Weatherhead: Le Comité pourrait dire que la communication de ces renseignements peut être dans l'intérêt de l'ancien combattant ou qu'elle peut lui être nuisible et il pourra donc ne pas divulguer les renseignements. La compagnie réfléchira deux fois avant d'assurer la personne.

Donc, dans le cas des assurances qui nous occupe les assureurs ont leurs propres médecins qui font passer un examen médical complet qui leur servira de preuve suffisante, mais il ne semble en tout cas que d'une part le Comité et les personnes qui s'occupent de l'ancien combattant aimeraient l'aider le mieux possible en communiquant de bons renseignements d'autre part, s'ils n'en communiquent pas, on peut en déduire que les renseignements seraient mauvais.

Le président: Donc, l'ancien combattant serait placé dans une situation défavorable tout comme s'il refusait lui-même. Donc, vous êtes d'accord avec la recommandation du comité Woods?

M. Weatherhead: Je ne sais pas. Je suis d'accord avec ce que vous avez dit jusqu'ici. Mais en ce qui concerne la recommandation du comité Woods, M. Ward nous a dit que dans la plupart des cas, les renseignements permettraient d'améliorer la situation de l'ancien combattant si on la communiquait. Il faut donc que nous fassions la part des choses.

Le président: Oui.

M. Ward: Eh bien, je pense que la plupart des anciens combattants qui demandent au ministère de communiquer les renseignements ont en somme une bonne idée des renseignements qui seront communiqués.

[*Texte*]

The Chairman: Mr. Stanley Knowles?

Mr. Knowles (Winnipeg North Centre): For what purpose do veterans usually ask? I know we get letters every week saying, "You can see my file," but it is for the purpose of advancing the veteran's case. Do veterans ask for their files to be shown to insurance companies or employers?

Mr. Ward: They may be asked by insurance companies and prospective private employers, "Do you mind if we obtain medical information about you from the Department of Veterans Affairs?" The veteran may have no objection. He may say yes and give to the Department written consent to the release of the information.

Mr. Bigg: I know what he does. If the veteran cannot get his pension he says, "I am going to win something." He wants the adjudication, and everything connected with it, to prove to his prospective employer that he is in good health. He has been turned down, or discharged from the army as in A-1 health—his heart and lungs are in perfect condition; he has suffered no trauma from beint a prisoner-of-war for 20 years; he is the best medical risk in the world. This is what he wants. He is asking this of the Department which has already said he is 100 per cent in good health and therefore not pensionable. He says, "I want that as an asset relative to my employment." I think the point is well taken. As this is part of his health bill I do not see why he should not be allowed to have it for that purpose.

On the other hand, I think he should be also protected, as I said, if, on the medical document, there is unsupported evidence that he is a psychopath, a near-lunatic or something else. He thinks he is being downgraded by the department, downgraded in civilian life, not getting a pension out of the deal, and is being called a crab or a psychopath. I want protection for such a person and I am glad you are going to provide it by not releasing documents which will do him harm. So this is a dilemma. I think this can be resolved by saying that the pensioner should be allowed to have his private file released where it may help him in terms of employment, security or character—

The Chairman: We have five more recommendations and we are running out of time.

Mr. Guay (St. Boniface): I do not feel that the problem is as bad as some of us here probably have indicated. First of all, insurance companies are well protected through

[*Interprétation*]

Le président: Monsieur Stanley Knowles?

M. Knowles (Winnipeg-Nord-Centre): Je sais que nous recevons des lettres toutes les semaines à ce sujet dans lesquelles des anciens combattants permettent qu'on divulge leur dossier, mais, en général, c'est à leur avantage. Les anciens combattants demandent-ils qu'on montre leur dossier aux agents d'assurance ou à leurs employés?

M. Ward: Peut-être les compagnies d'assurance et certains employeurs éventuels demandent-ils aux anciens combattants s'ils veulent les autoriser par écrit à demander des renseignements médicaux sur eux au ministère.

M. Bigg: Je sais comment l'ancien combattant s'y prend: s'il ne peut obtenir sa pension, il veut avoir recours à l'arbitrage et il veut prouver à un employeur éventuel qu'il est en bonne santé. Il veut prouver qu'il a été libéré du service en parfaite condition physique, que ni son cœur ni ses poumons n'ont souffert de ses 20 années d'emprisonnement et qu'il ne présente pas de risque pour l'assurance. Je veux que le Ministère divulgue qu'il est en parfaite santé et qu'il n'a donc pas droit à la pension—en somme d'un certificat de santé. Je ne vois pas pourquoi on devrait cacher ces renseignements.

D'autre part, il doit être protégé si le document médical ne porte pas de preuve qu'il est psychopathe, un peu lunatique ou souffrant d'autres maladies. Il se croit en quelque sorte dégradé par le ministère et rabaissé aux yeux des siens parce qu'il ne touche pas de pension. Je tiens à protéger cette personne et je suis heureux du fait qu'on peut assurer sa protection en s'abstenant de communiquer des renseignements qui pourraient lui nuire. Ici se pose un dilemme, mais je crois qu'on peut le résoudre si l'on convient de ne révéler les choses personnelles du pensionné que pour l'aider dans l'obtention d'un emploi ou améliorer son état ou sa sécurité.

Le président: Il y a cinq autres recommandations et le temps fuit.

M. Guay (Saint-Boniface): Je ne pense pas que le problème soit aussi mauvais que certains d'entre nous semblent le croire. En premier lieu, les compagnies d'assurance sont

[*Text*]

the medical program they have, through their questionnaires and everything else. On the other hand I think it would be a good thing for the veteran to show his willingness to the company involved, by not minding if they saw his file, even though he might know that the department may not show it. At the same time, if he is looking for insurance himself he must feel that he is in pretty fair health, is a good potential buyer or else he would not be doing it just for a skylark. There is another aspect of it too that we often overlook. I think if any of you have a doubt in mind as to whether you are in good shape, just buy some insurance, go through their medical and, if they accept you, you are batting a doggone good average.

Mr. Ward: The department wants to find the best solution for this problem and we thought that it rested in the good judgment of the departmental officials in amending departmental instructions. These instructions can be further amended without great difficulty if the need arises, again in the constant search for the best way to deal with this particular type of problem.

The Chairman: You might proceed with the next point, Mr. Ward?

Mr. Ward: Recommendation 143. The Woods Committee recommended exemption of pension from income tax to be continued. This recommendation is accepted unchanged.

Mr. Guay (St. Boniface): I would like to ask one question on that, Mr. Chairman?

Mr. Knowles (Winnipeg North Centre): I this a budget leak?

The Chairman: I have grave doubt whether this is within the scope of our Committee's authorization.

Mr. Guay (St. Boniface): Maybe the question I have is. Perhaps you would change your mind if I were to ask you the question?

The Chairman: Yes.

Mr. Guay (St. Boniface): What is the average pension, the lowest and the highest? What are we talking about? Somebody suggested this afternoon that some pensions were in the vicinity of $10,000 a year. What is the range of pension that we are giving out to veterans, from $3,000 up to what maximum?

[*Interpretation*]

bien protégées, grâce à leurs programmes médicaux, à leurs questionnaires et aux autres moyens dont elles disposent. Je pense, d'autre part, que c'est une bonne chose que les anciens combattants manifestent leur bonne volonté et consentent à faire communiquer leurs dossiers. D'autre part, je pense que l'ancien combattant qui veut s'assurer estime qu'il est en bonne santé. C'est un acheteur en herbe, car il ne ferait pas ça pour rigoler. C'est là un autre aspect de la question et que nous oublions trop souvent. Je pense que si vous avez des doutes au sujet de votre santé et que vous voulez tirer la chose au clair, essayez de vous assurer. Si la compagnie d'assurance vous assure, vous êtes dans une bonne moyenne.

M. Ward: Le ministère veut trouver la meilleure solution à ce problème et je pense qu'on fait appel au bon jugement des agents du ministère dans les modifications à apporter aux instructions pertinentes. Ces instructions peuvent être encore modifiées, et cela sans trop de difficulté, si le besoin s'en fait sentir. On recherche constamment les meilleures façons qui s'offrent de résoudre ce genre de problème.

Le président: Vous pouvez procéder avec le point suivant, M. Ward.

M. Ward: Recommandation 143. Le Comité Woods recommande que la pension ne soit pas imposable. Cette recommandation est acceptée sans modification.

M. Guay (Saint-Boniface): Monsieur le président, j'aimerais poser une question.

M. Knowles (Winnipeg-Nord-Centre): S'agit-il d'une divulgation non autorisée sur le budget?

Le président: Je doute fort que cette question entre dans les attributions de notre Comité.

M. Guay (Saint-Boniface): Peut-être que vous auriez changé d'idée si je vous avais posé la question.

Le président: Oui.

M. Guay (Saint-Boniface): Quel est le montant moyen de la pension, le montant le plus bas et le montant le plus élevé? De quoi parlons-nous ici? Quelqu'un a dit cet après-midi qu'il y avait des pensions qui approchaient $10,000 par année. Quelle est la moyenne des pensions que nous versons aux anciens combattants, disons de $3,000 à combien? Quel est le maximum versé?

[*Texte*]

The Chairman: I think as a first approximation one could point out that the recommendation of the Woods Committee or the various Legion groups was $4,152 for 100 per cent basic and then they would go up to 350 per cent of that, which is $14,500. Presumably this would all be tax free. In addition there are the attendance allowances and other allowances.

Mr. Bigg: Those are not incomes; those are expenses—clothing and everything.

The Chairman: But I am pointing out that this does become fairly sizeable when combined with this income tax recommendation.

Mr. Guay (St. Boniface): I agree with the recommendation, I am not against it, it is just a matter of interpretation.

The Chairman: None of us are against it. However, I really think that it would be more appropriate to discuss such things when the White Paper on taxation is before another committee. I feel that it is beyond the scope of this Committee.

Mr. Guay (St. Boniface): Thank you, Mr. Chairman.

Mr. Ward: Recommendation 144. The Woods Committee recommended repeal of Sections 33 (1) and 33 (2) of the Pension Act. Under the current legislation Section 33 of the Act provides for reduction of pensions while a pensioner is in receipt of treatment allowances from the department or under the care of the department for treatment.

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Mr. Guay (St. Boniface): Is this the $15 deduction that they were talking about?

Mr. Ward: Yes, sir. In effect, subsections of Section 33 are no longer operative because during treatment the pension continues to be paid and is brought up to the 100 per cent level less $15 per month through the veterans treatment regulations. However, if the pension in payment is excess of that net amount no reduction in pension is made. So the section in the Pension Act governing this particular provision is completely redundant.

Mr. Peters: Mr. Chairman, in discussing this with another group it was pointed out the problem that we, Members of Parliament, run into is that when a person goes into hospital and this $15 is deducted there is a great delay in the pensioner's family getting any remuneration. So an accounting problem must develop during transfer from the pen-

[*Interprétation*]

Le président: Je crois qu'on pourrait souligner que la recommandation faite par le Comité Woods et les divers groupes de la Légion indiquait un montant de $4,152, pour la pension de base de 100 p. 100. Ce montant suit une escalade de 350 p. 100 et se situe à $14,500. Je présume que ce montant n'est pas imposable. Il faut y ajouter les allocations de soins et autres.

M. Bigg: Il ne s'agit pas de revenus, mais de dépenses pour le vêtement et autres articles.

Le président: Il s'agit là d'une somme assez considérable si l'on considère qu'il n'y a pas d'impôt à payer.

M. Guay (Saint-Boniface): Nous ne sommes pas contre cette recommandation. C'est une question d'interprétation.

Le président: Personne ne s'y oppose, mais je crois que la chose devrait être examinée lors de l'étude du Livre blanc sur la fiscalité par un autre Comité. Je crois que l'étude de cette question n'entre pas dans les attributions de notre Comité.

M. Guay (Saint-Boniface): Merci, monsieur le président.

M. Ward: Recommandation 144. Le rapport du Comité Woods recommande de biffer l'article 33(1) et (2) de la Loi sur les pensions. Aux termes de la Loi actuelle, l'article 33 permet la réduction des pensions, alors qu'un pensionné reçoit une allocation de soins du ministère des Affaires des anciens combattants.

M. Guay (Saint-Boniface): Est-ce bien la déduction de $15 dont nous avons parlé?

M. Ward: Oui. En effet, les paragraphes (1) et (2) de l'article 33 ne s'appliquent plus. Pendant la durée des traitements, la pension continue d'être versée et atteint 100 p. 100, moins $15 par mois, en vertu du règlement sur les traitements des anciens combattants. Cependant, s'il y a une somme excédant ce montant net, il n'y a pas de réduction. Donc, l'article de la Loi sur les pensions, relatif à cette réduction est tout à fait superflu.

M. Peters: En discutant de la chose avec un autre groupe, on a signalé que le problème qui se pose et auquel doivent faire face les membres du Parlement est qu'à cause de cette déduction de $15 effectuée dans le cas du pensionné hospitalisé, sa famille doit attendre assez longtemps avant de toucher le chèque. Il s'agit ici d'un problème de comptabilité. Les

[*Text*]

sion accounting to the hospitalization accounting section, where they remove the $15. Also, time goes by and the pension does not arrive at the first of the month or whenever it is supposed to arrive.

Mr. Ward: There are adjustments and I understand there is a great deal of accounting. I really cannot say very much on that particular aspect, sir. Perhaps other witnesses could answer questions relating to that, if you so desire.

Mr. Peters: The veterans groups were not as interested in the $15 as they were in the fact that the chap does not get a pension that . . .

Mr. Guay (St. Boniface): I think we are concerned with both.

Mr. Peters: Yes, but my personal experience has been that the chap has been in hospital six or eight weeks and his family has not any money. If it involves only the $15 then I would suggest leaving it the way it was and make a separate upgrading from another accounting department altogether. If the $15 was deducted it could be done at that stage, but I would suggest that all the subsistence for the family not be cut off during this accounting procedure.

Mr. Ward: I could point out, sir, that the pension of those pensioners in receipt of a 100 per cent pension and at near levels to 100 per cent continues.

Mr. Peters: Ninety-five to one hundred?

Mr. Ward: Many of these pensioners that we are speaking about have 10 per cent and 20 per cent pensions, which are not very substantial, and they immediately go up to the equivalent of a 100 per cent pension less $15, so in effect they are getting far more than they ever got before.

Mr. Peters: But they may not get anything for a period of time. Let us use the example of 50 per cent. They were getting along on 50 per cent and they find that they do not get any payment. They must be marginal cases in the first place. In my own area this happens, particularly with First World War veterans. They are pretty well living on a small pension and when this is discontinued for a period of time right away there is a serious problem. This happens also in respect of compensation where the family for a period is without any money at all.

The Chairman: Again, let us bear in mind what we are trying to do: we are trying to

[*Interpretation*]

écritures vont de la section de la comptabilité des pensions à celle de l'hospitalisation, où l'on déduit le $15. Le temps passe et le chèque de pension qui devait parvenir au foyer le premier du mois ou à une date arrêtée n'arrive pas.

M. Ward: Il y a certes des redressements qui s'imposent dans le secteur de la comptabilité. Je ne peux pas en dire très long à ce sujet. Peut-être que d'autres témoins pourraient ajouter des commentaires pertinents ou répondre aux questions, si vous le désirez.

M. Peters: Le point qui intéresse les groupes d'anciens combattants, ce n'est pas tant la déduction du $15 que le fait du pensionné qui ne touche pas son chèque à temps.

M. Guay (Saint-Boniface): Je crois que les deux nous concernent.

M. Peters: On m'a dit qu'il y avait des cas où le pensionné avait été hospitalisé durant six ou huit semaines, sans que la famille ne puisse toucher le chèque de pension. Je ne vois pas pourquoi on ne pourrait pas améliorer la situation du point de vue de la comptabilité. Cette déduction de $15 pourrait être faite à une autre étape. La famille pourrait ainsi toucher le chèque tous les mois, sans retard imputable à la comptabilité.

M. Ward: J'aimerais que dans le cas des anciens combattants qui touchent un chèque de pension de 100 p. 100 ou près, il n'y ait pas interruption.

M. Peters: Quatre-vingt quinze pour cent.

M. Ward: La plupart de ces pensionnés dont nous parlons ici touchent une pension de 10 ou de 20 p. 100, ce qui n'est pas un gros montant. Ils obtiennent, au moment du traitement une pension de 100 p. 100, moins $15, c'est-à-dire qu'ils touchent beaucoup plus d'argent que ce qu'ils ont l'habitude de recevoir.

M. Peters: Il se passe une période où ils ne reçoivent rien. Prenons le cas de l'ancien combattant admissible à une pension de 50 p. 100 et qui ne la reçoit pas. Il s'agit de cas marginaux, mais la chose s'est produite dans le cas de certains anciens combattants de la Première Guerre mondiale habitant ma circonscription. Si la petite pension dont ils doivent se contenter ne leur arrive pas, la situation devient grave.

En ce qui a trait aux indemnités, c'est la même chose qui se produit quand une famille ne reçoit rien pendant un certain temps.

Le président: Ne perdons pas de vue notre objectif. Nous cherchons à donner un

[*Texte*]

outline the government's position. I would like to complete this as soon as possible. I know it is not difficult to get into very lengthy discussions on a number of these points. Is there anything else anyone wants to say?

Mr. Ward: Recommendation 145. The Woods Committee recommended that pension be increased to 100 per cent while under treatment for pensionable disability. If this recommendation were implemented it would have the effect of creating eligibility for widows pension under Section 36 (3) of the Pension Act for any widow whose husband died while on strength of the department for treatment regardless of the cause of death. For instance, the pensioner may have a 5 per cent pension for flat feet and be in a veterans hospital for a non-pensioned condition and, if his pension for flat feet were increased to 100 per cent and he died from a heart disease which was entirely unrelated to service, this widow would find herself in the fortunate position of receiving full widow's pension by virtue of this recommendation, if it had been implemented.

• 1620

The recommendation has not been accepted.

Mr. Bigg: To be fair, unless I am mistaken on this, I think that this is a badly worded recommendation, and what they envisaged was that where a man has been re-hospitalized for a minor thing and the indication was that he was 100 per cent disabled permanently, instead of all the reboarding his widow would be entitled to a full pension. That is what they are envisioning and I can see the danger of it.

The Chairman: That is not what the recommendation says.

Mr. Bigg: No, I know it is not, but to my knowledge that is what is behind the recommendation. It is badly worded.

Mr. Ward: Recommendation number (146). The Woods Committee recommended that in the discretion of the Canadian Pension Commission, pension may be reinstated to a widow if her second husband dies or deserts her, or if the marriage is dissolved or annulled and the woman is not the respondent in the court action.

Under present legislation, when a widow in receipt of widow's pension remarries, her pension ceases and she is paid one year's pension as a final payment. However, if the second husband dies within five years and the woman is left in a dependent condition, the Commission may in its discretion restore

[*Interprétation*]

aperçu de la position du gouvernement, mais nous devons nous garder d'aller dans trop de détails. Y a-t-il autre chose, messieurs, que vous voudriez ajouter?

M. Ward: Recommandation 145. Le Comité Woods recommande que la pension soit portée à 100 p. 100, quand le pensionné est sous traitement pour cause d'invalidité. Si cette disposition était mise en vigueur, elle rendrait admissibles à la pension aux termes de l'article 36 (3) de la Loi sur les pensions, les veuves dont le mari pensionné décède alors qu'il est sous les soins autorisés par le ministère et quelle que soit la cause de sa mort. Ainsi un pensionné pourrait recevoir une pension de 5 p. 100 pour pieds plats et être à l'hôpital pour une condition n'ouvrant pas droit à pension. Si la pension qu'il touche pour pieds plats était majorée à 100 p. 100 et qu'il en vienne à mourir d'une attaque cardiaque, sa femme aurait pu recevoir la pleine pension en vertu de la présente recommandation, une fois mise en vigueur. La recommandation a été rejetée.

M. Bigg: En toute justice, à moins que je ne me trompe, cette recommandation est mal rédigée. On avait prévu que si un homme était hospitalisé à nouveau pour une affection d'ordre mineur, et si l'on indiquait qu'il était frappé d'une invalidité permanente évaluée à 100 p. 100, au lieu de porter le cas devant la Commission, la veuve aurait droit à toute la pension. C'est ce qu'on envisage de faire, mais j'en pressens le danger.

Le président: A ma connaissance, ce n'est pas ce que la recommandation stipule.

M. Bigg: Je le sais, mais à mon avis, c'est ce qui est latent dans la recommandation. Le texte est mal rédigé.

M. Ward: Recommandation n° 146. Le Comité Woods recommande qu'à la discrétion de la Commission canadienne des pensions, les pensions soient rétablies si le deuxième mari de la veuve meurt ou l'abandonne, ou si le mariage est dissous ou annulé, si ladite femme n'est pas la défenderesse.

En vertu de la loi actuelle, lorsqu'une veuve qui reçoit une pension se remarie, sa pension cesse d'être versée, et elle touche une pension d'un an à titre de paiement final. Mais si le deuxième mari meurt dans l'intervalle de 5 ans, et si la femme n'a pas de revenus, la Commission a la latitude de réta-

[*Text*]

widow's pension. There is no provision, however, in the current legislation to cover her if the second husband dies five years and five days after the second marriage.

Mr. Bigg: Is there any mention of dependent children? I am envisioning a case where the woman remarries with, say, five dependent children. Would she still have to wait five years to prove that she is in a condition where she needed help, or can she be reinstated as being the real mother of five veteran's children at this stage?

Mr. Ward: Under current legislation the pension for the deceased pensioner's children would carry on whether she remarried or not. I shall now proceed to the modification. It is considered desirable for the adjudicating authorities in this area to have discretionary power to grant relief in these cases. And it is proposed to add the following provision to Section 45 (2) of the Pension Act, or substantially similar. Provided that the Commission or the Directorate of Pensions, as the case may be, may restore the pension of a woman in cases which it considers to be specially meritorious.

(1) in which the five-year period has expired

(2) where the marriage is dissolved or the woman is judicially separated from bed and board.

Mr. Bigg: From the second husband?

Mr. Ward: Yes, from the second.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, may I ask Mr. Ward whether any comparison was made between this and the new provision in the Armed Forces Superannuation Act when we changed the Public Service Superannuation Act, the Mounted Police one and the Armed Forces one a year or so ago? We improved the position there and it seems to me it is more generous than in this case. It seems to me that the widow of a veteran under the Pension Act—in other words the widow of a disabled veteran—should be in at least as favourable a position in this regard as the widow of a permanent force man.

• 1625

Mr. Ward: The widow of a pensioned veteran, if he died from his pension condition or if death was otherwise attributable to service, or if he had a 50 per cent pension or higher, automatically goes on full widow's pension. Now we are talking about someone who has been on widow's pension but has subsequent-

[*Interpretation*]

blir la pension de la veuve. Dans la Loi actuelle, il n'y a pas de disposition visant à lui verser une pension si le deuxième mari meurt 5 ans 5 jours après le deuxième mariage.

M. Bigg: Est-ce qu'on tient compte des enfants qui sont sous sa dépendance? Je songe au cas où la femme se remarie et a, disons 5 enfants à sa charge. Devrait-elle encore attendre 5 ans pour prouver qu'elle a besoin d'aide ou peut-elle être rétablie en étant considérée comme la véritable mère des 5 enfants de l'ancien combattant?

M. Ward: Aux termes de la Loi actuelle, la pension des enfants du pensionné décédé ne cesse pas d'être versée, que la veuve se remarie ou non. Je vais maintenant passer à la modification. On estime qu'il est souhaitable que les juges aient le pouvoir discrétionnaire d'accorder des mesures de bien-être en pareil cas. Il est donc proposé d'ajouter la disposition suivante au paragraphe (2) de l'article 45 de la Loi sur les pensions, ou semblable en grande partie. Il est stipulé que la Commission ou la Direction générale des pensions, selon le cas, peut rétablir la pension d'une femme quand on estime que cette pension est particulièrement méritée.

(1) Quand la période de 5 ans est terminée;

(2) Quand le mariage est annulé ou que la femme fait l'objet d'une séparation de corps par décision judiciaire.

M. Bigg: Du deuxième mari?

M. Ward: Oui.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, puis-je demander à monsieur Ward si on a comparé cette disposition et la nouvelle disposition relative à la Loi sur la pension de retraite des forces canadiennes lorsque nous avons modifié la Loi sur la pension de retraite dans la Fonction publique du Canada et la Loi sur la pension de retraite de la Gendarmerie royale du Canada et celle des forces armées l'an dernier, je crois? Nous avons amélioré leur situation et il me semble que c'est plus généreux que dans ce cas-ci. Il me semble que la veuve d'un ancien combattant, aux termes de la Loi sur les pensions, en somme, la veuve d'un ancien combattant invalide doit au moins être dans une position aussi avantageuse que la veuve d'un militaire.

M. Ward: La veuve d'un ancien combattant pensionné, qui meurt des séquelles de la guerre ou qui avait une pension de 50 p. 100 ou plus, doit toucher la pleine pension de la veuve. Nous parlons d'une personne qui a touche une pension de veuve et qui s'est remariée. Aux termes de la loi actuelle, sa pen-

[*Texte*]

ly remarried someone else. Now under the present legislation her pension ceases and she is given a one-year payment of widow's pension, but if the second husband dies within five years, she may be reinstated if she is in a dependent condition.

It is recognized that this five-year time limit has produced hardship in some cases. When you have an arbitrary time limit of five years and you find that the second husband died five years and five months after the marriage, there is nothing that can be done. This will take care of that case because I would expect that that would be considered a specially meritorious case.

Mr. Knowles (Winnipeg North Centre): My point, Mr. Chairman, was that the widow of a permanent force veteran drawing pension under the Canadian Forces Superannuation Act who marries again has her pension under that Act cut off. But if the second husband dies or if there is a divorce—I think we even amended it to cover straight, ordinary separation—she is automatically restored. There is no question of somebody having to exercise discretion. I am not asking you to go into full detail but I would like a comparison to be made to make sure that the one case is just as generous as the other.

The Chairman: This provision sort of promoted common-law unions in many cases, I am afraid.

Mr. Knowles (Winnipeg North Centre): Yes.

Mr. Ward: Mr. Chairman I must plead ignorance of the Canadian Forces Superannuation Act. I am not really in a position to give you any comparative comments on it.

Mr. Knowles (Winnipeg North Centre): Perhaps it could be looked at in the meantime.

The Chairman: There are two more recommendations, Mr. Ward.

Mr. Ward: Recommendation number (147). The Woods Committee recommended removal of the time limit of one year in the Civilian War Pensions and Allowances Act and this recommendation has been accepted unchanged.

Recommendation number (148). The Woods Committee recommended termination dates in the definition of "theatre of actual war" and this recommendation is also accepted unchanged.

The Chairman: Are there any further comments or questions?

[*Interprétation*]

sion cesse d'être versée et elle reçoit une pension d'un an, mais si le deuxième mari meurt dans les cinq ans, elle peut recevoir de nouveau sa pension si elle se trouve dans une situation de dépendance. On reconnaît que ce délai de 5 ans a pu causer certaines difficultés dans certains cas. Lorsqu'on a une période de temps arbitraire comme 5 ans, et qu'on découvre que le deuxième mari est mort 5 ans et 5 mois après le deuxième mariage, on ne peut rien faire. On pourrait ainsi s'occuper de ce cas car à mon avis, on le considérerait particulièrement digne d'attention.

M. Knowles (Winnipeg-Nord-Centre): Les veuves des militaires qui reçoivent une pension et qui se remarient se voient enlever leur pension en vertu de la Loi sur la pension de retraite des forces canadiennes, mais si le second mari meurt ou si elle divorce, je pense que nous l'avons même modifié pour inclure aussi la séparation ordinaire, elle reçoit automatiquement sa pension. Personne ne doit exercer de discrétion. Je ne vous demande pas d'aller dans le détail, mais je voudrais que vous établissiez une comparaison pour vous assurer que les deux cas font l'objet d'autant de largesse.

Le président: Cette disposition encourage en quelque sorte les unions libres dans plusieurs cas, j'en ai bien peur.

M. Knowles (Winnipeg-Nord-Centre): Oui.

M. Ward: Monsieur le président, je dois dire que je ne connais pas très bien la Loi sur la pension de retraite des forces canadiennes, et je ne suis pas en mesure de faire la comparaison à ce sujet.

M. Knowles (Winnipeg-Nord-Centre): On pourrait peut-être l'examiner entre temps.

Le président: Il y a deux autres recommandations, monsieur Ward.

M. Ward: Recommandation n° 147. Le Comité Woods recommande l'élimination du délai d'un an en ce qui concerne la Loi sur les pensions et les allocations de guerre pour les civils. La recommandation a été acceptée sans modification.

Recommandation n° 148. Le Comité Woods recommande les dates finales du «Théâtre réel de guerre», ce qui a été accepté sans modification.

Le président: Y a-t-il d'autres commentaires ou d'autres questions?

[*Text*]

Mr. MacRae: Just one very brief question, Mr. Chairman. I have been very quiet, as you may have noticed. I understand that there are certain recommendations in the Woods Report that have been implemented by the Pension Commission up to this point; at least that has been my understanding. I would like to impose on Mr. Ward again and ask if he would be prepared to prepare for us—I ask it through you, Mr. Chairman—to list those which have been implemented or are in the process of being implemented and which do not need legislation. Have I made myself clear? I think it would be helpful to the Committee.

The Chairman: I think we might refer this matter to Mr. Ward. Possibly Mr. Reynolds may have some comments on this too.

Mr. Knowles (Winnipeg North Centre): Does Mr. Ward have anything to say on the minority recommendation? I am sitting in the seat that Mr. Thompson was in this morning, so the subject of an ombudsman comes out naturally.

Mr. Ward: Mr. Chairman, I am a great admirer of the ombudsmen in their proper sphere. But I feel that trying to change things in the field of adjudication by persuasion without having any real powers, real teeth in

• 1630

your authority, is not likely to work very well and be very acceptable to the unhappy pensioners whose claims have been turned down. And, of course, under the new procedures outlined in the White Paper, there are many, many opportunities for a veteran's claim to be thoroughly considered at many levels, as you know, right from initial adjudications, second applications, renewal applications, entitlement board hearing and appellate division. Surely the applicant's representative, by the time it has finally been dealt with at the appellate division, will have exercised all that can be exercised by the way of persuasion.

The Chairman: Are there any further comments or questions?

We will now adjourn until 9.30 tomorrow morning, when we will have The National Dieppe Prisoner of War Association.

I would like to thank Mr. Ward for appearing this afternoon. We have covered some very difficult ground which I think he has done well. Thank you.

Mr. Ward: Thank you, Mr. Chairman and members of the Committee.

[*Interpretation*]

M. MacRae: Une seule brève question, monsieur. J'ai été très sage comme vous avez pu le remarquer. Je crois savoir que certaines recommandations du rapport Woods ont été mises en vigueur jusqu'ici par la Commission des pensions. C'est du moins ce que j'ai cru comprendre. Je voudrais demander à monsieur Ward s'il pourrait établir une liste des recommandations adoptées ou qui sont en train d'être mises en vigueur et indiquer lesquelles n'ont pas besoin de mesure législative. Est-ce bien clair, monsieur? Je pense que cela devrait être utile au Comité.

Le président: Je pense que l'on pourrait poser cette question à monsieur Ward. Monsieur Reynolds pourrait peut-être faire un commentaire à ce sujet-là.

M. Knowles (Winnipeg-Nord-Centre): Est-ce que monsieur Ward a quelque chose à ajouter sur la recommandation minoritaire? J'occupe en ce moment le siège où monsieur Thompson était assis ce matin. La question de l'ombudsman me vient donc naturellement à la bouche.

M. Ward: Monsieur le président, je suis un partisan de l'ombudsman dans sa propre sphère d'activité. A mon avis, chercher à modifier les procédures, dans le domaine d'un jugement par voie de persuasion sans avoir de vrais pouvoirs, ni aucune sorte d'autorité ne mènera pas à grand-chose et ne sera pas acceptable aux pensionnés dont la demande a été refusée. En vertu des nouvelles procédures précisées dans le Livre blanc, il y a toutes les chances pour que la plainte d'un ancien combattant soit examinée à tous les niveaux, comme vous le savez, à partir d'une décision initiale, d'une demande initiale, d'une deuxième demande, d'un renouvellement de demande et d'un bureau d'admissibilité et d'une Division des appels. Après que la Division des appels se sera prononcée sur la demande le représentant de cet ancien combattant pourra alors invoquer le principe de la persuasion.

Le président: Y a-t-il d'autres commentaires à faire ou des questions à poser?

Nous allons ajourner jusqu'à 9h30 demain matin. L'Association nationale des prisonniers de guerre de Dieppe viendra témoigner.

J'aimerais remercier monsieur Ward d'être venu témoigner cet après-midi. Nous avons étudié en sa compagnie des questions extrêmement difficiles. Merci.

M. Ward: Je vous remercie, monsieur le président, et messieurs les membres du Comité.

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STANDING COMMITTEE ON

VETERANS AFFAIRS

COMITÉ PERMANENT DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS AND EVIDENCE

PROCÈS-VERBAUX ET TÉMOIGNAGES

No. 18

WEDNESDAY, SEPTEMBER 24, 1969 LE MERCREDI 24 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings) *(Voir Procès-verbaux)*

STANDING COMMITTEE ON VETERANS AFFAIRS

COMITÉ PERMANENT DES AFFAIRES DES ANCIENS COMBATTANTS

Chairman — Mr. Lloyd Francis — *Président*

Vice-Chairman — M. Carl Legault — *Vice-président*

and Messrs.

et Messieurs

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—20.

Le greffier du Comité,

D. E. Levesque,

Clerk of the Committee.

CORRIGENDUM

In Issue No. 12, page 229, second and third paragraphs from the bottom of the page, the name Mr. DeBané should read Mr. Badanai.

CORRIGENDUM

Fascicule n° 12, page 229, deuxième et troisième paragraphes du bas de la page, le nom de M. De Bané devrait se lire M. Badanai.

MINUTES OF PROCEEDINGS

[*Text*]

WEDNESDAY, September 24, 1969.
(24)

The Standing Committee on Veterans Affairs met this day at 9:40 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Bigg, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Latulippe, Legault, MacRae, Marshall, Peters, Turner (*London East*), Weatherhead.—(11)

Other Members present: Hon. Marcel Lambert, Mr. Knowles (*Winnipeg North Centre*), Mr. Winch, Mr. Howard (*Okanagan Boundary*).

Witness: From The National Dieppe Prisoner of War Association: Mr. Georges Guigère, President of the Quebec Branch.

Mr. Guiguère read of his brief and answered questions posed by the Committee.

It was agreed, that the brief of The National Dieppe Prisoner of War Association be appended to this day's evidence (*See Appendix "E"*).

At 12 noon the Committee adjourned to Monday, September 29, 1969 at 9:30 a.m.

PROCÈS-VERBAL

[*Traduction*]

Le MERCREDI 24 septembre1969
(24)

Le Comité permanent des affaires des anciens combattants se réunit ce matin à 9 h. 40, sous la présidence de M. Lloyd Francis, député.

Députés présents: MM. Bigg, Francis, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), Latulippe, Legault, MacRae, Marshall, Peters, Turner (*London-Est*) et Weatherhead.—(11)

Autres députés présents: L'honorable Marcel Lambert, M. Knowles (*Winnipeg-Nord-Centre*), M. Winch et M. Howard (*Okanagan Boundary*).

Témoin: De l'Association nationale des prisonniers de guerre de Dieppe: M. Georges Guiguère, président de la division du Québec.

M. Guiguère donne lecture de son exposé et répond aux questions des membres du Comité.

Il est convenu—Que le mémoire de l'Association nationale des prisonniers de guerre de Dieppe soit reproduit en appendice au compte rendu d'aujourd'hui (*voir l'appendice E*).

A midi, le Comité s'ajourne jusqu'au lundi 29 septembre 1969, à 9 h. 30 du matin.

Le greffier du Comité,

D. E. Lévesque,

Clerk of the Committee.

20776—1½

[*Texte*]

EVIDENCE

(*Recorded by Electronic Apparatus*)

Wednesday, September 24, 1969

• 0942

The Chairman: I will now call the Committee to order.

This morning we will hear from The National Dieppe Prisoner of War Association, and their spokesman is Mr. Georges Giguère. I would also like to welcome Mr. Marcel Lambert who is with us this morning and who is a former Dieppe prisoner of war.

Mr. Giguère, the Committee is very informal and we invite you to make your presentation. It is the custom for members to perhaps interrupt at certain times to ask questions, if that suits your pattern.

Mr. Georges Giguère (President, The National Dieppe Prisoner of War Association): That is perfectly all right.

The Chairman: Fine. You may proceed.

Mr. Giguère: Mr. Chairman and members of the Committee, this brief which we are presenting to the Standing Committee on Veterans Affairs has been prepared with the assistance of the report entitled "Pathology of the Capitivity of the Prisoners of War", of the International Medical Conference in Brussels on November 1 to 4, 1962, the Effects of Imprisonment and Deportation International Conference organized by the World Veterans Federation at The Hague on November 20 to 25, 1961, and personal investigation by The National Dieppe Prisoner of War Association.

As you all know, the Dieppe raid, one of the most searing engagements of the Second World War, took place on August 19, 1942.

Of the 5,000 Canadian troops who set out for the coastal town in Normandy, only 2,000, mostly men who did not land, came back. Records show that 1946 men, most of them seriously wounded, were taken prisoner. It is also recorded that 72 of these men died in captivity. The period of imprisonment for those who survived was approximately three

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le mercredi 24 septembre 1969

Le président: A l'ordre, s'il vous plaît. Nous allons ce matin entendre le porte-parole de l'Association nationale des prisonniers de guerre de Dieppe, M. Giguère. Je tiens aussi à accueillir M. Marcel Lambert, un ancien prisonnier de guerre de Dieppe. Monsieur Giguère, notre Comité est sans cérémonies et vous invite à faire vos représentations. Si vous n'y voyez pas d'objections, les membres vous poseront des questions, à l'occasion.

M. Georges Giguère: Je n'y vois pas d'inconvénient.

Le président: Fort bien. Veuillez poursuivre.

M. Georges Giguère (Président de l'Association nationale des prisonniers de Guerre de Dieppe): Monsieur le président, messieurs les membres du Comité, le présent mémoire que nous soumettons au Comité permanent sur les affaires des anciens combattants a été préparé à l'aide du «Rapport pathologique sur la captivité des prisonniers de guerre» issu de la Conférence médicale internationale qui a eu lieu à Bruxelles du 1er au 4 novembre 1962; du rapport intitulé: «Effets de l'emprisonnement et de la déportation», issu de la conférence internationale convoquée à La Haye du 20 au 25 novembre 1961 par la Fédération mondiale des vétérans ainsi que des recherches personnelles effectuées par l'Association nationale des prisonniers de guerre de Dieppe.

Nul n'ignore que le Raid sur Dieppe fut l'engagement le plus controversé de la seconde grande guerre; il eut lieu le 19 août 1942.

Parmi les 5,000 troupes canadiennes qui y prirent part, seulement 2,000 réussirent à retourner en Angleterre et parmi ces dernières, plusieurs ne sont même pas descendues à Dieppe.

Les statistiques démontrent que 1,946 hommes, dont la plupart sérieusement blessés furent fait prisonniers par les Allemands. Il

[*Text*]

years; 32 months would be more exact. In 1953 the federal government established a War Claims Commission and named Mr. Justice Thane A. Campbell as chief commissioner. It was found to be necessary here to issue reparation.

In his report Mr. Justice Campbell found that general maltreatment did exist in prisoner of war camps in Europe where Canadian troops were imprisoned, and that extraordinary brutal treatment had been proved in many cases. The findings of the War Claims Commission resulted in granting almost equal awards to both Hong Kong and Dieppe Prisoners of war.

• 0945

The effects of imprisonment have for some years been a matter of grave concern to those Dieppe prisoners of war who still survive, and it is their hope that the government will instruct the standing committee on Veterans Affairs to conduct an inquiry into their plight which is in so many ways identical to that of the Hong Kong prisoners of war. Among these similarities is the prevalence of peptic ulcers, lumbar spine disabilities, nervous disorders and other problems commonly attributed to avitaminosis.

The standing committee on Veterans Affairs has for some time known that the circumstances of the Dieppe prisoners of war should be reviewed along the lines of what has been done in the case of the Hong Kong prisoners of war.

In presenting this submission on behalf of the Dieppe prisoners of war, we realize that in general you are familiar with this problem and respectfully ask for your support in bringing this matter to the attention of the government. We are also aware of the profound effect that your concern and support could have in bringing about consideration and immediate review of all Dieppe prisoners of war. This brief is being submitted a third time in the hope that you, our elected representatives, will speak up on behalf of the veteran and bring this matter to the attention of those persons who could make this possible.

This brief is submitted to provide supplemental information to that furnished your Committee in our brief of December 17, 1965, and to provide comment regarding the report of Dr. J. H. Richardson of the Canadian Pension Commission.

[*Interpretation*]

est aussi démontré que 72 soldats moururent en captivité. La période d'emprisonnement pour les survivants fut d'environ trois ans, trente-deux mois pour être plus précis.

En 1953, le Gouvernement fédéral établit la Commission des Réclamations de guerre et nomma le Juge Thane A. Campbell, Commissaire en Chef. Il a été jugé nécessaire d'obtenir des réparations.

Dans son rapport, Monsieur le Juge Campbell établit qu'il y eut des mauvais traitements dans les camps de prisonniers de guerre en Europe, où il y avait des troupes Canadiennes, et notamment, brutalités dans plusieurs cas.

D'après les résultats de la Commission, les prisonniers de guerre de Hong Kong et de Dieppe furent alloués une compensation à peu près identique.

Les effets d'emprisonnement sont depuis plusieurs années un grand souci pour nos prisonniers de Dieppe qui survivent, ils espèrent que le Gouvernement va demander au Comité permanent des Affaires des Anciens Combattants de faire enquête à leur sujet, qui est non moins identique à ceux de Hong Kong.

Parmi ces similarités, il y a prédominance d'ulcère peptique, invalidité lombaire, troubles névrotiques et plusieurs autres incapacités attribuables à l'avitaminose.

Le Comité permanent des Affaires des Anciens Combattants sait que les circonstances des Prisonniers de Guerre de Dieppe devraient être revisées, tout comme les prisonniers de Hong Kong.

En présentant cette soumission au nom des Prisonniers de Guerre de Dieppe, nous réalisons qu'en général vous êtes familiers avec ce problème et nous vous demandons très respectueusement votre support afin que le Gouvernement porte une attention toute particulière à nos problèmes. Nous sommes au courant du profond effet que votre appui peut apporter afin qu'une revision immédiate soit faite pour tous les Prisonniers de Guerre de Dieppe.

Ce sommaire est présenté pour une troisième fois avec l'espoir que vous, nos représentants élus, parlerez en notre faveur aux personnes qui peuvent rendre notre demande effective.

[*Texte*]

The major requirement, in so far as the Pension Act is concerned, for members of the Canadian Army who served in the Dieppe Force is to provide protection for widows and children in the event that the veteran should die prematurely.

If the veteran is in receipt of a pension of 48 per cent or greater, his widow and surviving children will be entitled to pension under the Pension Act and his children will be entitled to the benefits of the Education Assistance Act.

If pension is in payment at the rate of less than 48 per cent, pension will not be continued for the widow and children, and the children would be denied the benefits of the Education Assistance Act, unless it can be shown that the death is attributable to his service.

The relevant section of the Pension Act is set out below:

> 36 (3) Subject as in this Act otherwise provided, the widow of a member of the forces who was at the time of his death in receipt of a pension in any of the classes 1 to 11, inclusive, mentioned in Schedule A or who died while on the strength of the Department for treatment and but for his death would have been in receipt of pension in one of the said classes, is entitled to a pension as if he had died on service whether his death was attributable to his service or not.

The main source of apprehension to surviving members of the Dieppe force who are in receipt of pension of less than 48 per cent is that they may die from causes which are either unknown or which cannot be specifically stated to have been attributable to service, thus leaving their widows and children with no protection under the Pension Act.

The undermentioned persons who represent the Dieppe prisoners of war are willing to appear before the Standing Committee on Veterans Affairs (if given the chance to do so) to show just cause why the Dieppe prisoners of war should have a review along those lines used in the almost parallel situation of the Hong Kong prisoners.

Al Richards, President; Lloyd Rutherford, First Vice-Pres.; John Neame, Secretary, Hamilton and District Prisoner of War Association, 5145 Tamarac Drive, Burlington, Ontario. Leo Lesynski, President; Art Rogers,

[*Interprétation*]

Ce sommaire est présenté afin d'apporter des informations supplémentaires au mémoire que nous avons soumis précédemment, c'est-à-dire le 17 décembre 1965 et aussi en regard du rapport du Dr. J. H. Richardson de la Commission Canadienne des Pensions.

Les réclamations majeures en ce qui concerne l'Acte de la Commission Canadienne des Pensions pour les membres des Forces Armées Canadiennes qui ont servi à Dieppe, sont d'apporter une protection pour les veuves et dépendants en cas de décès prématuré de l'ancien combattant.

Si l'ancien combattant est récipiendaire d'une pension d'invalidité de 48 p. 100 ou plus, sa veuve et ses dépendants bénéficient d'une pension d'après l'Acte des Pensions et ses enfants sont éligibles à l'assistance éducationnelle. Par contre, si la Pension attribuée est moindre que 48 p. 100, elle ne continuera pas après le décès de l'ancien combattant et, les enfants ne seront pas éligibles à l'assistance éducationnelle.

Le paragraphe de l'Acte des Pensions est énuméré ci-dessous:

> 36 (3) «Sous réserve des dispositions à l'effet contraire prévues dans la présente loi; lorsqu'un membre des forces touchait, au moment de son décès, une pension de l'une des catégories 1 à 11 inclusivement, mentionnées dans l'annexe A, ou est décédé alors qu'il était porté sur les contrôles du ministère aux fins de traitement et, n'eût été son décès, aurait reçu une pension à l'une desdites catégories, la veuve dudit membre a droit à une pension comme s'il était mort en service, que son décès fût attribuable ou non à son service.»

Le plus grand souci des survivants de Dieppe qui reçoivent actuellement une pension de moins de 48 p. 100 est de mourir pour des causes inconnues ou ne peuvent pas spécialement être attribuable au service, laissant ainsi la veuve et les dépendants non éligibles d'après l'Acte des Pensions.

Les personnes sous mentionnées qui représentent les Prisonniers de guerre de Dieppe, sont prêtes à se présenter devant le Comité Permanent des Affaires des anciens Combattants si on leur donne l'opportunité, afin de leur démontrer pourquoi le cas des Prisonniers de Guerre doit être revisé.

Al Richards—président; Lloyd Rutheford—premier vice-prés.; John Neame—secrétaire Hamilton et District l'Association des Prisonniers de guerre de Dieppe, 5145 Tamarac Drive, Burlington, Ontario. Léo Lesynski—

[*Text*]

Secretary; Clem Fuzzen, Vice-President, Niagara Chapter of the Dieppe Prisoners of War Association, 85 Richelieu Drive, St. Catharines, Ontario.

M. Georges Giguère, President; M. J. Hogue, Vice-President; M. Leo Filiaut, M.M. Sec.-Treas., Les Fusiliers Mont Royal Prisoner of War Association; Sandy Shusterman, President; John LeCouter, Secretary; Victor Sparrow, Treasurer, Toronto Ex-Dieppe Prisoner of War Association, Toronto, Ontario.

Bob Jacques, President; Norman Heslop, Secretary, Windsor Chapter Dieppe Prisoner of War Association, Windsor, Ontario. Douglas Dunn, President Sarnia Chapter Dieppe Prisoner of War Association, Sarnia, Ontario.

Pathology of the P.O.W.

Since 1952 when the Hamilton & District P.O.W. Association was first formed, we have always faced the problem of apathy in the P.O.W. veteran. Oddly enough, this apathy is not so strong among the majority of veterans who are members of various other veterans' organizations.

This apathy does show up strongly among our ex Dieppe Prisoners of War—why?

Firstly, they suffered a sharp psychological defeat in losing the battle of Dieppe.

The shock of leaving a land of plenty, the shock of their first bloody fight with the enemy and their subsequent internment left these men in a state of apathy which today is still evident. These men sat out the war in prison camps and this alone upset these once very active soldiers a great deal. The loss of freedom, lack of adequate food, shelter, and gainful activity fed this apathy.

When the day arrived and these men were released from the camps, hospitalized, or returned to their units for release from the service, they were so eager to get out of the service that in many cases they denied the existence of many and various diseases or illnesses which had occurred in the P.O.W. camps. Upon this happening they would report to a DVA Centre requesting treatment.

"What a shock!" They found that they had no entitlement; there was nothing written into their documents to substantiate their

[*Interpretation*]

président; Art Rogers—secrétaire; Clem Fuzzen—vice-président; Chapitre Niagara l'Association des prisonniers de guerre de Dieppe, 85 Richelieu Drive, St. Catharines, Ontario.

M. Georges Giguère—président; M. J. Hoghe—vice-président; M. Léo Filliaut M.M.—sec.-trés.; Les Fusiliers Mont Royal, L'Association des prisonniers de guerre, Montréal, P.Q. Sandy Shusterman—président; John LeCouter—secrétaire Victor Sparrow—trésorier; Toronto Anciens Prisonniers de guerre de Dieppe, Toronto, Ontario.

Bob Jacques—président; Norman Hoslop—secrétaire; Windsor Chapitre, l'Association des Prisonniers de guerre de Dieppe Windsor, Ontario. Douglas Dunn—président; Chapitre Sarnia—L'Association des Prisonniers de Guerre de Dieppe, Sarnia, Ontario.

Pathologie des Prisonniers de guerre

Depuis 1952, alors que l'Association des Prisonniers de guerre de Hamilton, Ont. fût formée, nous avons toujours fait face à des problèmes d'apathie parmi les anciens prisonniers de guerre. Il est étrange que cette apathie n'est pas aussi saillante parmi la majorité des autres anciens combattants qui font partie des autres organisations.

Cette apathie est très marquée parmi les prisonniers de guerre de Dieppe. Premièrement, ils souffrent d'un sentiment morbide de défaite dû à la perte de la bataille de Dieppe.

L'effet de laisser un pays d'abondance, l'échec de leur première bataille sanglante avec l'ennemi et incidemment, leur internement, tout ceci a laissé ces hommes dans un état d'apathie qui est encore aujourd'hui très évident.

L'effet pour ces hommes si actifs dans le passé, de se voir internés durant la plus grande durée de la dernière guerre a été très néfaste pour eux.

La perte de leur liberté, le manque de nourriture, de logement et d'activités ont rendu cette apathie plus intense.

Lorsque le jour de libération arriva, et que ces hommes furent délivrés des camps d'internement, des hôpitaux, ou retournèrent à leurs unités respectives afin d'être libérés du service, ces hommes avaient tellement hâte que dans la plupart des cas, ils nièrent l'existence de plusieurs symptômes de maladie ou malaise, lesquels étaient dûs à leur internement. Ils auraient dû s'adresser aux différents centres médicaux du ministère des Affaires des anciens combattants, afin d'obtenir les soins requis.

Quelle fut leur surprise lorsqu'on leur dit qu'ils n'étaient pas éligibles, il n'y avait aucun rapport médical dans leur dossier, afin

[*Texte*]

request. "Now what?" These men appealed through proper channels to the CPC, and again were refused treatment or pension.

In the case of the Dieppe P.O.W.s, from the time they were taken prisoner to the date of release, there was not a word of documentary evidence added to their files. It is this lack of documentary evidence that is denying the P.O.W. veteran his rights. Since the CPC demands documentary evidence of maltreatment, lack of care, illness and disease suffered by the P.O.W., these vets are up against a stone wall in their request for adequate treatment and pensions. This deplorable situation has again led the ex-P.O.W. to a state of apathy greater than was experienced as a P.O.W. These veterans are so bitter in their attitude toward the CPC that they will not even talk to their own executives.

A conclusion was reached by diligent interviews with these veterans. These veterans are still suffering from invisible wounds sustained while P.O.W.'s in the camps of Europe. These wounds are best described by the foregoing pages of this document. It is the considered opinion of all P.O.W. associations that these ex-P.O.W.s be given the benefit of the doubt.

Medical Examination

This Association is aware of the provisions approved by the Department of Veterans Affairs, under which they are entitled to free medical examination. These provisions do not appear to be sufficient protection as they do not overcome the possibility that a member may die unexpectedly, without previous symptoms or manifestations of any disease.

Autopsy

The Association is aware also of the provisions made in the United Kingdom under which an autopsy and investigation are carried out automatically when the death occurs of a former member of the Forces who was a prisoner of war in the European Theatre. In this respect, our membership must once again consider that this procedure provides no comfort to the veteran while he is alive, as he is still faced with a matter of uncertainty in regard to adequate provision to protect his widow and children in the event of his death.

[*Interprétation*]

d'acquiescer à leur demande pour certaines déficiences dues à leur internement. Maintenant que faire? Ils allèrent en appel par l'entremise du bureau des avocats des pensions, mais comme il ne figurait aucune preuve médicale au dossier, leurs demandes furent refusées ou rejetées. Dans le cas des prisonniers de guerre de Dieppe, durant la période d'emprisonnement, jusqu'au jour de leur libération, aucune note médicale n'existait dans leur dossier. C'est ce manque de preuve qui lésait les prisonniers de guerre. Alors que la Commission canadienne des pensions exige des preuves évidentes de mauvais traitements, de manque de soins, maladies ou symptômes quelconques subis par les prisonniers de guerre, ces anciens combattants font actuellement face à un mur infranchissable en regard de leur demande pour traitements adéquats (ou pension).

Cette déplorable situation a porté les anciens prisonniers de guerre à souffrir d'apathie plus grande que celle expérimentée dans leur internement.

Ces vétérans sont tellement déçus de l'attitude de la Commission canadienne des pensions qu'ils n'osent plus s'adresser à l'exécutif de leur association.

Après maintes entrevues, nous en sommes venus à cette conclusion. Ces vétérans souffrent toujours de maux invisibles qu'ils subirent lors de leur internement en Europe. Ces symptômes sont assez bien décrits dans les pages qui suivent de ce document.

C'est l'opinion de toutes les associations de prisonniers de guerre que ces vétérans devraient obtenir le bénéfice du doute de la Commission canadienne des pensions.

Examen médical

L'Association est au courant des provisions approuvées par le ministère des Affaires des anciens combattants pour lesquelles ils sont éligibles à un examen médical gratis. Mais ceci ne semble pas une protection suffisante car ils omettent la possibilité qu'un membre puisse décéder subitement, sans symptôme préalable ou manifestation d'aucune maladie.

Autopsie

L'Association est aussi au courant qu'au Royaume Uni, lorsqu'un ancien prisonnier de guerre décède, une autopsie et une investigation sont immédiatement ordonnées. Dans ces circonstances, nos membres une fois de plus considèrent que cette procédure n'apporte aucun réconfort au vétéran alors qu'il est vivant, car il doit toujours faire face à l'incertitude en regard de la protection inadéquate de sa veuve et de ses enfants au cas de décès.

[*Text*]

Prisoner of War Conditions

It is perhaps difficult for anyone who did not experience the horror of the German prison camps to fully understand the present-day apprehension of the Dieppe Force—an apprehension born of the knowledge that seemingly healthy soldiers were overcome by death from causes which were both insidious and incomprehensible to their fellow prisoners.

It is believed that one of the most complete works of this type is entitled *Pathology of the Captivity of the Prisoner of War—Tome 11*, containing the results of the International Medical Conference on this subject, held in Brussels, November 4, 1962.

A résumé of this report, edited by the International Confederation of Ex-Prisoners of War, contains information which appears to be relative to the report published by Dr. J. H. Richardson.

Some excerpts from the report of the *Pathology of the Captivity of the Prisoner of War* are quoted hereunder:

> No doubt statistical studies of the results of internment on a prisoner are difficult to establish. For one thing, witnesses who could serve for comparison cannot be easily found in sufficient number. On the other hand in numerous countries it is proven difficult to assemble exact information based on clinical examinations and laboratory tests about our former comrades, due to a certain physical lassitude, fatigue, which often is a result of their captivity.
>
> For the majority of the prisoners, the years spent in the camps represented a series of privations, enforced work, new dangers of war, which all have influenced their psychosomatic state.
>
> There followed the stay...without ever getting sufficient food...the work often difficult in a climate we were not used to, driven by guards obsessed by the notion that we had to produce more, absence or scarcity of news from the family.
>
> The doctors who were interested in the fate of former prisoners have found among our comrades troubles of varying gravity in different organs, but troubles whose frequent appearance, it seems, can be traced back to a common psychosomatic origin. Captivity, in tearing the individual from his familiar and professional surroundings to which he has adapted through acquired reflexes, brought about a series of aggressions; Physical aggression, over-exertion in marching, in work, in climate, privations, fear, anxiety about the future, breaking off family life.

[*Interpretation*]

La condition des prisonniers de guerre

Il est sans doute difficile pour quiconque n'a pas expérimenté les horreurs des camps de prisonniers de guerre, en Allemagne, de comprendre l'esprit pessimiste des vétérans de Dieppe. Un pessimiste né des connaissances que des soldats apparemment en santé sont décédés subitement de causes inconnues même de leurs camarades prisonniers.

Il est connu que l'ouvrage le plus complet de ces conditions est contenu dans le rapport pathologique sur l'internement des prisonniers de guerre Tome II à la suite de la conférence médicale internationale qui eut lieu à Bruxelles le 4 novembre 1962.

Un résumé de ce rapport édité par la Conférence internationale des anciens prisonniers de guerre contient des informations qui apparaissaient au rapport publié par le Dr J. H. Richardson.

Quelques idées générales de ce rapport sur la pathologie de l'internement des prisonniers de guerre vous sont ici présentées.

> Il n'y a nul doute que les résultats des études sur l'internement des prisonniers de guerre sont difficiles à définir.
>
> Incidemment, il est difficile d'atteindre suffisamment de témoins et, dans plusieurs pays, il n'a pas été facile d'obtenir assez d'informations basées sur des examens de cliniques, tests de laboratoire concernant nos camarades dues à certaines fatigues physiques qui sont souvent le résultat de l'internement.
>
> Pour la majorité des prisonniers de guerre, les années passées dans les camps représentent une série de privations, de travaux forcés, un nouveau danger de guerre qui influence leur état psychosomatique.
>
> Ils ont enduré ce stage sans avoir de nourriture suffisante, le travail souvent pénible, dans un climat auquel ils n'étaient pas habitués, conduits par des gardiens obsédés par la notion qu'ils devaient produire plus, sans compter l'absence de nouvelles de leur famille.
>
> Les médecins qui se sont intéressés au cas des anciens prisonniers de guerre, ont constaté parmi nos camarades différents troubles augmentant en gravité dans différents organes, mais les déficiences qui apparaissent plus fréquemment peuvent être retracées par une origine psychosomatique commune.
>
> La captivité tout en arrachant l'individu à son milieu familial dans lequel il était habitué de vivre depuis son enfance a apporté toute une série d'aggravations, agression physique sur la marche au travail, dans le climat, les privations, la

[*Texte*]

The organism made an effort to adapt to captivity; captivity, however, multiplies the aggressions consisting of prolonged imprisonments, lack of sufficient food, compulsory work.

The successive aggressions disturb the circuit of acquired reflexes at the level of the cerebral membrane, the thalamus and the formations at the base of the brain.

The nervous system of our former comrades shows very often evidence of unbalanced functionings; with the weight of advancing years there appear disorders of temper, irritability, disinterestedness in a sentimental sector and, on the other hand, a diminishing of intellectual ability, difficulty in mental concentration, impossibility of sustained effort.

In the domain of psychiatry, it manifests itself as either a slowly advancing asthenia or in chronic form with attacks (Targowla's paroxystic hypermnesic syndrome).

In particular, reference is made to the report of Dr. Francis Lantheaume of Neulise, France in his *Introductory Report to Senescence*. He reports as follows:

"This problem of fatigue has moreover been studied by authors from various countries and their conclusions are practically identical in noticing the wear caused by a psychic as well as neuro-muscular fatigue. One has also placed the accent on the responsibility of emotional, affective, and nervous shocks in the evolution and precociousness of Senescence."

Baumgartner writes:

"The accumulation of physiological and psychological stresses which have a repercussion on the sympathetic system and on the hollow viscera, is responsible for increased mortality among men between the ages of 40 and 70 years."

On their side J. and M. Postel dealing with the senile psychological feeling say:

"These causes are mainly of psycho-affective and social order."

Mr. Boruk insisted particularly on the etiological role of emotional shocks: deaths, violent emotions, changes of job, family conflicts, hunger, misery, physical and moral stresses, fatigue, climatic and atmospherical injuries, physiological shocks. Here are in a few words the causes of precocious senility, to which one must add, since a few years have passed, the inopportune eradiations to

[*Interprétation*]

peur, anxiété à propos des éventualités futures.

L'organisme a fait un effort afin de s'adapter à l'internement; par contre, ce dernier multiplie les agressions lorsqu'il y eut l'emprisonnement prolongé, nourriture insuffisante et travaux forcés.

L'agression successive gêne les réflexes acquis au niveau (du cortex cérébral) du Thalamus et de la formation à la base du cerveau.

Le système nerveux de nos camarades montre très souvent des évidences d'un désiquilibre fonctionnel avec le poids des années; il apparaît dune part des désordres de tempérament, dans le contexte sentimental et, d'autre part, une diminution intellectuelle d'habilité dans la concentration, impossibilité d'efforts soutenus.

Dans le domaine de la psychiatrie, il y a manifestation de l'avancement de l'asthénie ou sous forme chronique avec attaques (Targowla's parorystique hypermenesic syndrome).

Particulièrement, référence est faite au rapport du Dr. Francis Lanthéaume de Neulise, France, dans son rapport d'introduction sur la sénescence qu'il décrit comme suit:

ce problème de fatigue est de plus en plus étudié par les auteurs de différents pays et leur conclusion est presque identique à remarquer une usure causée par une fatigue psychique ainsi que neuro-musculaire. Nous avons aussi placé l'accent sur la responsabilité émotive affective et choc nerveux dans l'évolution et la précocité de sénescence.

Baumgartner écrit:

l'accumulation physiologique et psychologique accentuée qui a une répercussion sur le Hollow-Viscera est responsable du taux accru de mortalité parmi les hommes de 40 à 70 ans.

De leur côté J. et M. Postel traitent l'effet de la sénilité psychologique déclare: Ces causes sont principalement dues à la psycho-affective et ordre social.

M. Boruk insiste particulièrement sur le rôle étiologique dû au choc émotionel, émotion violente, changement d'emploi, conflit familial, la faim, la misère, la fatigue, choc physiologique. Voici dans ces mots les causes précoces de sénilité auxquelles on doit ajouter depuis quelques années les radiations inopportunes auxquelles les organismes du corps humain sont soumis.

[*Text*]

which the human organisms are submitted.

For one who lived in prisoner of war camps, it is undeniable that one finds here all the conditions, almost at the experimental state, of the incurrence of precocious senescence.

However, before a prejudiced mind, it is difficult to affirm this, one must also give proof of these declarations.

Dr. Lantheaume then quotes a number of eminent physicians who have carried out studies which indicate considerable preaging for ex-prisoners of war. He then states as follows:

"This summary, as it is only a short summary in relation to the works published in the last fifteen years, as boring as it may seem, has only aimed to start an investigation on the precocious senility, the premature senescence which seems to be the fate of the ex-prisoners of war."

"It is important that very soon a close network of proofs prove to the reticent Governments, the materiality of our statements. Once again it is a question of helping unfortunate people, victims of fate."

I have here the *Pathology of the Captivity of the Prisoner of War*, Brussels, November, 1962. It summarizes a bit of what the effects have done to us.

The International Federation of Ex-Servicemen and P.O.W.'s held its Congress in Brussels on November 2, 3 and 4, 1962.

The aim of the Medical Commission of the above mentioned was to study the belated sequelae of captivity.

Along with representatives from the World Federation of Ex-Servicemen the Union of the Interned and Deported of the Resistance several governments, and the Committee of the International Red Cross, were doctors delegated from Belgium, Italy, Japan, Norway, the Netherlands, the German Federal Republic, the U.S.S.R., the U.S.A. and Yugoslavia.

I would ask that the members pay attention to this: Canada was represented by a note only, to the Congress.

In many countries, the legislation enacted regarding ex-P.O.W.'s had fixed a precise limit, generally too short, as noted by grievances from P.O.W. associations. It was noted that these countries adopted a wait and see attitude; Canada was no exception.

[*Interpretation*]

Pour celui qui a vécu dans les camps de prisonniers de guerre, il est indéniable que l'on trouve ici toutes les conditions presqu'à l'état expérimental de l'apparition de la précocité de la sénescence.

Cependant, devant une idée de préjudice, il n'est pas difficile d'affirmer ceci, que l'on doit donner des preuves à ces déclarations.

Le Dr. Lanthéaume nomme quelques éminents médecins qui ont fait des études qui indiquent qu'un nombre considérable d'ex-prisonniers de guerre sont (pré âgés), de plus. Il note aussi:

ce sommaire, vu qu'il n'est qu'un court aperçu en relation avec les ouvrages publiés depuis les quinze années, aussi ennuyeux qu'il puisse être, n'a qu'un but, le début d'une investigation sur la sénilité. La sénescence prématurée qui semble être le destin des anciens prisonniers de guerre.

J'ai ici le Rapport pathologique sur les prisonniers de guerre, Bruxelles, novembre 1962. Il résume, en partie, les dommages qui nous ont été causés par les effets.

La Fédération internationale des anciens combattants et prisonniers de guerre (C.I.A.P.G.) tenait son congrès à Bruxelles le 2, 3 et 4 novembre, 1962.

Le but de la Commission médicale était d'étudier les effets de la captivité.

Avec les représentants de la Fédération Mondiale des Anciens Combattants (F.H.A.C.) ainsi que l'Union des internés et déportés de la résistance (U.I.R.D.O.), plusieurs représentants de différents gouvernements, le Comité International de la Croix Rouge, des médecins délégués par la Belgique, l'Italie, le Japon, la Norvège, la Hollande, la République Fédérale de l'Allemagne, l'U.R.S.S., les États-Unis et la Yougoslavie.

Nous notons ici que le Canada était représenté par une note seulement au congrès.

Dans plusieurs pays, la législation en vigueur au sujet des Anciens Prisonniers de guerre avait établi une limite précise, trop courte en général. A noter, les griefs des Associations de prisonniers de guerre. A noter que ces pays adoptèrent une attitude passive; le Canada n'était pas une exception.

[*Texte*]

The point of view of the doctors on the effects of the prolonged duration of detention, observed during 1940-45 war, was excellently summarized in the conclusion of the Congress of the World Federation of Ex-Servicemen in The Hague in November, 1961:

The conference considers that there exist affections and:

"Infirmities, with belated appearance among those who were interned or detailed in concentration camps."

"These conditions can show up at any time after liberation and no time limit can be fixed for their appearance."

"Similar conditions can also be found among ex-P.O.W.'s having lived in exceptionally hard conditions."

During the discussion, it was specified that these conditions were achieved by the severity of the detention, or by its duration. The CIAPG asked the doctors to set forth the results of their recent researches.

First:

1. Cardiovascular pathology.
2. Psychosomatic disorders with complement communications and observations on belated tuberculosis of the P.O.W.'s.
3. Precocious senescence.

• 1005

Since 1954 the FNAC has interested itself with the problems of the International Red Cross and subsequently it concentrated its attention on the deported and the P.O.W.'s.

Fifteen years after returning to near normal life, it has become evident that the suffering endured in P.O.W. camps had inflicted invisible injuries which often proved injurious, in a permanent manner, to the health of these persons and always hastened the ageing of the prisoners having lived in exceptional conditions of stress.

What is required is the means of settling many questions and straying from tradition, to request our government to guarantee for the ex-P.O.W.'s the best form of reparation, by studying their special needs, whose nature changes a they grow older, and to strive to ease them by taking into account the progress which has been accomplished in the medical, economical and social sciences.

[*Interprétation*]

Le point de vue des médecins sur l'effet de la prolongation de la durée de la détention observée durant la guerre 1939-1945 a été parfaitement énuméré au terme du Congrès de la Fédération des Anciens Prisonniers de guerre à La Haye en novembre 1961:

La Conférence considère qu'il existe affections et infirmités avec apparence à retardement parmi ceux qui ont été internés ou détenus dans les camps d'internement.

Ces conditions peuvent apparaître en tout temps après la libération et aucune limite de temps ne peut-être fixée pour leur apparence.

Des conditions semblables se trouvent aussi parmi les anciens prisonniers de guerre qui ont vécu dans des conditions exceptionnellement dures.

Durant la discussion, il a été fait mention que ces conditions étaient le résultat de la dureté de la détention aussi bien que de la longue durée.

La C.I.A.P.G. demande aux médecins de produire les résultats de leurs récentes recherches.:

1. Pathologie cardio-vasculaire.
2. Désordres psycho-somatiques, avec attaches et relations aux observations sur les causes déterminantes de la tuberculose chez les anciens prisonniers de guerre.
3. Vieillissement prématuré.

Depuis 1954, la F.N.A.C. s'est beaucoup intéressée aux problèmes de la Croix Rouge Internationale avec le résultat que plus tard elle mit toute son attention et ses efforts sur le cas des personnes déportées et les anciens prisonniers de guerre.

Quinze années après un retour à une vie presque normale, il est devenu évident que les sévices endurés dans les camps de prisonniers ont infligé des blessures invisibles et souvent de nature sérieuse et nuisible en permanence, à la santé et au bien-être, produisant un vieillissement très prématuré de ces anciens prisonniers ayant vécu dans des conditions exceptionnelles de «stress»

Ce qu'il nous faut ce sont des moyens pour résoudre plusieurs questions en mettant de coté ce qui se faisait dans le passé, de demander au gouvernement de garantir aux anciens prisonniers de guerre la meilleure formule de compensation, en étudiant leurs besoin spéciaux, qui changent de nature avec le vieillissement, et de s'efforcer d'alléger leurs infirmités en tenant compte des derniers progrès accomplis en médecine et en science économique et sociale.

[*Text*]

We agree that the government has taken into consideration the lot of the P.O.W.'s but legislation being as it is, no text will ever be able to bring out exactly the prejudice suffered by living in P.O.W. camps.

There are several laws which cover our pathology; but the pathology of the P.O.W. is special; we feel no pride and prefer not to speak about it, but the ex-P.O.W. is often an old man when administratively speaking he is only an adult.

The legislation on this subject should follow an evolution parallel to that of medical science.

This will lead to a more exact appreciation of the belated sequelae which appear among ex-P.O.W.'s and which can manifest themselves at any time after liberation.

We request that the P.O.W.'s receive the right to the benefit of the presumption of the origin and the aggravation of their ailments. It is unequestionable that the filiation and the evolution of ailments caused by captivity and which were not ascertained on release or were considered light or not dangerous, and which have transformed themselves into ailments which at present have an important incapacity and a premature senescence.

If the P.O.W.'s are affected with a particular predeliction for certain ailments, it is because captivity has had an unquestionable influence on their genesis.

If the captivity has had an influence on their genesis, the imputability of these ailments must be reconsidered, even if this late showing of ailments has not allowed, from the point of view of present legislation, these ailing P.O.W.'s to benefit from the presumption of the origin.

The belated sequelae of the pathology of captivity are neither a catch nor a free supposition, but a harsh fact which asserts itself more than ever and grows more vigorous every day.

It is therefore legitimate that the promiscuity, the feeding, the climate and all the conditions imposed on P.O.W.'s be the basis of a different pathology from that of a sedentary population.

[*Interpretation*]

Nous admettons que le gouvernement est intéressé au sort des anciens prisonniers de guerre mais les lois présentes étant ce qu'elles sont, aucune clause ne serait jamais capable de saisir et définir le préjudice fait à ceux qui ont vécu dans des camps de prisonniers de guerre.

Il y a des lois qui concernent la pathologie dans les grandes lignes, mais la pathologie du prisonnier de guere est tout autre; nous n'en éprouvons aucun orgueil et préférons n'en pas parler, mais l'ancien prisonnier de guerre est souvent physiquement parlant un vieil homme pendant que du point de vue administratif il est encore un adulte.

Sur ce sujet les lois devraient donc évoluer de pair avec la science médicale.

Ceci nous conduirait à une appréciation plus exacte des sévices soufferts par les anciens prisonniers de guerre, lesquels se manifestent en aucun temps après la démobilisation.

Nous demandons qu'on accorde aux anciens prisonniers de guerre la reconnaissance quant à l'origine et à l'aggravation de leurs infirmités, comme ayant été encourues durant leur temps passé dans les camps de prisonniers de guerre.

Il ne fait aucun doute que la cause et l'aggravation de certaines infirmités durant la captivité n'ont pas été bien repérées lors du licenciement ou bien, avaient été considérées de nature bénigne et sans danger, mais que plus tard sont devenues de nature telle à présenter une sérieuse infirmité et la cause directe d'un vieillissement précoce.

Si un ancien prisonnier de guerre semble avoir moins de résistance à certaines maladies, ceci nous croyons est dû sans contredit à l'influence de la captivité sur l'origine de ces maladies.

Si la captivité a influencé l'origine des infirmités, la cause de ces origines doit être reconsidérée, même si un peu sur le tard la preuve des infirmités n'est pas accordée du point de vue de la législation présente, ces anciens prisonniers de guerre devraient être accordés le bénéfice du doute.

Les suites tardives de la pathologie de la captivité n'est pas un piège ou une supposition toute gratuite, mais un fait bien réel qui s'affermit et se prouve de jour en jour.

Il est conséquemment légitime de dire que la promiscuité, la nourriture, le climat et toutes les autres conditions imposées aux prisonniers de guerre, soient acceptées comme base pour une pathologie différente de celle des populations sédentaires.

[*Texte*]

The repetition of stress, which does not exist in normal life, is capable of causing injuries which might only appear later on, its evolution may be long and insidious and caused by involuntary circumstances.

Under difficult hygienic conditions, poor nutrition and hospital care, infectious diseases must play a large part in the life of men in a P.O.W. camp.

Rheumatism plays an extremely important role in the case of heart muscles and vascular systems. Nutrition troubles and dystrophia can cause high albumen losses and various avitaminosis. There is also the grave situation where a psychosomatic state is induced into the P.O.W. by alimentary privations, physical and moral coercions.

We submit that the repercussion of captivity manifested itself at the level of all organs of the bodies of the P.O.W.'s. These symptoms continue to show themselves and the disturbances which characterise them become more frequent and noticeable as our comrades grow older.

We now come to a premature conclusion.

Although the problem of pensions for ex-P.O.W.'s cannot constitute a general rule, there are, nevertheless, particular cases, individual and far from exceptional cases, special affections for which a scale of pensions should be established. Once these individual cases all have been specified, they should be submitted to medico-military tribunals, which have as their function the solution to our problems.

The Ex-Prisoner of War Associations, together with the help of our medical and pension commissions and with the help of the World Federation of Ex-Servicemen, should try to obtain from our government a practical means of adapting the existing legislation.

We ex-prisoners of war who have all known the same horror of war, the sweetness of peace and the price of liberty, can only hope that our pleas will be heard by those who are at the disposal of medical science and the peace of all men.

The rest, gentlemen, are excerpts from the debates of the House of Commons of which, I think, most of you are aware.

[*Interprétation*]

La répétition de contraintes qui n'existent pas dans la vie normale est capable de produire des infirmités qui n'apparaîtront que sur le tard, leurs évolutions étant lentes et insidieuses et amenées à la surface par des circonstances involontaires.

Dans des conditions d'hygiène lamentables, une nourriture insuffisante et déficiente, un système de soins médicaux rudimentaires, il n'est pas surprenant que les maladies de toutes sortes ont eu une grande part dans la vie de ces anciens prisonniers de guerre.

Le rhumatisme occupe un rôle extrêmement important dans les cas de maladies de cœur en ce qui a trait au système vasculaire.

Troubles de nutrition et dystrophie peuvent causer de grande perte d'albumine et aussi plusieurs sortes d'avitaminoses.

Il y a aussi une grave situation où un état de psychomatose est induit dans un ancien prisonnier de guerre par privations alimentaires, et sévices mentaux et moraux.

Nous disons que les répercussions de la captivité se présentent dans tous les organes du corps des anciens prisonniers de guerre.

Que ces symptômes continuent de se manifester et que les troubles qui les caractérisent deviennent plus nombreux, et plus apparents à mesure que nos camarades vieillissent.

Nous en venons maintenant à une conclution initiale, peut-être prématurée.

Bien que le problème des pensions pour les anciens prisonniers de guerre ne peut être considéré comme règle générale, il y a cependant des cas fort particuliers et individuels sans être des cas exceptionnels, où certaines affections devraient être mesurées selon un barème établi.

Une fois que tous ces cas individuels auraient été signalés, ils devraient être présentés à un tribunal médico-militaire, qui devrait avoir pour fonctions de trouver la solution à nos problèmes.

L'Association des Anciens Prisonniers de Guerre assistée de nos commissions de médecine et de pension, avec l'aide de la Fédération Mondiale des Vétérans devraient essayer d'obtenir de notre gouvernement des moyens pratiques à être adoptés dans la législation présente.

Les anciens prisonniers de guerre, qui ont connu les mêmes horreurs de guerre, les bienfaits de la Paix et du prix de la liberté, ne peuvent qu'attendre que nos demandes seront écoutées par ceux qui se dévouent à la science médicale et à la Paix mondiale.

Le reste se compose d'extraits des débats de la Chambre des communes, que vous connaissez.

[*Text*]

The Chairman: I wonder if we could append to the record without being read the extracts from the debates of the House of Commons. Is that agreeable to the Committee?

Mr. Giguère has indicated he would be pleased to answer questions on the brief. I have the following names: Mr. MacRae, Mr. Bill Knowles and Mr. Legault.

Mr. MacRae: Mr. Chairman, I wanted to ask our witness this particular question dealing with records. Yesterday we had the Hong Kong fellows and they told us that in most cases they had very little in the way of medical records for the time they were prisoners of war in Hong Kong. I gathered from your brief, at one point, that you were able to get very little in the way of records since you were released. Were your doctors not able to keep anything in the way of records that were brought back that would support your cases now?

Mr. Giguère: Many of our chaps were treated in prisoner of war camps by German doctors and so forth, but no record of that is available. Those records have been lost. You are aware that according to the Pension Act you have to relate what you are suffering from and the cause of it to the war.

To give you an example, this chap was wounded in battle, went to his medical officer and he subsequently went to the hospital. He has a record which shows his injuries which he can prove. We cannot. If we are suffering from a certain disease, naturally we cannot prove it unless we get the benefit of the doubt that the disease we are suffering from is due to our internment.

Mr. MacRae: Thank you. The second point, and I will be very brief, as I just have this one other question. I notice you refer in your brief in many cases to that principle of psychosomatic illness. I suggest to the witness that is a most important point; it is a very valuable point. In other words, even though in some cases a doctor cannot pinpoint an actual illness, yet psychosomatically the man is ill because of stress and strain. More and more, medical science is deciding that the stress and strain of such things as you men experienced, that is captivity with all of its privations and everything else, can have a very definite effect on a man's physiology—on his physical condition. I was pleased to see—and this is the end of what I am going to say, Mr. Chairman—that you are stressing the psychosomatic illness and the theory of stress. I believe it is vitally important to you for future submissions.

[*Interpretation*]

Le président: Maintenant on pourrait s'abstenir de lire les extraits et se contenter de les annexer au compte rendu d'aujourd'hui. Le Comité est-il d'accord?

M. Giguère va maintenant répondre à vos questions sur le mémoire. Monsieur MacRae.

M. MacRae: Monsieur le président, j'aimerais poser cette question au témoin à propos des dossiers. Hier, les anciens combattants de Hong Kong ont comparu et ils nous ont dit que, dans la plupart des cas, il n'y avait que très peu de dossiers médicaux qui remontent au moment où ils étaient prisonniers à Hong Kong. Dans votre mémoire, vous avez dit que vous n'aviez que très peu de dossiers médicaux sur votre état depuis votre licenciemment. Vos médecins n'ont-ils pas pu garder des dossiers qui pourraient appuyer votre cause?

M. Giguère: La plupart ont été traités dans des camps par des médecins allemands, mais il n'y a pas de dossiers. Vous savez qu'en vertu de la loi sur les pensions, il faut établir un lien entre la maladie ou sa cause avec la guerre. Par exemple, si quelqu'un est blessé au combat et hôspitalisé après la recommendation du médecin, il a une preuve. Quant à nous, nous n'en avons pas de preuve. Si nous souffrons d'une certaine maladie, il nous est impossible de prouver, à moins d'avoir le bénéfice du doute, que cette maladie provient de notre internement.

M. MacRae: Merci. J'aurais une deuxième question. Dans votre mémoire vous avez parlé de la maladie psychosomatique. C'est un argument de valeur. Même si, dans certains cas, le médecin ne peut pas repérer une maladie, il n'en reste pas moins que, du point de vue psychosomatique, la personne souffre de stress et de tension. De plus en plus, la médecine reconnaît que le stress et la tension du genre auquel vous avez été soumis peut engendrer des troubles physiologiques, voire physiques. Je termine en disant que je suis heureux que vous ayez souligné ce point.

[*Texte*]

Mr. Giguère: Thank you.

The Chairman: There are many people with their hands up. For your interest I was going to call on Mr. Legault, Mr. Stanley Knowles and Mr. Bill Knowles, if that is agreeable. I am rotating and trying to go to different corners of the room. Mr. Legault?

• 1015

M. Legault: Monsieur le président, une question, quand le témoin parle d'antipathie, est-ce que c'est nécessairement d'antipathie vis-à-vis le traitement reçu après la libération?

M. Giguère: Oui.

M. Legault: Une chose que je n'ai jamais bien comprise, c'est le but de cette attaque à Dieppe qui a eu lieu en 1942 et ceci a toujours été entouré d'un peu de mystère; y a-t-il de l'antipathie à cause du manque d'explication pour...

M. Giguère: Non, pas sur le but, le pourquoi, les causes ce n'est pas cela, c'est surtout à l'égard des traitements reçus après. D'abord, plusieurs de mes camarades, s'ils se présentent au ministère des Anciens combattants où, naturellement il y a des lois, ils sont obligés de s'y soumettre et parfois, ils se voient privés de certains traitements, en vertu des règlements en vigueur. Je ne sais pas si vous êtes au courant, mais pour avoir droit aux traitements il faut, premièrement, ne pas être pensionné, si on a fait du service outremer, on peut avoir un examen médical, un point, c'est tout. Maintenant, si un ancien combattant est pensionné, il peut être traité pour la maladie qui a amené sa mise à la retraite.

Alors, le prisonnier de guerre qui, comme moi, et il y en a plusieurs, n'a pas été blessé et ne reçoit pas de pension, peut recevoir un examen médical, mais il ne peut pas être traité. Alors, il se dit: «eh bien, je suis un ancien combattant, j'ai été prisonnier de guerre et je suis malade»; il est à noter que plusieurs de ces combattants de Dieppe souffrent de troubles d'estomac et tout cela, et ils ne peuvent pas être traités, tandis qu'ils en voient d'autres qui le sont.

Je vais vous citer un cas: un récipiendaire de l'allocation des anciens combattants peut être traité de «a» à «z», la même chose se produit dans le cas d'anciens combattants des forces alliées. Un Italien, qui a servi lors de la Première guerre mondiale, reçoit l'allocation et il va être traité dans un hôpital du ministère, tandis que l'ancien combattant canadien, qui a servi à Dieppe, comme il ne reçoit pas de pension, il ne peut être traité. Il faut qu'il soit pensionné. Alors, c'est de là que vient cette antipathie En bon Canadien, bien, il dit: «I am fed up»!

[*Interprétation*]

M. Giguère: Merci.

Le président: Je vois qu'il y a plusieurs personnes qui voudraient parler. Je vais accorder la parole à M. Legault, M. Stanley Knowles et M. Bill Knowles, si vous êtes d'accord. Monsieur Legault. (Monsieur le président, une question...)

Mr. Legault: Mr. Chairman, when the witness talks of antipathy, is it necessarily antipathy with regard to the treatment received after the liberation?

Mr. Giguère: Yes.

Mr. Legault: There is something that I have never understood fully, and that is the purpose of the Dieppe attack in 1942. This has always been shrouded in mystery. Is there antipathy because of a lack of explanation...

Mr. Giguère: Not with regard to the aim, the reason, the causes. It is especially with regard to treatment received afterwards. Several of my comrades who go to the Department of Veterans Affairs, which naturally has its own rules, have to abide by the latter and are sometimes deprived of certain treatments due to the rules that are in force. I do not know whether you are aware of it, but to be eligible for treatments one must in the first place not be pensioned, and if one has had overseas service, he may have a medical examination and that is all. If a veteran is pensioned, he may be treated for the illness which caused his being pensioned.

Now, prisoners of war who, like myself and there are many of them, have not been wounded and do not receive a pension, can have a medical examination, but they cannot be treated. Then they say: I am a veteran, I was a prisoner of war and I am ill. It should be noted that several of the Dieppe veterans suffer from stomach ailments and yet they cannot be treated, while there are many others who are treated.

I shall cite a case: someone who is entitled to veterans' allowance may be treated from "a" to "z", and the same applies to veterans of the allied forces. An Italian who served in the First World War is eligible for an allowance and is treated in one of the Department's hospitals, while the Canadian veteran who was in Dieppe cannot be treated because he is not a pensioner. He must be a pensioner. This is where the antipathy stems from and thus, as a good Canadian, he says: I am fed up!

[*Text*]

M. Legault: Alors . . .

M. Giguère: Il y en a d'autres qui ont fait des tentatives au tout début, après la guerre, mais après avoir essuyé un refus ils ne se sont pas entêtés. Il y en a qui ont une certaine position, alors ils vont voir leur médecin.

Le président: Quel pourcentage des anciens combattants de Dieppe sont pensionnés?

Mr. Giguère: A survey was made recently by the Canadian Pension Commission and I believe it was approximately 60 per cent, but these pensions were due directly to wounds, certain ailments or symptoms that were caused by the raid and not by different diseases or symptoms sustained afterwards.

M. Legault: Alors, vous voulez nécessairement mettre en évidence votre désir d'être favorisés du bénéfice du doute.

M. Giguère: Favorisés oui, on ne peut pas...

M. Legault: Peut-être pas favorisés mais peut-être reconnus...

M. Giguère: Oui, on veut avoir le bénéfice du doute.

M. Legault: ... touchant la question du bénéfice du doute.

M. Giguère: La seule chose en laquelle nous croyons, la seule possibilité, la seule façon, c'est en subissant un examen médical sur les mêmes bases que celles établies envers les prisonniers de Hong Kong. Nous ne nous comparons pas à eux en ce qui a trait aux mauvais traitements, mais nous voulons avoir le même principe de base pour l'examen médical que les prisonniers de Hong Kong, c'est-à-dire que les prisonniers de guerre de Dieppe soient appelés par le ministère, qu'on leur fasse subir un examen médical: un examen médical de «a» à «z» et non pas un examen de clinique où le médecin ne fait qu'ausculter. Comme nous avons souffert de malnutrition ou de choses semblables, les malaises se font surtout sentir à l'estomac, il se forme des ulcères, etc. Alors tout profane que je sois, j'estime que la seule façon pour un médecin de savoir s'il y a des ulcères, c'est de faire subir un examen au baryum.

Nous avons subi un examen médical, après le service, en 1946, mais très peu ont passé un examen au baryum, pour savoir exactement s'ils avaient des maux d'estomac. Quelques annés plus tard, des ulcères se déclarent, ce qui est normal après avoir souffert de malnutrition. L'estomac est rapetissé, alors les troubles viennent surtout de là. Ensuite viennent

[*Interpretation*]

Mr. Legault: Then...

Mr. Giguère: There are others who made certain attempts right at the beginning, after the end of the war, but after being refused they gave up. Some of them have a certain position and they see their own doctor.

The Chairman: What is the percentage of Dieppe veterans who are pensioned?

M. Giguère: Une étude a été faite par la Commission des pensions, et je crois que le chiffre était d'environ 60 p. 100, mais ces pensions étaient attribuées à certaines blessures ou certaines symptômes causés par l'attaque même de l'ennemi et non pas à des maladies survenues après.

Mr. Legault: So, necessarily, you wish to emphasize your desire to be favoured under the principle of the benefit of the doubt.

Mr. Giguère: Yes, favoured. One cannot...

Mr. Legault: Perhaps not favoured but recognized...

Mr. Giguère: Yes, we want to have the benefit of the doubt.

Mr. Legault: ...with regard to the question of the benefit of the doubt.

Mr. Giguère: The only thing in which we believe, the only possibility, the only way, is to have a medical examination on the same basis as those established for Hong Kong prisoners. We do not compare ourselves to them with respect to ill treatment, but we want to have the same basic principle for the medical examination as the Hong Kong prisoners, which means that the Dieppe POW's be called by the Department and be subject to a medical examination.

That is, a medical examination from "a" to "z", and not a clinical examination where the doctor merely sounds one's chest. As we have suffered from malnutrition or similar things, the stomach in particular has been affected, and we have stomach ulcers, and so forth. Hence, although I am but a layman, I believe that the only way for a doctor to find out whether there are any ulcers, would be to give a barium test to the patient.

Although we passed a medical examination after leaving the service, in 1946, very few had a barium test made to see whether they had any stomach disease. So a few years later, ulcers appear, which is normal after having suffered from malnutrition. The stomach has shrunk and this is where the trouble comes from. And then there are psychic and

[*Texte*]

les troubles psychiques, mentaux. Qu'est-ce qui reste? Voici un exemple: un ancien combattant de Dieppe qui se trouve handicapé et ne peut pas prouver que c'est dû à son service, n'est pas éligible pour une pension; il ne lui reste que l'allocation aux anciens combattants. C'est tout.

M. Legault: Merci, monsieur le président.

The Chairman: Mr. Stanley Knowles and Mr. William Knowles.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, in the case of the Hong Kong veterans—and I think we are all impressed with the similarity of the two groups—we were given certain statistics either by the Hong Kong Veterans Association, or by the Department. Does Mr. Giguère have these? If not, Mr. Chairman, perhaps you could flag it as something to be given to us.

I gather that there were 1946 taken prisoner, 72 of whom died during the period of captivity, leaving 1874 who were released. How many of those are still living, how many are on pension and how many of those on pension are at 48 per cent or higher?

Mr. Giguère: As I said, Mr. Knowles, the Canadian Pension Commission made a survey recently on veterans who were receiving pensions. The files of 208 were reviewed, along with 392 additional files taken at random; so that with the 200 original files a total of 800 files were examined. This constitutes almost half of the total known POW's resulting from the invasion and provides a very comprehensive sample. A copy of our finding is attached to the review. It is significant that in this group only 50 per cent are in receipt of pension.

Mr. Knowles (Winnipeg North Centre): Fifty per cent of the 800?

Mr. Giguère: That is what it says here. Whereas of the Hong Kong group it is 90 per cent. Naturally, that was different. Although, as I mentioned previously, most of our chaps who are pensioned are pensioned for wounds sustained during the raid. This has been proven, and this is obvious, because the records are on file, and so on; it is easy. But there are pensions for other symptoms that could be related to our internment. I am sure that if a survey were made and we were given the benefit of the doubt that certain symptoms were caused by our internment, they would amount, perhaps not to as many as those, but close to it. There are many veterans today who could be in receipt of a

[*Interprétation*]

mental troubles. So what is left to them? Take the case of a Dieppe veteran who is handicapped and cannot prove that it is attributable to his period of service. He is not eligible for veterans' allowance. All he has is the veterans' allowance. That's all.

Mr. Legault: Thank you, Mr. Chairman,

Le président: Monsieur Stanley Knowles. Monsieur William Knowles.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, dans le cas des anciens combattants de Hong Kong, nous sommes tous frappés par la similitude qui existe entre les deux catégories. L'Association des anciens combattants de Hong Kong ou le ministère nous a communiqué certains chiffres statistiques. Monsieur Giguère les a-t-il? S'il ne les possède pas, vous pourriez peut être nous les faire parvenir. Je constate qu'il y a eu 1946 prisonniers, dont 72 sont morts en captivité. Les survivants ont été libérés. Pouvez-vous nous dire combien d'eux vivent encore, combien bénéficient de pensions et combien de ceux-là ont pu toucher des pensions de 48 p. 100 ou plus?

M. Giguère: Monsieur Knowles, la Commission canadienne des pensions a récemment fait le relevé des anciens combattants qui reçoivent des pensions. Elle a revu 208 dossiers et examiné 392 autres dossiers choisis au hasard. En tout, elle a examiné 800 dossiers compte tenu des 200 premiers dossiers. C'est presque la moitié du nombre total des soldats faits prisonniers pendant l'invasion et c'est un échantillon très représentatif. Un exemplaire de la liste de nos constatations est annexé au compte rendu. Il est significatif que seulement 50 p. 100 de ceux qui appartiennent à cette catégorie reçoivent une pension.

M. Knowles (Winnipeg-Nord-Centre): 50 p. 100 des 800?

M. Giguère: Oui, c'est ce que l'on dit ici. Dans le groupe de Hong Kong, le pourcentage est de 90. Évidemment, c'était un cas différent. Mais, comme je l'ai expliqué plus tôt, la plupart de nos pensionnés le sont à cause de blessures subies durant le raid. C'est évident, parce que tout est consigné dans des dossiers. Mais certaines pensions sont accordées pour des maladies qui pourraient découler de notre période de captivité. Si l'on faisait une étude et si l'on découvrait, même en vertu du principe du bénéfice du doute, que certaines maladies sont dues à la période de captivité, on pourrait augmenter le pourcentage de notre groupe presque au niveau de celui du groupe de Hong Kong. Bien des anciens com-

[*Text*]

pension but for the way the pension legislation is written. There is now a White Paper on it and they have mentioned in the fourth paragraph the benefit of doubt—that they might review it—but we do not know how far they will go.

Mr Knowles (Winnipeg North Centre): The benefit of the doubt provision, of course, as mentioned in the White Paper, is to apply to all veterans.

Mr. Giguère: That is right.

Mr. Knowles (Winnipeg North Centre): But I gather you feel that Dieppe prisoners of war should receive treatment similar to those of Hong Kong?

Mr. Giguère: Yes.

Mr. Knowles (Winnipeg North Centre): Namely, 50 per cent if there is an assessable disability?

Mr. Giguère: That is exactly what we want. That is actually what we should have.

• 1025

Mr. Knowles (Winnipeg North Centre): I get the impression that because of the different experiences that you fellows went through in Dieppe more of your comrades seem not to want to talk about it than in the case of Hong Kong. We are told that we know about all of the Hong Kong boys but eight, but apparently in your case there are quite a few we should be seeking out.

Mr. Giguère: I will tell you, Mr. Knowles. I have been looking after the Dieppe veterans in Montreal, and we are the oldest branch. At first it started as a small association to commemorate the Dieppe Raid, which we have done for the past 15 years. We do not want the people of Canada to forget Dieppe. That was our main purpose.

But I find that we have difficulty in getting them interested in our association. We got them interested when the war claims commission agreed that we suffered maltreatment and gave us reparation, the first being about 50 cents per day for each day that it was considered involved maltreatment. The second time it was half of what we had received. Then the chaps got a bit interested, but we had a lot of trouble. I managed to get 172 members in my branch, which is one of the largest branches. But there is apathy. There is not much interest in the financial aspect.

First it is the treatment we are after so that we can go into a veterans' hospital as a

[*Interpretation*]

battants pourraient toucher aujourd'hui une pension, n'était la teneur de la Loi sur les pensions. Je vois maintenant qu'il y a un Livre blanc, qui parle du bénéfice du doute au quatrième paragraphe, mais dans quelle mesure les dispositions seront généreuses, je l'ignore.

M. Knowles (Winnipeg-Nord-Centre): Le bénéfice du doute mentionné dans le Livre blanc s'appliquera à tous les anciens combattants?

M. Giguère: C'est exact.

M. Knowles (Winnipeg-Nord-Centre): Si je comprends bien vous êtes d'avis que les prisonniers de Dieppe devraient jouir des mêmes avantages que ceux de Hong Kong.

M. Giguère: Oui.

M. Knowles (Winnipeg-Nord-Centre): 50 p. 100 dans les cas d'invalidité qui peuvent être évalués?

M. Giguère: C'est ce que nous réclamons. C'est ce que nous méritons en fait.

M. Knowles (Winnipeg-Nord-Centre): J'ai l'impression que, à cause des expériences que vous avez connues à Dieppe, un plus grand nombre de vos camarades ne désirent pas en parler comme le font les anciens combattants de Hong Kong. On nous dit que nous connaissons tous les combattants de Hong Kong sauf huit.

M. Giguère: M. Knowles, je me suis occupé des anciens combattants de Dieppe à Montréal. Nous avons constitué il y a 15 ans notre petite Association pour commémorer le raid de Dieppe. Nous ne voulons pas que les gens du Canada oublient Dieppe. Mais, il est difficile d'attirer leur attention sur notre Association. Nous avons suscité leur intérêt lorsque la Commission des réclamations de guerre a convenu que nous avions subi de mauvais traitements et nous a accordé des indemnités, la première fois, une indemnité de 50 cents par jour pour chaque jour de mauvais traitements; la seconde fois, une indemnité égale à la moitié de la première. Dès lors les gens se sont un peu intéressés à nous, mais nous avons eu beaucoup d'ennuis. J'ai réussi à recruter 172 membres pour ma section. Mais l'indifférence règne. L'aspect pécuniaire nous intéresse peu. Ce qui nous intéresse d'abord c'est de pouvoir visiter les hôpitaux des anciens combattants en qualité d'ancien combattant de Dieppe et d'obtenir le traitement des maladies que nous avons con-

[*Texte*]

Dieppe veteran and get treatment for different diseases and so on that may be due to our internment. I am not a doctor. I cannot say exactly which disease is related directly to the internment. This, I think, is our main concern.

Mr. Knowles (Winnipeg North Centre): This very apathy is an indication of the seriousness of what you suffered?

Mr. Giguère: That is right. As I mentioned they are just fed up. It is a shame, in a way. I do not say this because I was there, but I saw these chaps land in Dieppe. Even the Germans were surprised to see them land. My unit landed at 7.30 in the morning in bright sunshine and bullets were pouring into the water. I really thought it was raining. I was not hit but a lot of chaps were. It was unbelievable to see that bunch of chaps. Even the Germans were surprised to see them land. The Germans were not two miles away, and they were right on the top of the cliff.

One thing you gentlemen are probably not aware of, except for Mr. Lambert, is that we were maltreated. We were tied with ropes for one month and chained for 13 months. Ido not know whether or not you are aware of that. If that was not maltreatment I do not know what is. I have the piece of rope that I was tied with. Our hands were bound 12 hours a day. We had to go to the bathroom with our hands tied. Try it some time, gentlemen. Our chains were put on at 7 o'clock in the morning and removed at 8 o'clock at night. We were handcuffed, with chains about one and a half feet apart. We were subjected to that for 13 months. Why did the Germans tie us up? Perhaps some of the members can answer that. The Germans did not tie us up because we were Canadians.

The Chairman: Mr. William Knowles?

Mr. Knowles (Norfolk-Haldimand): Thank you, Mr. Chairman. Certain of the questions I was going to ask cousin Stanley has already covered. I think if the statistics on the number of Dieppe fellows who are still living could be made available they would be helpful to us.

Mr. Chairman, can our witness tell us how many requests for pension and/or treatment have been made to the Commission and have been refused for the reasons suggested in his brief? Could you tell us?

Mr. Giguère: I am not sure.

Mr. Knowles (Norfolk-Haldimand): Have there been many?

[*Interprétation*]

tractées pendant notre captivité. Je ne suis pas médecin, et je ne sais pas exactement quelles maladies peuvent découler directement de notre emprisonnement.

M. Knowles (Winnipeg-Nord-Centre): Alors cette indifférence est une indication de la gravité de vos souffrances?

M. Giguère: Vous voulez dire que les gens en ont assez, qu'ils sont dégoûtés? Je les ai vus au combat à Dieppe. Même les Allemands étaient surpris de les voir débarquer. Mon unité a débarqué à 7 h. 30 du matin par un soleil brillant. Les balles pleuvaient dans l'eau. Elles ont atteint un grand nombre de mes compagnons. C'était incroyable de voir ces gens. Même les Allemands étaient surpris. Les Allemands étaient sur le sommet d'un promontoir à deux milles de distance.

Vous ignorez peut-être, sauf monsieur Lambert, que nous avons subi de mauvais traitements. Nous avons été liés avec des câbles un mois durant et nous avons été enchaînés pendant 13 mois. N'était-ce pas là un mauvais traitement. Nous avions les mains liées 12 heures par jour. Il fallait aller à la toilette les mains liées. Essayez d'y aller, messieurs les mains liées. Nous étions enchaînés de 7 heures du matin à 8 heures du soir. On nous enchaînait les mains à la file, à environ un pied et demi les uns des autres. Cela dura 13 mois. Pourquoi nous liaient-ils? Ils ne nous liaient pas parce que nous étions canadiens.

Le président: Monsieur William Knowles.

M. Knowles (Norfold-Haldimand): Merci, monsieur le président. Réponse a été donnée à certaines des questions que j'allais poser. Il y a un certain nombre de participants à la guerre de Dieppe qui vivent encore, et je pense qu'on pourrait nous communiquer les renseignements qui nous seraient utiles. Je me demande, monsieur le président, si le témoin pourrait nous dire combien de demandes de pensions ou de traitements ont été présentées à la Commission et combien ont été refusées à cause des raisons mentionnées dans son mémoire? Est-ce qu'il y en a eu plusieurs, un grand nombre?

M. Giguère: Je ne suis pas certain.

M. Knowles (Norfolk-Haldimand): Est-ce qu'il y en a eu plusieurs?

[*Text*]

Mr. Giguère: In Montreal, my area, I would say about 60 to 70 per cent of the chaps who are not receiving pensions have applied.

Mr. Knowles (Norfolk-Haldimand): And have been turned down.

Mr. Giguère: Were turned down because they could not relate...

Mr. Knowles (Norfolk-Haldimand): Because they could not prove...

• 1030

Mr. Giguère: They could not relate their disease to their internment as prisoners of war. That is why.

I now come back to the White Paper and the benefit of the doubt clause.

The benefit of the doubt is all right but, as Mr. Knowles was saying, that is general. I know you are aware that the Canadian Pension Commission made a survey of the chaps who are receiving pensions for certain wounds, but unless the chap has been to a hospital lately and has had a complete medical checkup, they do not have a complete medical history on file. There are some chaps who are receiving pensions for shrapnel wounds or other different kinds of wounds where the disability is permanent, and they just go for a review once every year or every four years. They are just seen by a pension doctor for that wound and that is it. They have not done a complete checkup on him unless he has been to a DVA hospital lately. When he goes to the hospital he gets a complete checkup, blood test and all, and that is what we want.

We want a complete checkup. That is the only way for the government to be sure that we have been taken care of. They are now going on certain statistical information but I think there should be a complete checkup on the same basis that the Hong Kong prisoners of war had two or three years ago.

Mr. Knowles (Norfolk-Haldimand): Would it be helpful if he were to cite a specific case that he is familiar with that has appeared before the Pension Board and has been refused?

Mr. Giguère: I have one here.

Mr. Knowles (Norfolk-Haldimand): If it would not take too long, Mr. Chairman. We might understand the problem better, I do not know.

[*Interpretation*]

M. Giguère: Dans ma région, celle de Montréal, de 60 à 70 des personnes qui ne reçoivent pas une pension ont fait une demande.

M. Knowles (Norfolk-Haldimand): On a refusé de leur accorder une pension.

M. Giguère: Oui.

M. Knowles (Norfolk-Haldimand): Parce qu'ils ne pouvaient présenter des preuves.

M. Giguère: Ils ne pouvaient pas démontrer que leur maladie était une conséquence de leur captivité.

Je reviens maintenant au Livre blanc et à la clause dite «Bénéfice du doute».

Il faut en tenir compte comme M. Knowles l'a dit, je sais que la Commission canadienne des pensions a fait une enquête, parmi les membres qui reçoivent une pension. Pour certaines blessures reçues, on n'a pas de dossier médical complet à moins que le combattant ait été à l'hôpital et qu'il ait passé un examen médical complet. Il y en a certains d'entre-eux qui reçoivent une pension pour des blessures de shrapnel ou pour des blessures diverses à cause desquelles ils sont désormais invalide d'une façon permanente. Ils passent un examen tous les ans, ou tous les quatre ans. Ils sont suivi par un médecin de la Commission des pensions, mais on ne leur fait pas d'examen complet, à moins que l'ancien combattant ait été hospitalisé dernièrement dans un hôpital d'anciens-combattants. Lorsqu'il va à l'hôpital, il subit un examen médical complet, test, sanguins, etc...

C'est ce que nous voulons, un examen médical complet. C'est la seule façon pour le gouvernement de savoir qu'on prend soin de nous. Je n'ai pas toutes les statistiques mais en tout cas c'est la seule façon, je pense, pour le gouvernement de savoir où nous nous situons dans ce domaine, tout comme on l'a fait pour les prisonniers de Hong Kong il y a deux ans.

M. Knowles (Norfolk-Haldimand): Est-ce qu'il serait utile de préciser des cas particuliers, pourriez-vous nous donner des exemples de personnes qui se sont présentées à la Commission canadienne des pensions et qui ont essuyé un refus?

M. Giguère: Monsieur le président, j'en ai un ici que je pourrais vous mentionner,

M. Knowles (Norfold-Haldimand): Si ce n'est pas trop long, on pourra peut-être mieux comprendre les problèmes.

[*Texte*]

Mr. Giguère: There is the case of a chap from London, Ontario and the commission ruled that he had functional dyspepsia of organic origin—this is tomach trouble—and they said that it was not attributable to the period of active force service. At the time of his discharge in 1946 he was reported fit and he only complained of poor appetite, but naturally in 1945 or 1946 we in particular were fed up and wanted to go home, we wanted to forget about everything, especially about being a P.O.W.

Mr. Knowles (Norfolk-Haldimand): Tell them anything in order to get out.

Mr. Giguère: He did not want to go back to hospital, so he just did not mention his illness. He struck it out, if you want to put it that way. However, he is now getting into his forties and fifties, and troubles are starting.

Another thing is dentition. We did a survey in Montreal about four years ago and, if I remember correctly, 80 per cent of our boys had false teeth.

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Mr. Knowles (Norfolk-Haldimand): I was also going to ask if your organization appeared before the Woods Commission to give your viewpoint?

Mr. Giguère: I do not think so, no. We were not given the...

Mr. Knowles (Norfolk-Haldimand): I was wondering if you had made any specific request of them. That would perhaps account for the fact that we do not see a specific reference to your people in the White Paper.

Mr. Giguère: Unless my other comrade, Mr. Leo Lesynski, did something, but I am not aware of it. It is only for the past year and a half or two years that we have been a national organization.

Mr. Knowles (Norfolk-Haldimand): Oh yes.

Mr. Giguère: We had a lot of trouble in bringing the boys together. It is a real fight to get them to stick together and get them to have confidence in an association.

Mr. Knowles (Norfolk-Haldimand): Mr. Chairman, I think this underlines the importance of this brief which is being presented to us this morning. There is no reference anywhere else for us to go by and in our recommendations we must use this and try to incorporate something in our report that will be of specific benefit to these people.

[*Interprétation*]

M. Giguère: Voilà, j'ai ici le cas d'un homme, de London, Ontario. La Commission a déclaré qu'il souffrait de dyspepsie fonctionnelle d'origine organique, c'est à dire de maux d'estomac, qui n'était pas selon eux attribuables au service de guerre. En 1946, lors de son licenciement, on a déclaré que cette personne était en bonne santé en quelque sorte, se plaignait d'avoir peu d'appétit. Évidemment en 1945-1946 nous voulions tous retourner chez-nous nous voulions tout oublier de la guerre et nous voulions surtout oublier que nous avions été prisonniers de guerre.

M. Knowles (Norfolk-Haldimand): Ils disaient n'importe quoi pour être licenciés.

M. Giguère: Il ne voulait pas aller à l'hôpital alors il ne mentionna même pas son mal. Mais maintenant il constate qu'il a 40 ou 50 ans et sa maladie remonte à la surface. Un autre problème concerne la définition. Nous avons fait une étude à Montréal, il y a à peu près 4 ans et il y avait environ 80 p. 100 de nos membres qui portaient de fausses dents.

M. Knowles (Norfolk-Haldimand): Est-ce que votre organisation s'est présentée devant le Comité Woods?

M. Giguère: Non, je ne pense pas. On ne nous a pas averti.

M. Knowles (Norfolk-Haldimand): Je me demandais si vous aviez fait des requêtes spéciales auprès du Comité Woods. C'est peut-être pourquoi on ne parle pas de vous dans le Livre blanc?

M. Giguère: A moins que mon camarade Léo Lesynski ait fait quelque chose, mais je ne suis pas au courant. Notre Association possède un statut national seulement depuis deux ans.

M. Knowles (Norfolk-Haldimand): Oh, je comprends.

M. Giguère: Maintenant c'est une véritable lutte que nous engageons pour nous unir et pour obtenir ce que nous voulons, pour avoir confiance dans notre Association.

M. Knowles (Norfolk-Haldimand): Ceci souligne l'importance du mémoire que vous présentez aujourd'hui. Je pense qu'on ne parle pas de vos membres dans aucune recommandation et je pense qu'il nous faudra utiliser votre mémoire pour ajouter quelque chose à nos recommandations qui seront appropriées quand nous rédigerons notre propre rapport.

[*Text*]

As a point of interest, and then I will not take any further time, you mentioned forced labour. A lot of publicity, of course, has been given to the forced labour camps that the Japanese conducted. We are all familiar with those, but I am not too familiar with the fact that the Germans also subjected our P.O.Ws to forced labour.

Mr. Giguère: You see, in a German camp anybody who was below the rank of sergeant was forced to work on a working party. After we had been tied up for a month and chained for 13 months—that was in Oberschlesien—they transferred us to northern Pomerania, and I think it was in 1943 that the first exchange of German prisoners with the British and Canadian prisoners took place, and when the German boys came back home they found out that they had been well treated in Canada, very well treated, compared to us.

Mr. Knowles (Norfolk-Haldimand): Yes, I guess so.

Mr. Giguère: And sent us to Pomerania in northern Germany and they separated us into groups of from 30 to 40 and we went to work on the farms—and there we worked!

Mr. Knowles (Norfolk-Haldimand): Without proper food.

Mr. Giguère: We had a bit more food because we could get vegetables, and things like that, but we worked during the harvest season. Most of us were city boys and we were not accustomed to farms, and there was no machinery on the farms there. You used your two hands and your two feet, and we used to work from sunrise to sunset.

Mr. Knowles (Norfolk-Haldimand): Thank you, Mr. Chairman.

The Chairman: I have a number of names on my list: Mr. Marshall, Mr. Lambert, Mr. Weatherhead, Mr. Bigg and Mr. Peters.

Mr. Marshall: I just have one question. Mr. Giguère, since the conditions that have resulted from your treatment as Dieppe prisoners of war are similar to that of the Hong Kong veterans, and the White Paper suggests that separate legislation will be enacted to provide for the Hong Kong veterans, do you believe that the same legislation should be enacted for the Dieppe war veterans?

[*Interpretation*]

Je ne prendrai pas beaucoup plus de temps mais vous avez parlé des camps de travail, de travail forcé. Nous savons tous que les Japonais en ont eus, mais ce que je ne savais pas c'est que les Allemands eux aussi ont fait travailler de force nos prisonniers de guerre.

M. Giguère: Dans les camps allemands, tous les soldats qui n'avaient pas au moins rang de sergent, devaient travailler. Après avoir été emprisonnés durant un mois et enchaînés pendant 13 mois en Haute Silésie, les Allemands nous ont transférés en Poméranie du nord. Je pense qu'en 1943 a eu lieu le premier échange de prisonniers entre les Allemands, les Britanniques et les Canadiens. Quand les Allemands sont revenus chez eux, ils ont constaté qu'ils avaient été bien traités au Canada, très bien traités même en comparaison de nous.

M. Knowles (Norfolk-Haldimand): Je pense bien.

M. Giguère: Et naturellement on nous a envoyés dans une région du Nord de l'Allemagne, en Poméranie et on nous a divisés en divers groupes de 30 à 40 personnes et nous sommes allés travailler sur des fermes, et là nous avons vraiment travaillé dur.

M. Knowles (Norfolk-Haldimand): Sans être suffisamment nourris.

M. Giguère: Nous pouvions avoir des légumes mais nous avons travaillé très fort. Nous avons fait des travaux de ferme durant les récoltes, nous n'étions pas habitués à cela. La plupart d'entre nous étions des gens de la ville et nous avons fait des travaux agricoles sans machinerie et nous avons travaillé avec nos mains et avec nos pieds, évidemment c'étaient les seuls instruments dont nous disposions et nous travaillions de l'aurore jusqu'au crépuscule.

M. Knowles (Norfolk-Haldimand): Merci monsieur le président.

Le président: J'ai sur ma liste les noms de M. Marshall, M. Lambert, M. Weatherhead, M. Bigg et M. Peters également.

M. Marshall: J'ai juste une question pour M. Giguère. Puisque les conditions qui ont résulté de votre situation de prisonniers de guerre de Dieppe sont semblables à celles des prisonniers de Hong-Kong, et que le Livre blanc prétend qu'il faut présenter une loi spéciale pour tenir compte du cas des prisonniers de Hong-Kong, pensez-vous qu'une loi similaire devrait être adoptée en ce qui concerne les prisonniers de Dieppe?

[*Texte*]

Mr. Giguère: Something similar to it although, as I said, we cannot compare ourselves to the Hong Kong veterans. We do not want to be compared to the Hong Kong veterans. The Hong Kong veterans are separate. We were in a different part of the world.

• 1040

Another thing is that when the Hong Kong prisoners of war were captured some of them had only been in the Army for four months. We went to war. When we went to Dieppe we were fully trained soldiers, we were fully sacked, we were strong, and some of us were able to survive. I am not taking anything away from them. We do not want to be compared with them because this is different—I know they suffered a lot.

Although we were full of life maybe we would have been in the same position as they were. However, we feel that we should be given special treatment by the government. If it is the same as them, okay, but I think we are special because we suffered maltreatment. This has been established by the War Claims Commission. It has been proven that we were chained, tied, made to work on farms, and forced to march. Don't forget that march. When the Russians broke the line in January most of our boys were put on the road and marched about an average of 15 to 20 miles a day. I marched 400 miles up to Hanover. We went across country and so forth and averaged from five to six days a week. We used to march from 7 o'clock in the morning to 6 o'clock at night. We used to sleep in barns and such places.

I do not know if you are aware, gentlemen, what we used to eat in a German camp. Our menu in the morning consisted of mint tea. Try it sometime, it is pretty good, we used to shave with it.

Then at noon we had soup. Some soup was called by the boys bed-board soup. It was soup made of cabbage or turnips and we never saw any meat in it. We had a very big table for 150 men. We used to get a restaurant size bowl of soup and that was our noon meal. Late in the afternoon we used to get some potatoes, not Canadian potatoes but the size of an old 50 cent piece. We averaged about four per man. Then we had bread—oh, yes, we had bread—German bread, one-seventh of loaf per day—about a slice and a half of a normal loaf of bread.

[*Interprétation*]

M. Giguère: Oui, je pense à une loi semblable même si comme je l'ai dit nous ne pouvons pas comparer notre situation à celle de Hong-Kong. Nous ne voulons pas être comparé aux gens de Hong-Kong parce que c'est un cas spécial, un cas séparé et il y a diverses façons de traiter cette question et ces gens-là viennent d'une autre partie du Canada également.

Ils ont aussi été sur un théâtre de guerre dans une autre région du monde.

Les prisonniers de Hong-Kong, quand ils ont été capturés, étaient dans l'armée depuis 4 mois à peu près, pour un certain nombre en tout cas. Dans notre cas, nous, nous sommes allés à la guerre et quand nous avons fait partie du raid de Dieppe, nous étions formés, nous étions entraînés depuis longtemps à la guerre, nous étions forts, nous étions capables de survivre à certaines difficultés de guerre. Je ne veux pas qu'on nous compare aux anciens combattants de Hong Kong parce que nous avons un cas différent. Je sais qu'ils ont beaucoup souffert.

Même si nous étions pleins de vie nous aurions pu être dans la même position qu'eux. Mais en tous les cas, nous estimons pour notre part qu'on doit nous donner un traitement spécial. Si le gouvernement veut nous donner le même traitement, très bien, mais en tous les cas, nous avons souffert de mauvais traitements et ceci a été prouvé; nous avons été enchaînés, nous avons été ligotés, on nous a obligés à travailler sur des fermes et à marcher. N'oubliez pas que nous avons marché. Quand les Russes ont enfoncé la ligne du front en janvier, la plupart de nos militaires ont été forcés de marcher environ de 15 à 20 milles par jour et j'ai marché de Maurienne à Hanovre, une distance de 400 milles. Nous marchions 5 ou 6 jours par semaine de 7 heures du matin jusqu'à 6 heures du soir. Nous couchions dans des fermes, dans des granges. Je ne sais pas si vous savez ce que nous mangions dans les camps allemands. Notre déjeuner consistait d'un thé à la menthe.

Le midi, nous avions une soupe faite de choux, de navets, il n'y avait jamais de viande. Nous avions une table qui servait à 150 hommes. Ensuite, vers la fin de l'après-midi, nous mangions des pommes de terre. C'était des petites pommes de terre grosses comme un .50¢; nous en avions peut-être quatre par homme et nous avions du pain bien sûr, du pain allemand. 1/7 de pain, c'est-à-dire une tranche et demie de pain par jour. Évidemment, quand on suit un régime pareil, eh bien, ça prend un bon nombre de mois avant de s'y habituer parce que je pense que la pire

[*Text*]

Naturally, if you are put on such a diet it takes quite a few months to get accustomed to it.

I can tell you it affects your mind, because I think hunger is one of the worst things. You would be surprised what a chap who is hungry can do. I hate to say this but a man can sell his own mother when he is hungry—and we were hungry because we were Canadian army soldiers and we were used to eating good food. We were not accustomed to that limited diet. This affected the morale of some of our boys. Putting all those things together, the only thing left for those chaps today is the war veterans' allowance and that is all. I know there is an austerity program going on. I am not against immigrants because Canada needs them and it is a good thing for Canada. I have nothing against the allied soldier because they fought with us and so on. However, any allied veteran is entitled to the war veteran's alowance. For an Italian chap to be eligible for such an allowance he had to serve in the First World War and he had to be in Canada for 10 years.

Take the case of a young Italian coming in after the war. After he is established here it is all right with the immigration department for him to bring out his father. That is a good thing. When his father comes he is 74 years of age and is still living ten years later. This man served in the First World War, he applied for the allowance, then he turned around after a year and went back to his own country, died there and we paid. If the government is rich enough to pay to that extent it should look after their own. We do not want to take anything away from them, but if it is rich enough to pay for such things it should at least take care of its own veterans. That is how we feel.

Mr. Marshall: Those are all the questions I had. I am just surprised that the Woods Commission did not interview the Dieppe prisoners of war.

The Chairman: Apparently there is no national association.

Mr. Giguère: As I said, we had difficulties. It was only a year and a half ago that we

[*Interpretation*]

chose c'est la faim. Je pense que quand un homme a faim, il peut vendre sa mère et nous étions vraiment affamés, nous étions faméliques, nous étions des soldats canadiens et nous mangions habituellement bien dans l'armée, nous avions de la bonne nourriture à manger et nous n'étions pas habitués à ce régime extrêmement sévère.

Ceci évidemment, affectait notre moral. Si vous groupez tous ces facteurs, alors, vous pouvez dire que tout ce qui reste à ces hommes à l'heure actuelle, c'est l'allocation de guerre mais je ne sais pas si vous êtes au courant de cette allocation. Je sais qu'il y a un programme d'austérité à l'heure actuelle, je ne suis pas évidemment contre les émigrants, le Canada a besoin d'émigration, c'est une bonne chose pour le Canada. Je n'ai rien contre les soldats alliés non plus, ils ont combattu avec nous mais si vous considérez l'allocation de guerre des anciens combattants, eh bien tout ancien combattant des pays alliés a droit à cette allocation, vous le savez bien sûr.

Prenons le cas par exemple d'un Italien qui est admissible, il doit avoir servi pendant la Première guerre et il doit être au Canada pendant 10 ans et celui qui est venu après la guerre, un italien par exemple, jeune et qui après un certain temps, fait venir son père, il s'établit ici, c'est très bien, il passe par l'émigration et quand il vient ici, il a 74 ans et il vit encore 10 ans plus tard. Cet homme a servi pendant la Première guerre, il a demandé l'allocation et puis après un an, il retourne dans son pays, meurt là-bas et nous avons payé.

Eh bien, si le gouvernement est assez riche pour payer des allocations semblables, je pense qu'il doit s'occuper des Canadiens. Nous ne voulons rien enlever aux émigrants mais s'il est assez riche pour payer cela, eh bien, je pense qu'il doit tenir compte de ses propres anciens combattants. Voilà ce que nous pensons.

M. Marshall: Eh bien, je suis surpris de constater que la Commission Woods n'a pas interviewé les prisonniers de guerre de Dieppe.

Le président: Apparemment, il n'y a pas d'association nationale.

M. Giguère: Nous avons eu des difficultés. C'est seulement depuis un an et demi que

[*Texte*]

managed to get the boys together. They are just plain fed up.

Mr. Marshall: Thank you, Mr. Chairman.

The Chairman: The next questioner, in addition to being a former Dieppe prisoner, is a former minister of veterans affairs.

Mr. Lambert (Edmonton West): Mr. Chairman, I am thankful for the opportunity of being able to be here. Perhaps my approach to this is a little subjective.

I would have hoped that Mr. Giguère would have included in his references last year's short debate on a resolution by Mr. McIntosh on this particular subject of treatment of prisoners of war. I had a good deal to do with that resolution and did speak on it.

I do not have too many questions to ask Mr. Giguère except perhaps to exchange, shall we say, levels of treatment at the hands of our hosts at the time and perhaps on medical examination after release. I would say though that for a long time, recognizing priorities; those of us who did speak on behalf of prisoners of war felt that the first priority were the Hong Kong veterans. As their case was desperate efforts were concentrated on them, and with some degree of success. On the other prisoners of war I have spoken many times and, privately and publicly, tried to establish a principle that the Department of Veterans Affairs should—you cannot dragoon them in—find as many ex-servicemen as possible who were prisoners of war. May I say here that I am not concentrating on the Dieppe prisoners. However, this brief put forward by the association today affords the opportunity of discussing the whole problem of treatment of prisoners of war.

Actually, more air force personnel were prisoners of war. There is in Canada no national association of war prisoners as there is in New Zealand. As a matter of fact in the New Zealand—I have been out with their association members—their association, next to the Legion, is the most powerful group of veterans in that country. Let me assure you that they have made their organization felt.

I have advocated all along that every veteran who has not had a full medical examination in recent years and is recorded with the Department of Veterans Affairs, or is a major pensioner, should be brought in and given a medical examination. There are any number of reasons, which we do not have to canvass here, for this being done. From a medical point of view it provides an excellent study of a body of men who went through generally

[*Interprétation*]

nous avons réussi à nous grouper. Tout le monde en a assez.

M. Marshall: Merci, monsieur le président.

Le président: Je pense que nous pouvons entendre un ancien prisonnier de Dieppe, l'ancien ministre des affaires de la Défense nationale. Je vous remets à M. Lambert.

M. Lambert (Edmonton-Ouest): Je vous remercie de m'avoir permis d'être ici. Je vais peut-être être un peu subjectif dans ce domaine-là.

J'aurais espéré que M. Giguère inclue une référence sur le débat de M. McIntosh l'année dernière au sujet du traitement des prisonniers de guerre. J'ai étudié moi-même cette résolution et je l'ai commentée. Je dirais que je n'ai pas trop de questions à poser à M. Giguère sauf peut-être pour échanger ce que nous pourrions appeler des niveaux de traitements en ce qui concerne les examens médicaux après avoir quitté l'armée. Je pense que ceux qui ont parlé au nom des prisonniers de guerre, ont reconnu que la première priorité, c'était Hong Kong. Leur cas était désespéré et on a polarisé nos efforts sur les prisonniers de Hong Kong et on a finalement obtenu un certain succès. Pour le reste des autres prisonniers de guerre, j'ai parlé plusieurs fois et j'ai essayé, je l'ai fait privément et en public et j'ai cherché à établir un principe à savoir que le ministère des Anciens combattants devrait essayer de chercher tous les anciens militaires et tous les anciens prisonniers de guerre. Je ne m'attache pas uniquement aux prisonniers de guerre de Dieppe mais je pense que ce mémoire de l'Association ici nous permet de discuter de toute la question du traitement des prisonniers de guerre.

Il y a par exemple plus d'aviateurs qui ont été prisonniers de guerre et au Canada, il n'y a pas d'Association nationale de prisonniers de guerre comme il y en a en Nouvelle-Zélande. Je suis allé là et j'ai été en contact avec leur association et après la légion, c'est le groupe le plus puissant d'anciens combattants dans ce pays-là. Et je puis vous assurer qu'ils ont créé une association puissante qui a su exercer une influence considérable.

En tous les cas, le point important c'est que tout ancien combattant qui n'a pas eu un examen médical complet ces dernières années et qui est inscrit au ministère des Anciens combattants et qui est un pensionné important devrait être convoqué à subir cet examen médical. Il y a de bonnes raisons à cela. Du point de vue médical, ceci fournit une excellente étude d'un groupe d'hommes qui ont subi les mêmes expériences, si on peut dire.

[*Text*]

the same physical conditions. Some were worse than others. I fully agree with what Mr. Giguère said, it is a down right shame that you have to wait for a prisoner of war to come more or less on his hands and knees to the department and say he is ill. Once he is there, sure, he gets good treatment. He is well received and is examined. Unfortunately though, our rules say that unless you can attribute your disability or your illness to war service you will not be entitled to a pension. But that is not good enough.

Those people should be brought in when they are apparently healthy because some conditions perhaps could be discovered in its infancy. Some of my colleagues may attribute to me a certain advancing senility, according to this brief, because I have been subject to these conditions.

But I want to re-emphasize that as much as I can, this psychosomatic condition of the prisoner of war. I could be here all day and recite to you examples of fellow POW's. There is my own case where after the war it used to take 15 or 20 minutes just to make up your mind to catch a train. It took some time. I know that at the time of medical examinations—oh, we were put into hospital at Farnborough and given as good treatment as could be given. It was for our own good. We did not particularly care for it at the time, because fellows had wives and girl friends and fiancees, friends they wanted to see, yet they were being held up four or five days in hospital.

You were given a thorough exterior medical examination and for those who were able to report certain symptoms and have them recorded on documents, this has been to their good. In my own case this was so in connection with a foot disability. But in the case of many men today—and I fully agree with Mr. Giguère—in Edmonton and Calgary where most of the people from my unit are concentrated, you can see this. Some of them are aging fast. Not as bad as Hong Kong, not at all, but you know when you consider food—Mr. Giguère has spoken about this—we had supplies of millet where you had to sort out the mouse droppings from the millet. It had the smell of it; you had lentils that had gone mouldy; you had smoked fish, and I do not know how any human being was ever expected to eat it.

In wintertime there were the cases of constant chilblains; all this sort of thing wears you down. Some men have been able to resist this much better, but so many others have not. The pressing case now is to establish the principle that all prisoners of war, whether

[*Interpretation*]

Mais je suis tout à fait d'accord avec ce que dit M. Giguère c'est-à-dire que c'est tout à fait honteux qu'il faille attendre qu'un prisonnier de guerre se présente au ministère pour dire qu'il était malade. C'est humiliant en quelque sorte. Il est bien reçu bien sûr, il est examiné mais à moins d'attribuer l'invalidité ou la maladie aux services de guerre, on n'a pas droit à la pension. Ce n'est pas suffisant.

Ces gens devraient être invités au ministère pendant qu'ils sont en bonne santé et de cette façon, on pourrait découvrir les troubles à leur début. D'après ce mémoire, certains de mes collègues prétendront que je souffre de sénélité—j'ai été soumis à ces conditions.

Je veux insister autant que je puis sur le fait que c'est l'état psychosomatique du prisonnier de guerre. Je pourrais passer la journée à vous citer des exemples de compagnons d'armes qui ont été prisonniers de guerre. Je puis même me citer en exemple, car après la guerre, il me fallait 15 à 20 minutes pour me décider à prendre un train. Il fallait y mettre le temps. Je sais que lors des examens médicaux, oh! on nous a hospitalisés à Farnborough où nous avons reçu le meilleur traitement possible. C'était pour notre bien. Nous n'y tenions pas tellement à ce moment-là, parce que les copains voulaient revoir leur femme, leur amie, leur fiancée ou leurs amis et ils étaient retenus à l'hôpital durant quatre ou cinq jours.

On nous soumettait à un examen complet et ceux qui ont pu faire part de certains symptômes, et en faire prendre note sur des documents, cela a tourné à leur avantage. En ce qui me concerne, il en a été ainsi au sujet d'une invalidité de pied. Mais pour ce qui est de nombre de personnes aujourd'hui—et je partage entièrement l'avis de M. Giguère—à Edmonton et à Calgary où se trouvent la plupart des gens de mon unité, on peut constater cela. Certains d'entre eux vieillissent rapidement. Rien de comparable à Hong Kong, non pas, mais quand on parle nutrition—M. Giguère a soulevé ce point—nous avons reçu des rations de millet dont il fallait retirer les crottes de souris. Le millet en avait l'odeur; les pois étaient moisis; quant au poisson fumé, j'ignore comment on a pu s'attendre à ce qu'un être humain en mange.

En hiver, c'était des engelures interminables; toutes ces choses vous minent. Certains résistent mieux, mais tant d'autres n'ont pas su. Ce qui est urgent pour le moment, c'est d'établir le principe que tous les prisonniers de guerre, qu'ils aient été en Italie—et laissez-

[*Texte*]

they were in the Italian—let me tell you many men who were in the Italian camps suffered equally; they did not have the cold, but they suffered too—all of these men should be examined, and then once you have seen the results you establish questions of benefit of the doubt.

I know men who were in hospital or in our camp—and our camp was possibly the best one as far as Dieppe prisoners of war were concerned—who underwent treatment and there was no record kept of it. There were certain conditions. I will cite you an example.

My own Squadron Leader, who was a World War I veteran, who was repatriated in 1943 because of severe ulcers, subsequently about eight or nine years ago developed tuberculosis. He had to go in for a period of convalescence. Well, there is entitlement under the Act for loss of earnings. The initial decision was that this was not attributable to war service, but fortunately on his documents from World War I and his chest X-ray when he entered the service in World War II, there was record of an old bronchial scar.

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We know that we were exposed to TB germs. We had many cases of active TB develop in our camp, and this man was exposed to it. I was a complete negative case when I went into the armed services, but when I came out of the prisoner-of-war camp in early 1946, the Department called us all in and gave us a TB test. Well, I just reacted instantaneously almost. We are all in the same position, having been exposed to it.

Fortunately as a result of attestations I was able to get from other men in our camp, this man was given the entitlement. But that is a hit-or-miss system, you see. Therefore, there is no documentation. I know there are two of my men, older chaps, who have died. They should be alive today, but they died prematurely, because of the privations they underwent. They subsisted on sugar beets that last winter. When you get a diet that is supposedly 1,200 calories—now I was healthy, I weighed 180 when I went in. I came out of there at 148. Mind you I have made good progress since. It took me two and a half years to regain my service weight. This is the case with many of them. There was this debility, and you do not do that to the human body without some damage.

Now, all I say is that I underline—I participated particularly with the Toronto

[*Interprétation*]

moi vous dire que ceux qui étaient dans les camps italiens ont souffert aussi; ils n'avaient pas à lutter contre le froid, mais ils ont souffert aussi—tous ces hommes devraient être examinés, et, par la suite, quand vous aurez vu les résultats, vous établirez les questions de bénéfice du doute.

Je connais des gens qui étaient dans un hôpital ou dans notre camp—et notre camp était peut-être le meilleur en ce qui concerne les prisonniers de guerre de Dieppe, qui ont reçu des traitements dont aucun dossier ne fait mention. Certaines conditions existaient. Je vous en donne un exemple. Mon chef d'escadron, ancien combattant de la première guerre mondiale qui a dû revenir en 1943 parce qu'il avait des ulcères graves, s'est vu atteint de tuberculose il y a huit ou neuf ans. Il a été convalescent pendant un certain temps. La loi prévoit une compensation pour la perte de salaire. Selon la première décision, il ne s'agissait pas là d'une séquelle de la guerre, mais heureusement, son état de service durant la première guerre mondiale ainsi que la radiographie prise à son entrée en service lors de la deuxième, indiquaient clairement la présence de cicatrices bronchiques.

Nous savions que nous avons été exposés au tacille de la tuberculose. Il y a eu plusieurs cas actifs dans notre camp et cet homme y a été exposé. Quand je suis entré dans les forces armées, j'étais sur ce point absolument négatif, mais quand je suis sorti du camp de prisonniers tôt en 1946, le ministère nous a fait subir un test à la tuberculine. J'ai présenté une réaction presqu'aussitôt. Nous sommes tous dans le même cas, vu que nous y avons été exposés.

Heureusement, fort des déclarations que j'ai pu obtenir d'autres personnes de notre camp, cet homme a eu droit à la pension. Mais comme vous le voyez, c'est par pur hasard. Il n'y a donc pas de dossiers. Je connais deux de mes hommes, des personnes plus âgées, qui sont morts. Ils devraient être vivants aujourd'hui, mais ils sont morts prématurément à la suite de privations. Au cours du dernier hiver, ils ont survécu en mangeant des betteraves à sucre, pendant l'hiver. Quand vous êtes soumis à une diète présumément de 1200 calories notez que j'étais en santé: je pesais 180 livres à mon entrée au camp. Quand j'en suis sorti, je pesais 148 livres. Je me suis remplumé depuis. Il m'a fallu deux ans et demi pour reprendre le poids que j'avais à mon entrée en service. Et il en est ainsi de nombre d'entre eux. Il y avait cette débilité, qu'on ne peut sans graves conséquences infliger à l'organisme.

Donc, je ne fais qu'insister—j'ai collaboré, plus particulièrement avec la succursale de

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branch putting forward this view—that these men should be re-examined, all prisoners of war, of whom there is no immediate record. It is not going to cost that much. But it will also give those veterans, restore to them, those people who become so frustrated, the opportunity to say: "At least they care." The fellow who gets the clean bill of health will feel a heck of a lot better. That is all I have to say.

The Chairman: I wonder if this would be a good time to have coffee. Mr. Guay, do you have a comment?

Mr. Guay (St. Boniface): My comment is short. Mr. Lambert has a lot of experience and there are a few things that intrigue me. No one knows better than he does about Dieppe. I was wondering if he brought this to the attention of his government when they were in power? I was not here at the time.

Mr. Lambert (Edmonton West): Yes, I did. But I will tell you that my prime concern was Hong Kong. Remember this, too, that it has become more and more apparent. I will tell you this, Mr. Guay, there was a question in the early years of 1950 to 1962 of getting veterans pensions up to a decent level. There was a great deal of work done. And remember there are certain things that can be done.

The Hong Kong case took an awful lot of persuasion. Why? I will not speculate, but there were great changes brought about in the Pension Commission, too, from the years 1958 to 1962. Do not, for goodness sake, underestimate or undersell the effect of men like Alf Brooks and Gordon Churchill as ministers. This was their prime interest. And I will say this, in all fairness to the Pension Commission, that they have to work within certain fixed rules and it is ourselves, Members of Parliament, and the public, who are prepared to accept this and bear the responsibility of what limitations you are going to put on the Pension Commission, in many instances.

Mr. Guay (St. Boniface): Mr. Chairman, the other question is a brief one.

The Chairman: I wonder if you could delay it until after our coffee break?

Mr. Guay (St. Boniface): It is all relative to this. I am as anxious to adjourn as the others, but would you know why the Woods Committee did not request this particular group to appear before them? From what has gone on this morning, it looks as if . .

[*Interpretation*]

Toronto, pour que soit adoptée l'idée—que ces hommes devraient être réexaminés, tous les prisonniers de guerre pour lesquels on ne possède pas de dossier. Il n'en coûtera pas si cher. Mais ces anciens combattants, qui deviennent si frustrés, se verront fournir l'occasion de dire: «Au moins, ils ne restent pas indifférents à notre égard». Celui qui sera déclaré en parfaite santé se sentira beaucoup mieux.

Le président: Ce serait peut-être le moment de prendre le café. M. Guay, je pense, a une question.

M. Guay (Saint-Boniface): Je serai bref. M. Lambert a beaucoup d'expérience et il y a quelques points qui m'intriguent. Nul ne connaît mieux que lui la question de Dieppe. Je me demandais s'il avait attiré sur cette question l'attention du gouvernement qui était alors au pouvoir. Je n'étais pas ici en ce temps-là.

M. Lambert (Edmonton-Ouest): Oui, je l'ai fait. Mais je me suis surtout occupé de la question de Hong Kong. Remarquez que celà devenait de plus en plus évident. Je vous dirai, monsieur Guay, qu'il s'agissait au cours des années 1950 à 1962, de relever les pensions à un niveau raisonnable. Il y a eu beaucoup de travail de fait. Et souvenez-vous qu'il existe un certain nombre de choses qui peuvent être faites.

Le cas de Hong Kong, nous a demandé beaucoup de persuasion. Pourquoi. Je n'élaborerai pas sur ce point, mais il s'est produit de grands changements dans la Commission des pensions de 1958 à 1962. De grâce, ne sous-estimez pas le travail accompli à titre de ministre par des hommes tels que Alf Brooks et Gordon Churchill. Ce fut leur centre d'intérêt. Et je dirai, en toute justice pour la Commission des pensions qu'il lui fallait travailler d'après des règlements qui lui avaient été fixés, tandis que c'est nous, les membres du Parlement, et le public, qui sommes prêts à accepter, à assumer la responsabilité des limites que vous fixez dans bien des cas à la Commission canadienne des pensions.

M. Guay (Saint-Boniface): Monsieur le président, mon autre question sera brève.

Le président: Pouvez-vous attendre après la pause-café?

M. Guay (Saint-Boniface): Elle se rattache au sujet. Je désire faire une pause autant que les autres, mais sauriez-vous par hasard pourquoi la commission Woods n'a pas demandé à ce groupe de se présenter devant elle. D'après ce que nous avons entendu ce matin, il semble que. . .

[*Texte*]

The Chairman: I believe the group was not formed until after the Woods Committee held its hearings.

Mr. Guay (St. Boniface): I see.

The Chairman: It is a national association, and it is only one year or a year and a half old?

Mr. Giguère: As a national association, yes.

Mr. Lambert (Edmonton West): May I add to that?

The Chairman : Yes.

Mr. Lambert (Edmonton West): I was having to do with the Toronto group and I remember there was a dinner in Toronto in 1967 which served as the 25th anniversary, but this provided, shall we say, the amalgam to form a national association. We had no national association of prisoners of war. As I said, the primary group is fom the Air Force. But these men belong to the Legion; they belong to other organizations, and there is no pressure group organized together. It may be that this was one area into which the Woods Committee might have looked, but who were they going to ask?

Mr. Bigg: On that same point, the Woods Committee heard everyone who wanted to present a brief. Even I as an individual was allowed to say all I wanted, and it was considerable.

The Chairman: We will adjourn for 10 minutes, then.

[*Interprétation*]

Le président: Je crois que l'association n'a été formée qu'après les audiences de la commission Woods.

M. Guay: Je vois.

Le président: C'est une association nationale, et elle n'a qu'un an ou un an et demi?

M. Giguère: A titre d'association nationale, oui.

M. Lambert (Edmonton-Ouest): Puis-je ajouter un mot?

Le président: Oui.

M. Lambert (Edmonton-Ouest): Je travaillais avec le groupe de Toronto et je me souviens d'un dîner à Toronto, en 1967, à l'occasion du 25e anniversaire, et qui a fourni l'occasion de former une association nationale. Nous n'avions pas d'association nationale de prisonniers de guerre. Comme je l'ai dit, le premier groupe était constitué d'aviateurs. Mais ces hommes sont membres de la Légion; ils font partie d'autes associations et il n'y a pas de groupe proprement organisé en vue d'exercer des pressions. C'est peut-être un domaine que la commission Woods aurait pu explorer, mais à qui aurait-elle pu s'adresser?

M. Bigg: La commission Woods a entendu sur ce point tous ceux qui ont voulu présenter un mémoire. J'ai pu moi-même, en tant qu'individu, dire tout ce que j'avais à dire, et c'était appréciable.

Le président: Bon, nous allons ajourner dix minutes pour le café.

AFTER RECESS

REPRISE DE LA SÉANCE

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The Chairman: Can we resume, please? I still have a number of names of members who have not been able to ask questions. The first is Mr. Weatherhead followed by Mr. Bigg and Mr. Peters and I believe Mr. Latulippe indicated he wanted to ask a question. I do not know whether there are any others. These are on my list so far. Mr. Weatherhead.

Mr. Weatherhead: Mr. Lambert's comments have been very helpful to all of us and particularly to me as a new member of this Committee. He covered a couple of points that I was going to ask Mr. Giguère about. I wonder Mr. Giguère whether you consider the Dieppe prisoners of war members of your association in a different light from those of

Le président: Pouvons-nous continuer, messieurs? J'ai sur ma liste un certain nombre de noms de membres du Comité qui n'ont pas encore réussi à poser leurs questions. En tête vient M. Weatherhead puis M. Bigg, M. Peters et, je pense, M. Latulippe qui voulaient aussi poser des questions. Je ne sais s'il n'y en a pas d'autres; ceux-ci sont sur ma liste, en tous cas. M. Weatherhead a la parole.

M. Weatherhead: Les commentaires de M. Lambert nous ont bien éclairés et ont éclairé particulièrement les nouveaux membres de ce Comité. Il a répondu à plusieurs des questions que j'allais poser à M. Giguère. Je me demande, M. Giguère, si vous considérez les prisonniers de guerre de Dieppe, membres de votre Association, comme étant dans une

[*Text*]

the other Canadian prisoners of war in the European countries of Germany and Italy?

Mr. Giguère: As I mentioned, when we were tied up we were the only ones except for maybe a certain group of the air force who were tied with us. We were the only ones who were tied up and chained. As far as how others were treated I guess we received the same treatment as other prisoners of other countries or other services like the air force.

Mr. Weatherhead: You were chained for I think you said 13 months and in the initial period also I think something worse than that happened to you? Was there a month to start with?

Mr. Giguère: Well, the forced march started after that. I started from where I was around January 20, 1945 and I marched until April 11, 1945. That was a forced march. We marched approximately 400 miles. That was from north Pomerania all the way up to Hanover.

Mr. Weatherhead: After you were captured in 1942 were you not treated worse that first month or so?

Mr. Giguère: After we were captured we

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were in France. We stayed about two weeks in France, then we were put in those boxcars, cattle cars—40 men and 8 horses. There was no horse with us but there would not have been any room anyway. We passed four days and three nights in those boxcars all the way to Germany. The Germans let us alone for a couple of weeks. I would say maybe three weeks because it was in October that we were tied with string at first. Inbetween that we were put in a camp and then we started our menu of—our diet. That is about what we went through. I was in Stalag 8B but some of our boys went to Stalag 9C and were immediately sent to the salt mines. They were forced to work in the salt mines. Unfortunately, there are no veterans here today who were there. There are some in my association, but they were unable to attend. They immediately started receiving harsh treatment in the salt mines.

Mr. Weatherhead: Did not all our prisoners of war over there have to do forced labour—

Mr. Giguère: Like I said—

[*Interpretation*]

autre situation que celle des autres prisonniers de guerre canadiens qui étaient internés dans les pays européens, en Allemagne et en Italie?

M. Giguère: Comme je l'ai expliqué, nous étions les seuls à être ligotés excepté peut-être un autre groupe de l'Aviation. Nous étions les seuls à être ligotés et enchaînés. Quant aux autres traitements, je pense que nous avons subi les mêmes traitements que les autres prisonniers, des autres pays et d'autres armes telles que l'aviation.

M. Weatherhead: Vous avez été enchaînés pendant treize mois, vous dites, et il y avait aussi une période initiale où vous avez connu des traitements encore pires. C'était pendant un mois, je suppose.

M. Giguère: De là je suis parti vers le 20 janvier 1945 et j'ai marché jusqu'au 11 avril 1945. C'était une marche forcée. Nous avons parcouru presque 400 milles. C'est-à-dire depuis la Poméranie septentrionale jusqu'à Hanovre.

M. Weatherhead: Le mois où vous avez été fait prisonnier en 1942, n'avez-vous pas été traité d'une façon pire ce premier mois ou pendant une période de temps plus longue?

M. Giguère: Après notre capture, nous

avons passé à peu près deux semaines en France. Après, nous avons été mis dans des fourgons, des wagons à bestiaux—40 hommes et 8 chevaux—il n'y avait pas de chevaux parmi nous mais il n'y aurait pas eu de place pour eux de toute façon et nous sommes resté quatre jours et trois nuits dans ces wagons jusqu'à notre arrivée en Allemagne. On nous a laissé tranquilles pendant quelques semaines, environ trois semaines, car c'est en octobre qu'on nous a ligotés avec des cordes. Entre temps, nous avons été mis dans un camp et mis au régime. Voilà les conditions que nous avons connues. J'étais au Stalag 8B, certains de nos compagnons ont été au Stalag 9C, ils sont allés immédiatement travailler dans les mines de sel. Malheureusement, il n'y a aucun de nos compagnons ici qui étaient dans ces mines. Il y en a quelques-uns dans mon association, mais ils n'ont pu venir. Dans ces mines, ils ont été traités de façon très dure.

M. Weatherhead: Est-ce que tous nos anciens prisonniers de guerre qui se trouvaient là n'étaient contraints de travailler?

M. Giguère: Comme je l'ai dit...

[*Texte*]

Mr. Weatherhead: —or did that apply only to all the non-commissioned people?

Mr. Giguère: It applied only to the non-commissioned people. I do not know if you are aware that in the German prison camp where I was—in Stalag 8B—there were, I would say, approximately 40,000 prisoners attached to that camp, but only 10,000 lived there, the others were on working parties. They were sent on working parties to different places outside the camp where they lived. I started working only in 1943 when we went to Pomerania where we lived in, if you will excuse the expression, a pig stall. They took the pigs out and put us in. There were 30 of us in a room 20 by 25 feet where there were three shelves for sleeping—10 men per shelf. We had no running water. We got our water from a well and the toilet was also outside.

Mr. Weatherhead: In your general knowledge of other prisoners of war, were they not treated as badly as this as far as their living conditions were concerned?

Mr. Giguère: We were practically on the same basis as far as treatment was concerned, except for the chains and the tying. Most of the prisoners in Europe were treated approximately the same. When you went on a working party you were on your own and were left to the discretion of your guards. So if you hit some bad guards, well, you had had it.

Mr. Weatherhead: Yes, and you mentioned the forced marches in the latter months of the war. I understand that most of our fellows had to go through forced marches unless they were in the middle of a country to start with.

Mr. Giguère: Yes, that is right because as the Russians advanced they evacuated the camps, but we found out that it was safer at that time to stay with the Germans than to take our chances with the Russians. We did not know the Russians. I understand some men who tried it never came back and others found out that it would have been better to have stayed with the Germans.

Mr. Weatherhead: Would you have any idea, Mr. Giguère, how many Canadian prisoners of war there were in Germany and Italy, in addition to the Dieppe veterans?

Mr. Giguère: Oh, I could not say. Mr. Lambert mentioned that there were a lot of Air Force boys including some Canadians although not many, who were captured, some of whom were captured in Italy and Sicily—I do not know about Sicily—I should say in Italy. There were others later, after the

[*Interprétation*]

M. Weatherhead: Ou cela s'appliquait-il seulement à ceux qui n'étaient pas officiers.

M. Giguère: Cela s'appliquait seulement à ceux qui n'étaient pas officiers. J'ignore si vous le savez dans le camp allemand où j'étais le Stalag 8B il y avait à peu près 40,000 prisonniers qui y étaient internés mais seulement, 10,000 vivaient dans le camp, les autres étaient répartis dans des groupes de travail et affectés à différents endroits en dehors du camp, où ils vivaient. Nous sommes allés en Poméranie, j'ai commencé à travailler en 1943, nous étions logés excusez l'expression dans une porcherie. Ils avaient fait sortir les porcs pour nous mettre à leur place. Nous étions 30 dans une baraque de 20 x 25 pieds; il y avait trois étagères pour dormir, 10 hommes par étagère. C'est là que nous dormions, l'eau était à l'extérieur et il fallait puiser l'eau d'un puits, les toilettes étaient aussi à l'extérieur.

M. Weatherhead: Est-ce que les conditions de vie, des autres prionniers de guerre, étaient semblables?

M. Giguère: Oui, nous subissions le même traitement, sauf les chaînes et les menottes, pour certains, la plupart des prisonniers en Europe ont subi le même traitement. Lorsqu'on faisait partie d'un groupe de travail on était soumis à la discrétion des gardiens si on avait la malchance d'avoir de mauvais gardiens alors c'était tant pis.

M. Weatherhead: Oui, vous nous avez dit que la plupart de vos compagnons ont dû faire des marches forcées vers la fin de la guerre sauf ceux qui se trouvaient au centre du pays.

M. Giguère: Oui, parce que les Russes avançaient ils évacuaient les camps. Nous avons pensé qu'il valait mieux rester avec les Allemands, plutôt que d'avoir affaire aux Russes, les Russes nous ne les connaissions pas. Je crois que certains qui ont essayé avec eux ne sont jamais revenus, les autres ont découvert après coup qu'il aurait mieux valu rester avec les Allemands.

M. Weatherhead: Monsieur Giguère, savez-vous le nombre de prisonniers de guerre canadiens qui ont été en Allemagne et en Italie en plus de ceux de Dieppe.

M. Giguère: Je ne pourrais le dire, Monsieur Lambert a mentionné qu'il y en avait beaucoup de l'aviation y compris certains Canadiens assez peu nombreux qui avaient été capturés en Italie et en Sicile. Pour la Sicile je l'ignore, mais en Italie et après l'ouverture du deuxième front, les premiers pri-

[*Text*]

second front, although the first Canadian prisoners—there were some before us, naturally—were the Air Force chaps. I have no statistics, but I would presume there would have been at least 5,000 to 6,000 Canadian prisoners of war including the Air Force.

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Mr. Weatherhead: Mr. Chairman, I wonder if Mr. Lambert would have any more information on that particular subject.

Mr. Lambert (Edmonton West): No, Mr. Chairman, except rule of thumb, but my view is that the Dieppe group, of course, provided the bulk of the army prisoners of war. There might have been no more than about 200 out of the whole Italian campaign and as far as the Air Force was concerned, I would judge that they would have been about 2 to 1. As Mr. Giguère said, I think the figure for Canadian prisoners of war was somewhere around 5,000, give or take a few hundred.

Mr. Weatherhead: Mr. Chairman, I was rather surprised to learn that there was no national prisoner of war association in Canada. I would have thought, having regard to the special circumstances they all went through, particularly the European ones, that there well might have been one. This may be one reason why there have not been as many advances made in this particular field in respect of prisoners of war as there have been in some other types of veterans' organizations.

Mr. Lambert (Edmonton West): I can give you the answer, Mr. Weatherhead. Most of the fellows want to forget it.

Mr. Weatherhead: Mr. Chairman, Mr. Giguère and Mr. Lambert both laid heavy emphasis on their desire to have the right for re-examination—medical examination—for prisoners of war. I gather now that unless they have some compensatable disability they do not have this right at the present time?

Mr. Lambert (Edmonton West): No, a veteran can go, but it is a question of will the man go on his own. This, as Mr. Bigg has said, is perhaps almost a begging approach if he goes along and says: "I would like to be examined." The Canadian Pension Commission will examine a man if he goes and explains the circumstances. What I feel should be done here is that they should hunt out the men and say: "We are prepared to give you the examination." It is psychological, I will admit, but it would do away with a

[*Interpretation*]

sonniers canadiens c'était des gars de l'aviation. Je n'ai pas de chiffres précis mais je croirais qu'il y avait du moins, selon moi, cinq ou six mille prisonniers de guerre canadiens y compris ceux de l'aviation.

M. Weatherhead: Monsieur Lambert pourrait-il nous donner des renseignements supplémentaires là-dessus?

M. Lambert (Edmonton-Ouest): Non, monsieur le président, mais d'après moi, le groupe de Dieppe constituait le groupe le plus important de prisonniers de guerre. Pour la totalité de la campagne d'Italie leur nombre n'a pas dépassé 200 et pour ceux de l'aviation, la proportion était de deux à un. Le chiffre des prisonniers de guerre canadiens était de 5,000 ou à peu près comme M. Giguère nous l'a dit.

M. Weatherhead: Je suis plutôt surpris d'apprendre qu'il n'y a pas d'association nationale de prisonniers de guerre au Canada. Après ce qu'ils ont connu, particulièrement ceux qui étaient en Europe ils auraient dû se grouper dans une association. C'est la raison pour laquelle il n'y a pas eu de progrès majeurs accomplis dans ce domaine comme il y en a eu dans d'autres associations de vétérans.

M. Lambert (Edmonton-Ouest): Je peux vous dire pourquoi, M. Weatherhead c'est que la plupart des prisonniers veulent oublier cette période.

M. Weatherhead: Monsieur Giguère et monsieur Lambert ont tous deux mis l'accent sur leur désir d'avoir accordé le droit aux anciens prisonniers de guerre, de se faire examiner ou réexaminer médicalement, ils ne possèdent pas ce droit pour l'instant à moins qu'ils n'aient droit à une allocation d'invalidité.

M. Lambert (Edmonton-Ouest): Non, ils peuvent se faire examiner, la question est la suivante, voudront-ils se présenter d'eux-mêmes. Comme l'a dit monsieur Bigg, c'est peut-être un peu de la mendicité de venir pour réclamer un examen. La commission ferait examiner les anciens combattants s'ils se présentaient, et s'ils expliquaient les circonstances. Mais, selon moi, ce qu'on devrait faire, c'est retrouver ces gens pour leur expliquer que nous sommes disposés à les faire bénéficier de traitement médical. C'est une

[*Texte*]

great deal of this frustration that Mr. Giguère has mentioned.

Mr. Weatherhead: I gather, Mr. Chairman, then, that Mr. Lambert and the witness are suggesting that the Canadian Pension Commission should really hunt out these people—the prisoners of war—and encourage them to come back for examination and indicate to them, as I suppose the veterans organizations indicate now, that they certainly are not begging if they do so and they have every right to do so. It that correct?

Mr. Lambert (Edmonton West): It should be a combined effort. It has to be organized by both the Treatment Services Branch of the Department of Veterans Affairs and the Canadian Pension Commission. The Canadian Pension Commission would not be authorized to organize this on its own. This has to be a question of government policy. There are expenses, you know.

Mr. Weatherhead: Then it is your opinion, Mr. Lambert, that at the present time the Canadian Pension Commission could not go after these few thousands of prisoners of war who still are living without some change in the Commission policy. Would that be the case?

Mr. Lambert (Edmonton West): No, it would not be Commission policy. This would have to be a deliberate decision of the government to be implemented through the Department of Veterans Affairs and to be worked out with the Canadian Pension Commission. I think it would go beyond the resources of the Canadian Pension Commission, that is, their doctors. This would have to be handled through the Treatment Services Branch so that the appropriate consultants could be brought in for the full examinations.

Mr. Weatherhead: Mr. Chairman, perhaps Mr. Reynolds could make a note of this particular point and when we have a chance to examine the Departmental officials a bit later on we can ask why this could not be done, the costs involved and this sort of thing because it seems to be a very important point.

The Chairman: I think that is an excellent suggestion, Mr. Weatherhead, and we will make a note of it.

Mr. Weatherhead: That is all, Mr. Chairmake a note of it.

The Chairman: I have the additional names of Messrs. Bigg and Peters, I think Mr. Latu-

[*Interprétation*]

question psychologique mais je crois que cela permettrait d'effacer ce sentiment de frustration mentionné par M. Giguère.

M. Weatherhead: Alors je suppose, monsieur le président, que monsieur Lambert et le témoin proposent que la Commission des pensions retrouve ces prisonniers de guerre et les encourage à se présenter pour un examen médical et leur expliquer qu'il ne s'agit pas d'une question de charité, mais d'un droit. Ai-je raison?

M. Lambert (Edmonton-Ouest): Ce devrait être un effort combiné. L'affaire doit être organisée à la fois par la Direction des services de traitement du Ministère des Affaires des anciens combattants et la Commission canadienne des Pensions. La Commission ne pourrait pas assurer d'elle-même, assurer cet effort. Il s'agit d'une question de politique qui relève des pouvoirs publics. Cela entraîne des dépenses comme vous le savez.

M. Weatherhead: Vous prétendez alors, monsieur Lambert, que la Commission ne peut pas elle-même essayer de retrouver ces milliers d'anciens prisonniers qui sont encore vivants à moins d'un changement dans la politique de la Commission?

M. Lambert (Edmonton-Ouest): Non, il ne s'agit pas ici de la politique de la Commission mais d'une décision du gouvernement qui sera appliquée par le ministère des Anciens Combattants en collaboration avec la Commission des pensions. Et cela dépasse les ressources médicales de la Commission. Il faudrait que le Service de traitements s'en charge et fasse venir les spécialistes appropriés pour consultation et examen médical complet.

M. Weatherhead: Est-ce que M. Reynolds pourrait inscrire cette question et on pourrait l'approfondir, en compagnie des fonctionnaires du ministère pour savoir comment on pourrait arranger l'affaire et quel en serait le coût, parce que c'est une question très importante.

Le président: C'est une excellente proposition, monsieur Weatherhead. Nous en prenons note.

M. Weatherhead: Merci, monsieur le président.

Le président: Monsieur Bigg, monsieur Peters et monsieur Latulippe ont manifesté

[*Text*]

lippe also indicated that he wanted to ask a question and Mr. MacRae.

Mr. Bigg: Mr. Giguère, one of our main difficulties, apart from written medical evidence which is very scarce with regard to prisoners of war, is the difficulty of getting credible evidence; that is, verbal evidence from fellow prisoners and so on. To your knowledge was there very much, say, isolation? In the first place, were you all kept in fairly large groups?

Mr. Giguère: You mean when we were captured?

Mr. Bigg: Well first of all you were put in camps...

Mr. Giguère: When we were captured as a group, we were put in Oberschlesien Stalag 8B. Where I was were most of the Dieppe prisoners-of-war, NCO's and men. We were in huts perhaps 75 feet long and we were 150 per hut.

Mr. Bigg: Were you at anytime, for misconduct or other reasons taken off as individuals and left under the care of say, a German Corporal and subject to physical violence?

Mr. Giguère: I will give you an example. When we were tied with string or rope we were kept in the hut all day, not allowed outside for air. The only time we went outside was when we had to go to the toilets. We went to the toilet with a chap who was an ex-stretcher bearer and he used to help us.

Mr. Bigg: Was he a German?

Mr. Giguère: No, no.

Mr. Bigg: One of your own boys?

Mr. Giguère: Yes. The guard used to change every two hours and if we were caught untied or loose, because if you wanted you could always loosen your bonds with your teeth, you used to get what we called "the wall". When you got "the wall" they took you in the guard room and they tied your hands behind your back with a chain and they put your nose to the wall. You used to get sentences, if you like, from two hours up.

Mr. Bigg: Were you alone then?

Mr. Giguère: You were alone. Well, no, you were not alone; you were in the guard room with all the Germans.

[*Interpretation*]

l'intention de prendre la parole et de poser des questions, et monsieur MacRae aussi.

M. Bigg: Monsieur Giguère, à part les preuves médicales qui sont très rares dans le cas des prisonniers de guerre, il est difficile d'obtenir des preuves irréfutables, soit des témoignages de vive voix des compagnons de camp et autres. A votre connaissance, y avait-il beaucoup d'isolement? Tout d'abord, étiez-vous en groupes assez nombreux?

M. Giguère: Vous voulez dire lorsque nous avons été capturés?

M. Bigg: Au début, vous avez été placés dans des camps...

M. Giguère: Lorsqu'on a été capturé, nous avons été placés en groupes en Haute Silésie, au Stalag 8B. Là où j'étais, la plupart des prisonniers de guerre de Dieppe, les sous-officiers et des hommes. Nous habitions des baraquements d'environ 75 pieds de long à 150 par baraquement.

M. Bigg: Est-ce que vous avez été confiés à un moment donné aux soins d'un caporal allemand qui aurait pu vous affliger de mauvais traitements pour mauvaise conduite ou pour d'autres raisons?

M. Giguère: A titre d'exemple, lorsque nous étions attachés ou enchaînés, nous étions laissés toute la journée à l'intérieur du baraquement sans avoir la permission de sortir à l'extérieur. La seule fois que nous sortions, c'était pour nous rendre à la toilette. Nous allions à la toilette, en compagnie d'un ex-ambulancier qui avait l'habitude de nous aider.

M. Bigg: Était-il allemand?

M. Giguère: Non.

M. Bigg: C'était un des vôtres?

M. Giguère: Oui. La garde avait l'habitude d'être relevée toutes les deux heures, si l'on nous prenait sans lien ou détaché, parce que vous pouviez toujours relâcher ces liens avec les dents, on avait alors ce qu'on appelait «le mur». On nous amenait dans la salle de garde et l'on nous attachait les mains derrière le dos avec une chaîne, on nous mettait nez contre le mur. On nous punissait de cette façon pendant deux heures.

M. Bigg: Étiez-vous seul?

M. Giguère: Non. On était là avec tous les Allemands.

[*Texte*]

Mr. Bigg: I mean you were away from your own boys?

Mr. Giguère: Oh yes, and you had to have your two feet together, your toes to the wall and your nose to the wall.

Mr. Bigg: If you tried to escape what happened?

Mr. Giguère: If you tried to escape you could get shot, because you were on your own, nobody protected you there. Once you left that camp you were on your own. If you were lucky and did not get shot and you were recaptured, then you got from one month to two months in solitary on bread and water.

Mr. Bigg: Did any of your boys do this?

Mr. Giguère: Yes, lots of our boys tried. In 8B we dug a tunnel, but our engineers were not very good and anyway the ground was sand. Although we managed, four of our chaps went through, only two made it out of there. They went through Yugoslavia all the way; only four managed to get out. It took us about four months to dig that tunnel. One chap was shot, but that was normal.

Mr. Bigg: What kind of food did you get in solitary?

Mr. Giguère: German bread...

Mr. Bigg: And water?

Mr. Giguère: ...and water, one-seventh of a loaf of bread.

Mr. Bigg: How much solitary could you get?

Mr. Giguère: That is the one thing of which I am not aware; I was never in myself.

Mr. Bigg: Were any of our boys in solitary?

Mr. Giguère: A month I think was the most we were there; two weeks was the least.

Mr. Bigg: On black bread?

Mr. Giguère: Yes.

The Chairman: Mr. Peters.

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Mr. Peters: I presume that the psychological eflects of the Dieppe raid were much greater than most of the service personnel normally had to face. What effects did it have

[*Interprétation*]

M. Bigg: Je veux dire que vous étiez séparés de vos compagnons?

M. Giguère: Oui. Nous devions avoir les deux pieds collés, les orteils contre le mur tout comme le nez.

M. Bigg: Si vous essayiez de vous échapper, qu'arrivait-il?

M. Giguère: En cas de tentative d'évasion, on risquait d'être abattu parce qu'on était seul et qu'on n'avait pas de protection. Une fois qu'on quittait ce camp, on était laissé à nos propres moyens. Si on était chanceux, si on échappait aux balles et si on n'était pas retrouvé, on nous isolait pendant un ou deux mois avec du pain et de l'eau.

M. Bigg: Est-ce que certains de vos hommes l'ont fait?

M. Giguère: Bon nombre d'entre eux dans le camp 8B ont creusé un tunnel, mais nos ingénieurs n'étaient pas très bons et de toute façon le sol était sablonneux. Quatre de nos compagnons se sont tout de même échappés par le tunnel, mais deux ont pu réussir. Ils ont traversé la Yougoslavie. En tout, seulement quatre ont réussi à s'échapper. Il nous a fallu à peu près quatre mois pour creuser ce tunnel. L'un de nos compagnons a été abattu, mais c'était normal.

M. Bigg: Quelle genre de nourriture aviez-vous au cachot?

M. Giguère: Du pain allemand.

M. Bigg: Et de l'eau?

M. Giguère: ...et de l'eau, le septième d'un pain.

M. Bigg: Dans quelle mesure étiez-vous isolé?

M. Giguère: Je ne le sais pas car je n'y suis moi-même jamais allé.

M. Bigg: Est-ce quelques-uns de vos hommes y sont allés?

M. Giguère: Je crois que le séjour maximum était d'un mois, et deux semaines tout au moins.

M. Bigg: Au pain noir.

M. Giguère: Oui.

Le président: Monsieur Peters.

M. Peters: Je suppose que les effets psychologiques directs du raid de Dieppe dépassent de beaucoup les conditions qu'ont connues les autres militaires. Quels effets cela a-t-il eu

[*Text*]

on prisoners? Was there an immense loss of morale. Those boys went into a situation in broad daylight when they knew they could not win, and they got massacred. The period before this must have been a buildup. While it should have a raid, it was really an invasion and they must have been built up for an invasion. A lot of the people must have been in pretty severe psychological condition because of the disasters that happened.

Mr. Giguère: You would be surprised the way our Canadian boys took it. Their morale was something that all Canadians should be proud of. Even at the time when we went there in 1942 the Germans were in their prime, they were winning all over the place, we used to get propaganda over the radio, in the camp and we used to get fed all kinds of news of ships being sunk and the Germans advancing in Russia. We used to get all that propaganda fed to us. When we were in the camp perhaps because of the way we were trained, we stuck to our morale and we knew in our minds that one day we were going to get out of that hole.

However, as I said afterwards, right now, the chaps are getting fed up and they figure that after all they went through they should get a certain privilege and certain treatment eligibility because we are not the same as ordinary veterans, because we went through something that affected our whole system.

Mr. Peters: I agree that it did. I knew many prisoners of war. I happened to be in the hospital when a lot of the Air Force prisoners of war came back to Lachine after the war. Many of them were in fairly bad physical condition. They were not emaciated or anything like the Hong Kong veterans but they had a number of things wrong with them because they had not received medical treatment nor dental treatment; however they would not stay in the hospital long enough to establish any kind of a medical record or anything, they wanted to get out. It was get out, get out, get out, all the time. Some of them were sick and they still wanted out and they wanted to forget about the whole thing. This in itself is an indication of a psychological condition, to some extent a vacation from reality. This is the point, while the morale itself may not have been bad, there must have been a terrific emotional upset in what happened. I suppose the initial shock always is when you expect to win and you lose ..

[*Interpretation*]

sur les prisonniers? Y avait-il une perte de moral dû au fait que les soldats ont débarqué en plein jour tout en sachant qu'ils ne pouvaient pas gagner et ils ont été massacrés. Mais la période qui a précédé ce raid a dû être une période de préparation. Il s'agissait plutôt d'une invasion que d'un raid et ils avaient dû être préparés pour une évasion. Bon nombre de soldats ont dû être tendus sur le plan psychologique à cause de la catastrophe qui a suivi le débarquement.

M. Giguère: Vous seriez surpris de savoir comment nos hommes ont réagi. Leur moral était tel qu'il devrait remplir de fierté tous les Canadiens. Même au moment où nous y sommes allés en 1942, les Allemands gagnaient sur les lignes et nous étions inondés de propagande sur les ondes et nous écoutions toutes sortes de nouvelles, des bateaux qui étaient coulés et des Allemands qui avançaient en Russie. Nous étions inondés de ce genre de propagande. Lorsque nous étions dans les camps, peut-être à cause de la manière dont on nous traitait, nous avons conservé notre moral, car nous savions qu'un jour nous sortirions de ce trou.

Toutefois, au fil des jours, les soldats se décourageaient et ils ont pensé qu'après tout ce qu'ils avaient subi, ils devraient bénéficier de certains privilèges et avoir droit à un certain traitement, car nous n'étions pas dans les mêmes conditions que les anciens combattants ordinaires parce que nous avons connu des conditions qui avaient affecté tout notre système.

M. Peters: Je l'admets pour bon nombre de prisonniers de guerre. Je suis allé à l'hôpital quand un contingent de prisonniers de guerre de l'aviation sont revenus à Lachine après la guerre. Bon nombre d'entre eux étaient dans des conditions physiques déplorables. Ils n'étaient pas décharnés ou quelque chose du genre comme les anciens combattants de Hong Kong, mais ils avaient quelque chose d'anormal parce qu'ils n'avaient pas reçu de soins médicaux, ni de soins dentaires. Ils ne voulaient toutefois pas rester à l'hôpital assez longtemps pour que l'on établisse un dossier médical ou autre, ils voulaient sortir de l'hôpital. Quelques-uns d'entre eux étaient malades, mais ils voulaient sortir et oublier. C'est un indice de leur trouble psychologique, dans une certaine mesure, une évasion de la réalité. Voilà, alors que le moral n'était pas trop mauvais, il a dû quand même y avoir un bouleversement psychologique, un choc initial je suppose qui survient lorsque l'on s'attend à gagner et qu'on perd...

[*Texte*]

Mr. Giguère: It was in a way because we first had the idea that we were going to go there and may be by 11 o'clock we would be on board returning ship, which was not so, to the contrary. Naturally it did affect us but as I say although affected us immediately after and we said, "All right, we have been captured", we never lost faith in our country, in our allies. We knew the strength of our army and that eventually we were going to be liberated.

Mr. Peters: You operated in a fairly classic prisoner-of-war relationship. The treatment was pretty well conventional except for the food, which the Germans did not really have too much of either. What kind of medical records did you have? Did they allow you to establish a regular routine with your own people and did you have doctors available?

Mr. Giguère: There was a hospital outside the camp and if you were sick you could be examined by a German doctor. To be admitted to that hospital you had to be pretty bad. First of all there was room for only a few and all the medical supplies were Red Cross. I raise my hat to the Red Cross. Had it not been for the Red Cross I do not think we could have survived because the food was supplemented by one parcel per week per four men. Four men to a parcel of 10 pounds of food from the Red Cross. That is what kept us alive. It was not the German rations.

Mr. Peters: I am curious about how they kept records. If you were in the hospital did you bring back a record or did someone? You mentioned you had a stretcher-bearer who, I suppose, was at the medical corps.

Mr. Giguère: The Germans kept their own records on that.

Mr. Peters: But did your camp not keep some?

Mr. Giguère: No.

Mr. Peters: Why?

Mr. Giguère: A man was in charge of a hut and had perhaps 100 men in his hut. One day he would have 94; therefore six men were in the hospital. That is it. He had no record; there was no such thing as paper

[*Interprétation*]

M. Giguère: D'une certaine manière, nous savions les premiers que nous allions nous rendre en cet endroit, et à onze heures, nous serions embarqués à bord d'un navire, ce qui est tout à fait le contraire de ce qui s'est passé. Cela nous a touchés, naturellement, mais, comme je l'ai expliqué, même si cela a eu lieu juste après, nous avons accepté le fait que nous étions en captivité mais nous n'avons jamais perdu la foi en notre pays, en nos alliés. Nous connaissions la puissance de notre armée, nous savions que nous allions être libérés un jour.

M. Peters: Vous avez fait un rapprochement classique entre le cas de prisonniers de guerre; le traitement était un traitement traditionnel sauf pour les vivres. Les Allemands n'étaient pas bien nourris eux-mêmes, ce que nous voulons savoir c'est quels sont vos états de santé. Vous ont-ils permis d'établir une routine avec vos propres compagnons, aviez-vous des médecins à votre service?

M. Giguère: Il y avait l'hôpital hors du camp si on était très malade on pouvait se faire examiner par un médecin allemand, mais pour être admis dans cet hôpital il fallait être dans une condition assez déplorable.

Tout d'abord il n'y avait de la place que pour quelques-uns, pour une poignée alors toutes les fournitures médicales venaient de la Croix-Rouge; je tire mon chapeau devant la Croix-Rouge, sans la Croix-Rouge nous n'aurions pas pu survivre. Les vivres fournies par celle-ci consistaient en un colis par semaine pour quatre hommes. Quatre hommes par colis de la Croix-Rouge contenait 10 livres d'aliments. Ceci nous permettait de survivre, ce n'était pas la nourriture des Allemands.

M. Peters: Est-ce que l'on tenait des dossiers? Si vous étiez à l'hôpital, par exemple, est-ce que vous rapportiez un dossier ou y avait-il quelqu'un, par exemple, cette personne dont vous parliez qui portait la civière et qui faisait partie du corps de Santé je le suppose?

M. Giguère: Les Allemands gardaient leurs propres dossiers à ce sujet.

M. Peters: Est-ce qu'au camp quelqu'un de chez-vous le faisait?

M. Giguère: Non.

M. Peters: Pourquoi alors?

M. Giguère: Un homme avait une besogne sans sa responsabilité et il devait s'occuper peut-être de 100 hommes. Tel jour il n'en avait que 94, six se trouvant à l'hôpital: voilà tout, rien de ressemblant à des documents

[*Text*]

work or any record of when you went in and what you were suffering from.

Mr. Peters: Were records kept of those who died?

Mr. Giguère: All those records were kept by the Red Cross. The Red Cross was responsible for informing the relatives and so forth. We were under the Red Cross.

Mr. Lambert (Edmonton West): May I interpose here. I think you will find that outside perhaps a camp like the one I was in, Oflag 7B, where we had medical officers and a camp hospital, most of the medical facilities in the stalags would be of the nature almost of an R.A.P. They were merely for first aid or a cold or very light things as they did not have that many doctors around.

However, in the case of a place like Oflag 7B, I had my own personal German card and on it, as I recall it, are records showing that I was committed to the camp hospital for sinus problems on a certain date and released. But those records were undoubtedly destroyed.

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It is only in the case of Oflag 7B—and this is in fairness of the German administration—when we went on our march all these records accompanied us. When the balloon went up all of the records feel into the—shall we say the allied—the British since we were in a British officers' camp—feel into the hands of our own administration and these were distributed to us as souvenirs. Your camp records were given back to you. I still have mine as a wartime souvenir. But that would be the only record maintained.

Mr. Bigg: That would be an officers' camp, Mr. Lambert.

Mr. Lambert (Edmonton West): This camp that I was in happened to be about the best organized camp in the whole of Germany. It was a junior officers' camp and I must say that we had a pretty efficient internal organization. It was a highly disciplined camp. To show you just how thorough they were, those things that had been taken from our persons in Dieppe when we were first examined—for instance, the amount of French money and sterling money that I had was returned to me in April of 1945; it accompanied me. Even things such as reading glasses, a map-reading glass, little pocket knives followed those who had been captured in Greece and Crete right along and were given them three and four years later.

[*Interpretation*]

administratifs ou à tout autre registre d'entrée ou de sortie ou de vos maladies...

M. Peters: Est-ce qu'on tenait compte de ceux qui mourraient?

M. Giguère: La Croix-Rouge tenait à jour des dossiers à ce sujet. La Croix-Rouge était chargée de prévenir les parents, etc.; nous dépendions d'elle.

M. Lambert (Edmonton-Ouest): Puis-je interrompre ici, messieurs, vous constaterez qu'à l'extérieur d'un camp comme celui où j'étais l'Oflog 7B, où il y avait des médecins et un hôpital de camp; la plupart des installations médicales dans les stalags étaient des installations militaires de premiers soins genre poste de secours régimentaire. Par exemple, pour soigner quelqu'un qui avait un rhume ou des choses comme cela car il n'y avait pas beaucoup de médecins dans ces camps-là mais, en tout cas, dans le camp 7B j'avais ma propre carte allemande et sur celle-ci, autant que je me souvienne, il était mentionné que j'avais été envoyé à l'hôpital pour des ennuis concernant les sinus à une date donnée et ensuite libéré; mais, sans aucun doute, ces dossiers ont été détruits.

Dans le cas du camp 7B uniquement et ceci est tout à l'honneur de l'administration allemande, tous ces dossiers nous accompagnaient et lorsque nous avons été libérés ou que les Alliés sont arrivés, ceux-ci sont tombés dans les mains de notre propre administration par l'entremise des Britanniques puisque nous étions dans un camp d'officiers britanniques et puis nous ont été remis. J'ai encore ces dossiers-là, en souvenir de guerre, mais c'étaient les seuls documents qui étaient conservés.

M. Bigg: S'agissait-il d'un camp d'officiers, M. Lambert?

M. Lambert (Edmonton-Ouest): Ce camp où j'étais était le camp le mieux organisé dans toute l'Allemagne et c'était un camp de sous-officiers subalternes et je dois dire que c'était une organisation interne très efficace, très disciplinée et pour vous montrer comment cela se passait; les objets que l'on nous avait enlevés à Dieppe lors d'un premier examen, par exemple, les sommes d'argent français et anglais que j'avais m'ont été remises en avril 1945. Je les gardais sur moi et même des objets tels que verres grossissants, loupes pour lire les cartes, couteaux de poche ont été méticuleusement mis dans une enveloppe et ont suivi ceux qui avaient été capturés en Grèce et à Crête et leur ont été remis trois ou quatre ans plus tard.

[*Texte*]

The Chairman: Mr. Peters, I wonder if you would bear in mind that we are running short on time now and that there are two other people who want to ask questions.

Mr. Peters: I would just like to say that I endorse the idea of this Committee's making a recommendation that we look into the possibilities of calling in all POW's, from no matter what campaign, to the Commission for a board.

The Chairman: We will have an opportunitry to discuss this further.

Mr. Peters: Yes, and I say that we should do it because the former Minister asked here a few minutes ago why these things had not been done and I think there is this need to build up public opinion and public opinion has not wanted to look at these problems until recently. You pick up the newspaper today and see that somebody was convicted for atrocities in the last war and it has become fairly commonplace and is an accepted thing. It has not the psychological effect on the nation that it had before. I think we are ready for it and that we have an obligation to the POW's to do this. We as a Committee should probably consider the time is ripe now and that construction should begin.

Le président: Monsieur Latulippe, désirez-vous poser des questions à M. Giguère?

M. Latulippe: Je ne serai pas très long, car les questions que je voulais poser l'ont été par d'autres, du moins en partie, mais je crois que nous devons nous limiter. Après avoir lu l'exposé de M. Giguère, qui m'a vraiment ému, je suis très touché d'apprendre comment les anciens combattants, surtout ceux de Dieppe, ont été traités durant la dernière guerre. Ce mémoire m'a impressionné profondément.

Le président: Monsieur Latulippe, voulez-vous parler plus fort, s'il vous plaît.

M. Latulippe: Oui et à ce propos, je crois que dans le but de limiter les débats, nous devons nous en tenir à de simples recommandations. Nous connaissons présentement de quelle façon les anciens combattants ont été traités et à la lumière des faits, nous constatons qu'ils ne l'ont pas tous été sur un pied d'égalité. Il y a différents traitements accordés à différentes associations et je crois qu'il serait juste et opportun de recommander que

[*Interprétation*]

Le président: M. Peters, je pense que nous avons peu de temps, il y a deux autres membres qui voudraient poser des questions; est-ce que vous avez terminé?

M. Peters: Je voudrais tout simplement dire que j'appuie l'idée, je voudrais que le Comité présente une recommandation afin de songer à réunir tous les prisonniers de guerre quelle que soit la campagne à laquelle ils ont participé pour que leur cas puisse être présenté à un jury de la Commission.

Le président: Je pense que nous aurons l'occasion de reparler de cette question.

M. Peters: Oui, je pense qu'il faudrait le faire parce qu'on a posé, il y a quelques minutes, cette question à l'ancien ministre, à savoir: pourquoi ces choses n'ont pas été faites, je pense qu'il faut que l'opinion publique soit alertée parce que le public jusqu'à récemment n'avait pas voulu s'occuper de ces problèmes. Vous aviez le journal aujourd'hui et lisez que quelqu'un a été condamné pour atrocités commises au cours de la dernière guerre: cela est devenu courant et banal. L'effet psychologique sur la nation n'est plus le même qu'autrefois. Je pense que nous sommes maintenant psychologiquement prêt à le faire et que nous avons cette obligation envers nos prisonniers de guerre et que le présent Comité doit sans doute considérer que le temps est venu d'agir.

The Chairman: Mr. Latulippe, do you wish to ask Mr. Giguère any questions?

Mr. Latulippe: I will be brief. The questions I wanted to ask were already posed by other members, in part at least, and I think that we should limit ourselves.

After having read Mr. Giguère's report which is very touching, I was really moved on learning how the veterans, and especially those who were at Dieppe, were treated during the last war. I was deeply impressed by this report.

The Chairman: Mr. Latulippe, would you please speak louder.

Mr. Latulippe: Yes, and with reference to this, I think that in order to limit the discussions, we should limit ourselves to simple recommendations. We know now the way in which veterans were treated and in the light of the facts, we observe that all veterans were not treated on the same footing.

There are different treatments given to different associations. I think it would be fair and timely to recommend that all our veter-

[*Text*]

nos anciens combattants soient tous soumis aux mêmes règlements et traités de façon à peu près identique.

Si nous avons des concessions à faire aux anciens combattants de Hong Kong nous devons également le faire à l'égard de ceux de Dieppe ou de ceux qui ont combattu à différents endroits dans le monde où il y a eu la guerre. Nos Canadiens y sont allés représenter le Canada, le défendre et plusieurs, malheureusement, ont donné leur vie ou sont revenus affligés de toutes sortes de maladies ou d'infirmités. Alors, le Canada, notre pays, leur doit beaucoup de reconnaissance et je crois que notre pays peut, par égard envers eux, les traiter tous à peu près sur le même pied et leur donner une chance égale.

Je crois que notre pays peut faire cela, car nous ne manquons pas de produits; ce qu'il nous faut, ce sont des consommateurs et je crois que ces gens méritent notre appui et celui du Canada.

Ils doivent être traités adéquatement et je crois qu'il est de notre devoir, à nous de ce Comité, de faire les recommandations voulues. On a dit tout à l'heure que le rapport Woods n'a pas tenu compte des anciens combattants de Dieppe; je crois qu'ils sont tout aussi importants que ceux de Hong Kong, parce que la guerre, c'est la guerre. Tout le monde, ceux qui y ont pris part, particulièrement, les anciens combattants, ont subi des traitements épouvantables et ceci doit être reconnu de la population qui, aujourd'hui, jouit d'une certaine liberté: liberté d'expression, liberté d'agir, liberté de vivre aussi et je crois que nous devons respecter ceux qui nous ont défendu dans le passé parce qu'ils ont donné le meilleur d'eux-mêmes. Plusieurs ont donné leur vie, d'autres leur santé, ce qu'il y a de plus cher chez un individu. Alors, s'il y en a dont la santé est affectée, je crois qu'il est du devoir de notre gouvernement de leur venir en aide d'une façon adéquate et juste. Je crois qu'il y a injustice quand nos militaires qui ne sont pas traités sur le même pied selon l'unité à laquelle ils appartiennent, et un pays comme le Canada n'a pas le droit de commettre ces injustices.

Après avoir écouté toutes les explications de M. Giguère, après toutes les questions qui ont été posées concernant les traitements, je crois que nous devons nous en tenir à de simples recommandations qui doivent être précises, claires et nettes. Nos anciens combattants doivent être traités sur un pied d'égalité, sinon ce n'est pas juste. Et notre pays est capable de la faire. Comme membre de ce comité, je recommande que les demandes de l'Association nationale des prisonniers de guerre de Dieppe soient étudiées et qu'il soit

[*Interpretation*]

ans be treated more or less equally and be subject to the same regulations.

If we have concessions to make to the veterans of Hong Kong we also have to do so for the Dieppe veterans or those who fought in various parts of the world where the war raged. Canadians went there to represent Canada and to defend it. Unfortunately, mamy of them died and others came back with all kinds of diseases or infirmities. I think that our country, Canada, owes them much and Canada is able, in recognition for everything that has been done by these men, treat them more or less on an equal footing and give them an equal opportunity.

I think that our country can do this because we have a big production and we need consumers. I think that these people deserve our support and the support of Canada. These people must be treated adequately, and I believe that it is our duty—the duty of this Committee—to make the proper recommendation. A while ago it was said that the Woods Report did not take into consideration these Dieppe veterans, and I think that they are just as important as those of Hong Kong because war is war, and everybody who participated in it, and particularly the veterans, underwent terrible treatment. And this must be recognized by which, today, enjoys certain freedoms, such as freedom of action, freedom of speech, freedom of life. So I think that we should respect those who defended us in the past because they gave the best of themselves. Many of them gave their life, others their health, the most important thing in an individual.

So, if some are affected in their health, I think that it is the duty of our government to help them and in an adequate and fair way. I think there is an injustice when our military personnel is not treated on an equal footing according to the unit to which they belong, and a country like Canada does not have the right to commit such injustices.

After having heard all the explanations by Mr. Giguère, after all the questions that have been asked concerning treatment, I think we should restrict ourselves to simple recommendations which should be precise and clear. Our veterans must be treated on an equal footing, otherwise it is not fair. And, moreover, our country can do this and, as a member of this Committee, I recommend that the requests made by the National Association of Dieppe POW's be studied and that it be recommended that they benefit from familiar

[*Texte*]

recommandé qu'ils bénéficient de traitements semblables à ceux des autres corps de l'Armée.

Je crois qu'il est de notre devoir de faire cette recommandation. Nous avons étudié toute la question des anciens combattants. Présentement, nous avons ceux de Dieppe. Je suis allé à Dieppe il y a trois ans, mais j'étais loin de croire que les anciens combattants avaient été traités de la façon décrite par M. Giguère tout à l'heure. Encore une fois, je suis touché de cet exposé, et je suis sûr que nous de ce comité pouvons les aider, en faisant les recommandations voulues pour rendre justice à tout le monde. Sur ce, je vous remercie, monsieur le président.

Le président: Merci, monsieur Latulippe.

Mr. MacRae: I promise you I will be brief, Mr. Chairman. I surely want to make a point for the benefit of the witness. I think it is not only our duty to hear evidence but, if we can, to advise those who appear before us relative to future submissions.

You made the point earlier, Mr. Giguere, that when the camps were being closed out and you were being marched across Germany you tried not to fall into the hands of the Russians. This fact has been fairly well documented over the years. It was much wiser to stay with the Germans in many cases. We have had evidence of what happened to some of our prisoners who fell into the hands of the Russians. They were treated worse than they had been by the Germans. That is known and documented.

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In the submissions we have had over the years, especially from the Hong Kong veterans, the word "avitaminosis" has come up very often, and we have got to know it very well in this Committee. We understand exactly what is involved in it and what has happened. Although, for the worst part, prison diet was scanty throughout the long term of imprisonment, in my understanding, yet it managed to keep body and soul together and men were able to work.

However, in those forced marches at the end of the war for several months prisoners were marched across Germany—and some who were in what is now East Germany were marched right across Germany—and lived for many months on turnips and on sugar beets and such things, as you say. They lived off the land, and were marched and starved as they did so.

It seems to me that this is the particular area to which you, as an Association, should

[*Interprétation*]

treatment as that enjoyed by other units of the Armed Forces.

I think it is our duty to make this recommendation.

We have studied all aspects of the question dealing with veterans. Right now, we are dealing with those who were in Dieppe. I was in Dieppe three years ago, but I was far from believing that the veterans had been treated the way Mr. Giguère told us just a moment ago.

Once again, I repeat that I am deeply touched by this report and I am sure that we members of the Committee can help by making the proper recommendations so that everyone will be treated fairly.

I thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Latulippe.

M. MacRae: Je serai bref, monsieur le président. Je voudrais tout simplement dire ceci au témoin parce que je pense que non seulement c'est notre devoir d'entendre les témoignages, mais je pense que, dans la mesure du possible, il faut donner des conseils à ceux qui se présentent devant nous en vue de leur présentation future. Monsieur Giguère, vous avez dit plus tôt que lorsque les camps ont été fermés et vous avez été forcés de marcher d'un bout à l'autre de l'Allemagne afin de ne pas tomber aux mains des Russes. Ce fait a été rapporté avec documentation à l'appui. Il était beaucoup plus sage de rester avec les Allemands que de tomber avec les Russes car les Russes ont traité les prisonniers de façon beaucoup plus cruelle. C'est un fait connu et prouvé.

Dans les présentations que les Vétérans de Hong Kong ont présentées au cours des années, le terme «vitaminose» est fréquemment apparu. Nous le connaissons très bien ici et nous sommes au courant de ce qui s'est passé. Bien que le régime des prisonniers était assez restreint, au cours de la longue durée d'internement, ces gens ont tout de même pu survivre et travailler. Cependant, dans ces marches forcées à la fin de la guerre lorsque, pendant plusieurs mois, les prisonniers de guerre ont dû marcher d'un bout à l'autre de l'Allemagne et parfois même dans ce qui est aujourd'hui l'Allemagne de l'Est ils ont vécu pendant plusieurs mois de betteraves ou de navets. Ils vivaient à même la terre et souvent étaient affamés. Il me semble donc que, dans ce secteur-là, vous devriez, à titre d'association, consacrer plus de temps à l'étude de cette question. Il y a maintenant beaucoup de documentation sur cette question mais je pense que la vitaminose est un facteur important de

[*Text*]

devote more study. There is a great deal of documentary evidence now, and I think that avitaminosis is a very distinct factor now in the premature aging of those men who were prisoners of war and, as a matter of fact, in the case of many men who served under shell-fire—those in France, Italy and elsewhere. Men who served in these circumstances are very definitely prematurely aged; there is no question of that. Therefore, this matter of avitaminosis is, I think, a vital one and should be very fully explored by your Association.

There are, of course, the psychological effects of what you underwent over those years, resulting in psychosomatic disabilities which are more difficult for the Canadian Pension Commission and medical men to pinpoint, but this avitaminosis I would suggest to you is an area in which you might do further research and study for future submissions. Thank you.

The Chairman: Thank you, Mr. MacRae. We must bear in mind that we are running close to our time of adjournment, and Mr. Giguère has indicated that he wants to make a statement at the end of this testimony. Mr. Bigg?

Mr. Bigg: I just wish to say something I had noted but forgot to mention. It is that the Red Cross were very helpful. The parcels apparently came through with fair regularity.

Mr. Lambert (Edmonton West): Not regularly; on a much reduced scale, yes. They had many hazards in getting to Germany.

Mr. Bigg: I think it was probably a factor. The diet was extremely low in both theatres of war, but it seems to me that possibly the Red Cross may have helped you people a little more than they did in the eastern theatre, because I understand these parcels did not get through to Japan as they did to the western theatre.

Mr. Giguère: As Mr. Lambert mentioned, the regular delivery was supposed to be one parcel for four men, on one fourth of a parcel per man. I have seen sometimes where they were short and it was one for six. With one parcel of ten pounds of food for six men you do not get much, although it helped us; because if we had had to rely only on the German diet it would have been quite impossible to survive.

Mr. Peters: May I ask this one question? You were in a compound. Why were you shackled, and your wrists bound, as well? What was the purpose of this?

Mr. Giguère: I cannot say for sure. It was because of certain orders, or certain things

[*Interpretation*]

vieillissement prématuré des prisonniers de guerre et ceci touche nombre de militaires qui ont été au feu en France et en Italie et ailleurs. Il est évident que ces personnes vieillissent prématurément. Par conséquent, cette question de la vitaminose est une question essentielle et je pense que votre Association devrait l'étudier à fond. Je pense que votre association devrait l'étudier à fond.

Il y a les effets psychologiques que vous avez endurés au cours de ces années et qui ont occasionné des invalidités psychosomatiques qui sont plus difficiles à détecter par notre Commission ainsi que par les médecins. Par conséquent, la question de la vitaminose, je le répète, est un secteur que vous pourriez étudier encore plus à fond en vue des présentations à venir. Merci.

Le président: Merci, M. MacRae. Eh bien! je pense que nous allons ajourner bientôt mais M. Giguère a un commentaire à faire avant la fin. M. Bigg?

M. Bigg: J'ai oublié de mentionner que la Croix-rouge nous à beaucoup aidé. Les colis nous arrivaient régulièrement.

M. Lambert (Edmonton-Ouest): Pas régulièrement, car ils avaient bien de la difficulté à parvenir en Allemagne.

M. Bigg: Le régime était bien restreint sur les deux fronts et il semble que la Croix-rouge vous ait aidé plus que nous qui étions sur le front oriental car ces colis ne sont pas parvenus au Japon comme ils sont parvenus en Allemagne.

M. Giguère: Et comme M. Lambert l'a mentionné, la Croix-rouge donnait un colis pour quatre hommes mais des fois il fallait le partager entre six hommes. S'il avait fallu uniquement manger ce que les Allemands nous donnaient, il aurait été presque impossible de survivre.

M. Peters: Pourquoi vous avait-on mis les entraves et aviez vous les poignets liés en plus?

M. Giguère: Je ne sais pas exactement pourquoi. Il y avait certains ordres qui ont été

[*Texte*]

that were done at Dieppe, or orders that were found on the beach. Perhaps somebody else could answer that better than I. I do not know the exact reason.

The Chairman: Mr. Lambert, have you a comment?

Mr. Lambert (Edmonton West): The retaliation, and the spirit of it, came all the way from Hitler himself and Himmler. Actually, the orders at the time of the raid—because we were on a raid, and this was standard practice—were simply that German prisoners who were captured were to be sent back in the care of the walking wounded or, if that was not possible, then their hands were to be tied as they were led back to the beach. This infuriated the Germans, and they received an apology from the Allied Command relative to that.

A matter of a week after this there was a raid on the Island of Sark by the commandos. This was a regular practice with them. Unfortunately, when leaving they were under fire and one of the German prisoners was shot by fire from the Germans and he was left on the beach with his hands tied.

This was retaliation. First of all, it was the Dieppe prisoners; and we similarly tied up a number of people here at Fort Henry. So the Germans said, "Well, we have three times yours; we will tie up three times as many"—which they did. This was because they had more prisoners than we had.

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This was finally dropped after May 1943, when the balance of prisoners was the same. We had more of theirs after North Africa. Conditions then improved a great deal until sometime after 1944.

I can tell you, though, that one of the worst experiences was that first winter of going through shackling. You were under very close surveillance and if you were caught with your shackles off during the first few months it was the pokey for either two days, four days or seven days of solitary. Subsequently it was not that bad but there was still the presence of those chains and I can assure you that we had some fellows go slightly around the bend for a while.

Mr. Bigg: Mr. Chairman, we had an officer escape . . .

The Chairman: Will the members of the Committee please bear the time element in mind.

Mr. Bigg: . . .from Dieppe after a very few weeks or months of imprisonment and to my knowledge, he had the scars of the chains on

[*Interprétation*]

donnés sur les plages de Dieppe, peut-être que quelqu'un d'autre serait plus en mesure de répondre à cette question.

Le président: M. Lambert, voulez-vous ajouter quelque chose?

M. Lambert (Edmonton-Ouest): Je pense que les ordres venaient directement de Hitler et de Himmler. Il s'agissait de réprésailles au moment des raids, puisque c'était un raid et que c'était l'usage courant à ce moment-là. Les prisonniers allemands qui étaient capturés devaient être envoyés et confiés. Autrement, on devait ligotter les mains de ces prisonniers. Le commandement allié a présenté des excuses à ce sujet. Malheureusement, en partant ils étaient sous le feu et un prisonnier allemand a été tué par les Allemands et ont l'a retrouvé sur la plage les mains liés. C'était des mesures de représailles et les Allemands disaient; nous avons trois fois plus de prisonniers que vous, alors, nous allons en ligoter plus que vous.

Finalement, cette coutume a été abandonnée en mai 1943, car le nombre des prisonniers est devenu à peu près égal et après la campagne de l'Afrique du Nord nous en avions plus qu'eux. Ensuite la situation s'est améliorée jusqu'en 1944. Je peux vous dire que l'expérience la plus terrible de ce premier hiver est qu'on nous mettait les fers. Nous étions surveillés très étroitement et si nous étions surpris sans nos fers au cours des premiers mois, on nous condamnait à deux, quatre ou sept jours de cellule. Par la suite, la situation n'était pas aussi mauvaise, mais nous étions toujours enchaînés, ligotés. Je puis vous assurer que certains hommes ont pu s'en tirer durant un certain temps.

M. Bigg: Monsieur le président, un officier a pu s'échapper . . .

Le président: Puis-je demander aux membres du comité de se souvenir que nous avons peu de temps à notre disposition.

M. Bigg: . . .a pu s'échapper de Dieppe après quelques semaines ou mois de captivité. Je sais qu'il a porté la marque des chaînes

[*Text*]

his arms and wrists for two years. Any mention of his being chained in this way—and I think this is probably standard among Canadians—just about drove him up the wall. He could not control his temper or anything else if you even mentioned the fact that he had been tied up because his pride was such that, to him, having been tied up like an animal was just about the same as mentioning his ancestors in an unusual manner.

The Chairman: I think we all know what you are referring to, Mr. Bigg. Mr. Giguère wanted to make a comment.

Mr. Giguère: Mr. Chairman, and gentlemen, in the name of all prisoners of war I wish to thank you for your time and the opportunity you have given us to speak. I hope that you will give us the benefit of the doubt and advise the Department of Veterans Affairs to conduct, as we wish, a survey similar to the one made in respect of the Hong Kong veterans.

I am also aware that although you sympathize with us there is an austerity program in existence. However, as I say again, if the government is rich enough to pay a Canadian veteran who goes to live in the States a pension, provided he comes back here—the American Government will not do that, then it should look after its own veterans.

Thank you very much.

The Chairman: Thank you, Mr. Giguère.

May I call the attention of the members of the Committee to the fact that we now have the transcript for the first two days of the proceedings, additional transcripts will be available, and we will resume our hearings on Monday morning at 9.30 a.m. in this room. We have no witnesses scheduled for this afternoon, Thursday or Friday.

On Monday the nursing sisters will present a brief. The Canadian Corps Association is also scheduled for that day.

We will have quite a full program next week and we should complete the first phase of hearing witnesses then.

I would like to thank the members of the Committee. I particularly want to thank those who have come. We have had a very good attendance of members, especially some members who are not with the Committee but who have attended because of their interest. I note Mr. Howard of British Columbia here and, of course, Mr. Lambert and we are always glad to have them with us. Thank you.

[*Interpretation*]

sur ses bras et ses poignets durant deux ans. Le simple fait de mentionner le traitement qu'on lui avait infligé le mettait rouge de colère.

Le président: Nous vous comprenons. M. Giguère voudrait faire une déclaration.

M. Giguère: Messieurs, monsieur le président, je vous remercie au nom des prisonniers de guerre de l'occasion que vous nous avez donné de présenter notre mémoire ici ce matin. Je ne doute pas que vous étudierez notre cas avec la plus grande attention, que vous nous donnerez le bénéfice du doute et que vous recommanderez au ministère des anciens combattants de faire une étude comme celle qui a été faite dans le cas des anciens combattans de Hong Kong.

Je sais très bien que, si vous êtes sympathiques à notre cause, il existe un programme d'austérité à Ottawa. Toutefois, je le répète, si le gouvernement est assez riche pour indemniser un ancien combattant canadien qui va demeurer aux États-Unis, à condition qu'il revienne au Canada parce que le gouvernement américain ne lui versera pas une pension, il devrait s'occuper de ses anciens combattants.

Le président: Je vous remercie, M. Giguère. Puis-je signaler aux membres du Comité que nous avons la transcription des deux premiers jours. Des transcriptions supplémentaires seront disponibles. Nous reprendrons nos séances lundi matin à 9 heures et demie et il n'y aura pas de séances cette après-midi, jeudi et vendredi. Lundi, les infirmières canadiennes présenteront un mémoire. L'Association du corps Canadien témoignera aussi le même jour.

Je tiens à remercier les membres du Comité et je voudrais remercier ceux qui sont présents ici ce matin. Nous avons eu une présence considérable, je sais que M. Lambert est venu se joindre à nous et je le remercie particulièrement ainsi que M. Howard de la Colombie-Britannique.

APPENDIX "E"

This Brief is Presented to the Standing Committee on Veterans Affairs
by
The National Dieppe Prisoner of War Association

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with the assistance of:-
Pathology
of the Captivity of the Prisoner of War:
Works of the International Medical Conference
Brussels—Nov. 1st to 4th 1962
Edited by the International Confederation of Prisoners of War

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and
Later Effects of Imprisonment and Deportation
International Conference Organized by the World Veterans Federation
The Hague November 20-25 1961

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and
Personal Investigations by the National Dieppe Prisoners of War Association

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and
Canadian House of Commons Debates
Vol. 112—No 67—2nd Session—27 Parliament
Official Report
Friday, October 27, 1967

Sir:

The Dieppe raid, one of the most searing engagements of the Second World War, took place on August 19, 1942.

Of the 5,000 Canadian troops who set out for the coastal town in Normandy only 2,000, mostly men who did not land, came back. Records show that, 1,946 men, most of them seriously wounded, were taken prisoner. It is also recorded that 72 of these men died in captivity. The period of imprisonment for those who survived was approximately three years.

In 1953 the Federal Government established a War Claims Commission and named Mr. Justice Thane A. Campbell as chief commissioner. In his report, Mr. Justice Campbell

APPENDICE «E»

Ce dossier est présenté
au Comité permanent des Affaires des Anciens Combattants
par
l'Association nationale des Prisonniers de guerre de Dieppe

Ce dossier a été préparé avec l'aide des ouvrages suivants:
Le Rapport pathologique sur la captivité des prisonniers de guerre à la suite de la Conférence médicale internationale qui avait lieu à Bruxelles du 1er au 4 novembre 1962
Éditée par la Confédération internationale des Prisonniers de guerre

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et
Les effets de l'emprisonnement et la déportation; Conférence internationale organisée par la Fédération mondiale des vétérans tenue à La Haye, les 20-25 novembre 1961

ainsi
que des recherches personnelles de l'Association nationale des Prisonniers de guerre de Dieppe

Messieurs:

Le Raid sur Dieppe fut l'engagement le plus contreversé de la seconde grande guerre, il eut lieu le 19 août 1942.

Parmi les 5,000 troupes Canadiennes qui y prirent part, seulement 2,000 réussirent à retourner en Angleterre et parmi ces dernières, plusieurs ne sont même pas descendus à Dieppe.

Les statistiques démontrent que 1946 hommes, dont la plupart sérieusement blessés furent fait prisonniers par les Allemands. Il est aussi démontré que 72 soldats moururent en captivité. La période d'emprisonnement pour les survivants fut d'environ trois ans.

En 1953, le Gouvernement Fédéral établit la Commission des Réclamations de guerre et nomma le juge Thane A. Campbell, Commissaire en Chef.

found that general maltreatment did exist in prisoner of war camps in Europe where Canadian troops were imprisoned, and that extraordinary brutal treatment had been proved in many cases. The findings of the War Claims Commission resulted in granting almost equal awards to both Hong Kong and Dieppe prisoners of war.

The effects of imprisonment have for some years been a matter of grave concern to those Dieppe prisoners of war who still survive, and it is their hope that the government will instruct the standing committee on Veterans Affairs to conduct an inquiry into their plight which is in so many ways identical to that of the Hong Kong prisoners. Among these similarities are the prevalence of peptic ulcers, lumbar spine disabilities, nervous disorders and other problems commonly attributed to avitaminosis.

The standing committee on Veterans Affairs has for some time known that the circumstances of the Dieppe prisoners of war should be reviewed along the lines of what has been done in the case of the Hong Kong prisoners.

In presenting this submission on behalf of the Dieppe prisoners of war, we realize that in general you are familiar with this problem and respectfully ask for your support in bringing this matter to the attention of our government. We are also aware of the profound effect that your concern and support could have in bringing about consideration and immediate review of all Dieppe prisoners of war. This brief is being submitted a third time in hopes that you our elected representative will speak up on behalf of the veteran and bring this matter to the attention of those persons who could make this possible.

This brief is submitted to provide supplemental information to that furnished your Committee in our Brief of December 17th, 1965, and to provide comment regarding the Report of Dr. J. H. Richardson of the Canadian Pension Commission.

The major requirement, in so far as the Pension Act is concerned, for members of the Canadian Army who served in the Dieppe Force is to provide protection for widows and children, in the event that the veteran should die prematurely.

Dans son rapport, Monsieur le Juge Campbell établit qu'il y eut des mauvais traitements dans les camps de prisonniers de guerre en Europe, où il y avait des troupes Canadiennes, et notamment, brutalités dans plusieurs cas.

D'après les résultats de la Commission, les prisonniers de guerre de Hong Kong et de Dieppe furent alloués une compensation à peu près identique.

Les effets d'emprisonnement sont depuis plusieurs années un grand souci pour nos prisonniers de Dieppe qui survivent, ils espèrent que le Gouvernement va demander au Comité Permanent des Affaires des Anciens Combattants de faire enquête à leur sujet, qui est non moins identique à ceux de Hong Kong.

Parmi ces similarités, il y a prédominance d'ulcère peptique, invalidité lombaire, troubles névrotiques et plusieurs autres incapacités attribuables à l'avitaminose.

Le Comité Permanent des Aflaires des circonstances des Prisonniers de Guerre de Dieppe devraient être revisées, tout comme les prisonniers de Hong Kong.

En présentant cette soumission au nom des Prisonniers de Guerre de Dieppe, nous réalisons qu'en général vous êtes familiers avec ce problème et nous vous demandons très respectueusement votre support afin que le Gouvernement porte une attention toute particulière à nos problèmes. Nous sommes au courant du profond effet que votre appui peut apporter afin qu'une revision immédiate soit faite pour tous les Prisonniers de Guerre de Dieppe.

Ce sommaire est présenté pour une troisième fois avec l'espoir que vous, nos représentants élus, parlerez en notre faveur aux personnes qui peuvent rendre note demande effective.

Ce sommaire est présenté afin d'apporter des informations supplémentaires au mémoire que nous avons soumis précédemment, c'est-à-dire le 17 décembre 1965 et aussi en regard du rapport du Dr J. H. Richardson de la Commission Canadienne des Pensions.

Les réclamantions majeures en ce qui concerne l'Acte de la Commission Canadienne des Pensions pour les membres des Forces Armées Canadiennes qui ont servi à Dieppe, sont d'apporter une protection pour les veuves et dépendants en cas de décès prématuré de l'ancien combattant.

If the veteran is in receipt of a pension of 48% or greater, his widow and surviving children will be entitled to pension under the Pension Act and his children will be entitled to the benefits of the Education Assistance Act.

If pension is in payment at the rate of less than 48%, pension will not be continued for the widow and children, and the children would be denied the benefits of the Education Assistance Act, unless it can be shown that the death is attributable to his service.

The relevant section of the Pension Act is quoted below:

> 36 (3) "Except as otherwise provided in this Act, the widow of a member of the Forces who was, at the time of his death, in receipt of a pension in any one of the classes 1 to 11, inclusive, mentioned in Schedule A, or who died while on the strength of the Department for treatment, and, but for his death, would have been in receipt of pension at the rate so provided for any of those classes, is entitled to a pension as if the member had died on Service whether his death was attributable to his service or not."

The main source of apprehension to surviving members of the Dieppe Force who are in receipt of pension at less than 48% is that they may die from causes which are either unknown, or which cannot be specifically stated to have been attributable to service, thus leaving their widows and children with no protection under the Pension Act.

The undermentioned persons who represent the Dieppe prisoners of war are willing to appear before the Standing Committee on Veterans Affairs (if given the chance to do so) to show just cause why the Dieppe prisoners of war should have a review along those lines used in the almost parallel situation of the Hong Kong prisoners. Yours very truly,

Al Richards, President; Lloyd Rutherford, First Vice-Pres.; John Neame, Secretary, Hamilton and District Prisoner of War Association, 5145 Tamarac Drive, Burlington, Ontario. Leo Lesynski, President; Art Rogers, Secretary; Clem Fuzzen, Vice-President, Niagara Chapter of the Dieppe Prisoners of War Association, 85 Richelieu Drive, St. Catharines, Ontario.

M. Georges Giguère, President; M. J. Hogue—Vice-President; M. Leo Filiaut, M.M. —Sec. Treas., Les Fusiliers Mont Royal Prisoner of War Association, Sandy Shusterman, President; John LeCouter, Secretary; Victor Sparrow, Treasurer, Toronto Ex-Dieppe Prisoner of War Association, Toronto, Ontario.

Si l'ancien combattant est récipiendaire d'une pension d'invalidité de 48 p. 100 ou plus, sa veuve et ses dépendants bénéficient d'une pension d'après l'Acte des Pensions et ses enfants sont éligibles à l'assistance éducationnelle. Par contre, si la Pension attribuée est moindre que 48 p. 100, elle ne continuera pas après le décès de l'ancien combattant et, les enfants ne seront pas éligibles à l'assistance éducationelle.

Le paragraphe de l'Acte des Pensions est énuméré ci-dessous:

> (3) «Sauf disposition différente contenue dans la présente loi, lorsqu'un membre des forces touchait, au moment de son décès, une pension de l'une des catégories 1 à 11 inclusivement, mentionnées dans l'annexe A, ou est décédé alors qu'il était porté sur les contrôles du ministère aux fins de traitement et, n'eût été son décès, aurait reçu une pension au taux ainsi prévu pour l'une des catégories, la veuve dudit membre a droit à une pension comme s'il était mort en service, que son décès fût attribuable ou non à son service.

Le plus grand souci des survivants de pension de moins de 48 p. 100 est de mourir pour des causes inconnues ou ne peuvent pas spécialement être attribuables au service, laissant ainsi la veuve et les dépendants non éligibles d'après l'Acte des Pensions.

Les personnes sous-mentionnées qui représentent les Prisonniers de guerre de Dieppe, sont prêtes à se présenter devant le Comité Permanent des Affaires des Anciens Combattants si on leur donne l'opportunité, afin de leur démontrer pourquoi le cas des Prisonniers de Guerre doit être revisé.

Al Richards—Président; Lloyd Rutheford—Premier Vice-Prés; John Neame—Secrétaire; Hamilton et District: l'Association des Prisonniers de guerre de Dieppe, 5145 Tamarac Drive, Burlington, Ontario. Léo Lesynski—Président; Art Rogers—Secrétaire; Clem Fuzzen—Vice-Président; Chapitre Niagara, l'Association des prisonniers de guerre de Dieppe, 85 Richelieu Drive, St. Catharines, Ontario.

M. Georges Giguère, Président; M. J. Hogue, Vice-Président; M. Léo Filliont M.M.—Sec.-Trés. Les Fusiliers Mont Royal, L'Association des prisonniers de guerre, Montréal, P.Q.; Sandy Shusterman, Président; John LeCouter, Secrétaire; Victor Sparrow, Trésorier; Toronto, Anciens Prisonniers de guerre de Dieppe, Toronto, Ontario.

Bob Jacques, President; Norman Heslop, Secretary, Windsor Chapter Dieppe Prisoner of War Association, Windsor, Ontario. Douglas Dunn, President, Sarnia Chapter Dieppe Prisoner of War Association, Sarnia, Ontario.

Pathology of the P.O.W.

Since 1952 when the Hamilton & District P.O.W. Association was first formed, we have always faced the problem of apathy in the P.O.W. Veteran. Oddly enough, this apathy is not so strong among the majority of veterans who are members of various other veterans' organizations.

This apathy does show up strongly among our ex Dieppe Prisoners of War—Why?

Firstly, they suffered a sharp psychological defeat in losing the Battle of Dieppe.

The shock of leaving a land of plenty, the shock of their first bloody fight with the enemy, and their subsequent internment, left these men in a state of apathy which today is still evident. These men sat out the war in prison camps and this alone upset these once very active soldiers a great deal. The loss of freedom, lack of adequate food, shelter, and gainful activity fed this apathy.

When the day arrived and these men were released from the camps, hospitalized, or returned to their units for release from the service, these men were so eager to get out of the service that in many cases they denied the existence of many and various diseases or illnesses which had occurred in the P.O.W. camps. Upon this happening they would report to a D.V.A. Centre requesting treatment. "What a shock!" They found that they had no entitlement; there was nothing written into their documents to substantiate their request. "Now what?" These men appealed through proper channels to the C.P.C., and again were refused treatment or pension.

In the case of the Dieppe P.O.W., from the time they were taken prisoner to date of release, there was not a word of documentary evidence added to their files. It is this lack of documentary evidence that is denying the P.O.W. veteran his rights. Since the C.P.C. demands documentary evidence of maltreatment, lack of care, illness and disease suffered by the P.O.W., these vets are up against a stone wall in their request for adequate treatment and pensions. This deplorable situation has again led the ex-P.O.W. to a state of apathy greater than was experienced as a P.O.W. These veterans are so bitter in their

Bob Jacques, Président; Norman Heslop, Secrétaire; Windsor Chapitre, l'Association des Prisonniers de guerre de Dieppe, Windsor, Ontario. Douglas Dunn, Président; Chapitre Sarnia, L'Association des Prisonniers de Guerre de Dieppe, Sarnia, Ontario.

Pathologie des Prisonniers de guerre

Depuis 1952, alors que l'Association des Prisonniers de guerre de Hamilton, Ont. fût formée, nous avons toujours fait face à des problèmes d'apathie parmi les anciens prisonniers de guerre. Il est étrange que cette apathie n'est pas aussi saillante parmi la majorité des autres anciens combattants qui font partie des autres organisations.

Cette apathie est très marquée parmi les prisonniers de guerre de Dieppe. Premièrement, ils souffrent d'un sentiment morbide de défaite dû à la perte de la bataille de Dieppe.

L'effet de laisser un pays d'abondance, l'échec de leur première bataille sanglante avec l'ennemi et incidemment, leur internement, tout ceci a laissé ces hommes dans un état d'apathie qui est encore aujourd'hui très évident.

L'effet pour ces hommes si actifs dans le passé, se voir internés durant la plus grande durée de la dernière guerre a été très néfaste pour eux.

La perte de leur liberté, le manque de nourriture, de logement et d'activités ont rendu cette apathie plus intense.

Lorsque le jour de libération arriva, et que ces hommes furent délivrés des camps d'internement, des hôpitaux, où retournèrent à leurs unités respectives afin d'être libérés du service, ces hommes avaient tellement hâte que dans la plupart des cas, ils nièrent l'existence de plusieurs symptômes de maladie ou malaise, lesquels étaient dus à leur internement.

Ils auraient dû s'adresser aux différents centres médicaux du Ministère des Affaires des Anciens Combattants, afin d'obtenir les soins requis.

Quelle fut leur surprise lorsqu'on leur dit qu'ils n'étaient pas éligibles, il n'y avait aucun rapport médical dans leur dossier, afin d'acquiescer à leur demande pour certaines déficiences dues à leur internement. Maintenant que faire? Ils allèrent en appel par l'entremise du bureau des avocats des pensions, mais comme il ne figurait aucune preuve médicale au dossier, leurs demandes furent refusées ou rejetées. Dans le cas des prisonniers de guerre de Dieppe, durant la période d'emprisonnement, jusqu'au jour de leur libération, aucune note médicale n'existait dans leur dosseier. C'est ce manque de preuve qui lésait les prisonniers de guerre.

attitude toward the C.P.C. that they will not even talk to their own executives.

A conclusion was reached by diligent interviews with these veterans. These veterans are still suffering from invisible wounds sustained while P.O.W.'s in the camps of Europe. These wounds are best described by the foregoing pages of this document. It is the considered opinion of all P.O.W. Associations that these ex-P.O.W. be given the benefit of the doubt.

Medical Examination

This Association is aware of the provisions approved by the Department of Veterans Affairs, under which they are entitled to free medical examination. These provisions do not appear to be sufficient protection *as they do not overcome the possibility that a member may die unexpectedly, without previous symptoms of manifestations of any disease.*

Autopsy

The Association is aware also of the provisions made in the United Kingdom under which an autopsy and investigation is carried out automatically when the death occurs of a former member of the Forces who was a prisoner of war in the European Theatre. In this respect, our membership must once again consider that this procedure *provides no comfort to the veteran while he is alive, as he is still faced with a matter of uncertainty in regard to adequate provision to protect his widow and children in the event of his death.*

Prisoner of War Conditions

It is perhaps difficult for anyone who did not experience the horror of the German Prison Camps to fully understand the present-day apprehension of the Dieppe Force—an apprehension borne of the knowledge that seemingly-healthy soldiers were overcome by death from causes which were both insidious and incomprehensible to their fellow-prisoners.

It is believed that one of the most complete works of this type is entitled "Pathology of

Alors que la Commission Canadienne des Pensions exige des preuves évidentes de mauvais traitements, de manque de soins, maladies de symptômes quelconques subis par les Prisonniers de Guerre, ces anciens combattants font actuellement face à un mur infranchissable en regard de leur demande pour traitements adéquats (ou pension).

Cette déplorable situation a porté les anciens prisonniers de guerre à souffrir d'apathie plus grande que celle expérimentée dans leur internement.

Ces vétérans sont tellement déçus de l'attitude de la Commission Canadienne des Pensions qu'ils n'osent plus s'adresser à l'exécutif de leur association.

Après maintes entrevues, nous en sommes venus à cette conclusion. Ces vétérans souffrent toujours de maux invisibles qu'ils subirent lors de leur internement en Europe. Ces symptômes sont assez bien décris dans les pages qui suivent de ce document.

C'est l'opinion de toutes les associations de prisonniers de guerre que ces vétérans devraient obtenir le bénéfice du doute de la Commission Canadienne des Pensions.

Examen médical

L'Association est au courant des provisions approuvées par le Ministère des Affaires des Anciens Combattants pour lesquelles ils sont éligibles à un examen médical gratis. Mais ceci ne semble pas une protection suffisante car ils omettent la possibilité qu'un membre puisse décéder subitement, sans symptôme préalable ou manifestation d'aucune maladie.

Autopsie

L'Association est aussi au courant qu'au Royaume Uni, lorsqu'un ancien prisonnier de guerre décède, une autopsie et une investigation sont immédiatement ordonnées. Dans ces circonstances, nos membres une fois de plus considèrent que cette procédure n'apporte aucun réconfort au vétéran alors qu'il est vivant, car il doit toujours faire face à l'incertitude en regard de la protection inadéquate de sa veuve et de ses enfants au cas de décès.

La condition des prisonniers de guerre

Il est sans doute difficile pour quiconque n'a pas expérimenté les horreurs des camps de prisonniers de guerre, en Allemagne, de comprendre l'esprit pessimiste des vétérans de Dieppe. Un pessimisme né des connaissances que des soldats apparemment en santé sont décédés subitement de causes inconnues même de leurs camarades prisonniers.

Il est connu que l'ouvrage le plus complet de ces conditions est contenu dans le rapport

the Captivity of the Prisoner of War—Tome 11" containing the results of the International Medical Conference on this subject, held in Brussels, November 1st to 4th, 1962.

A resume of this report, edited by the International Confederation of Ex-Prisoners of War, contains information which appears to be relative to the report published by Dr. J. H. Richardson.

Some excerpts from the report of the "PATHOLOGY OF THE CAPTIVITY OF THE PRISONERS OF WAR" are quoted hereunder:

"No doubt statistical studies of the results of internment on a prisoner are difficult to establish. For one thing, witnesses who could serve for comparison cannot be easily grouped in sufficient number. On the other hand in numerous countries it is proved difficult to assemble exact information based on clinical examinations and laboratory tests about our former comrades, due to a certain physical lassitude (fatigue) which often is a result of their captivity."

"For the majority of the prisoners, the years spent in the camps represented a series of privations, enforced work, new dangers of war, which all have influenced their psychosomatic state."

"There followed the stay...without ever getting sufficient food...the work often difficult in a climate we were not used to, driven by guards obsessed by the notion that we had to produce more, absence or scarcity of news from the family."

"The doctors who were interested in the fate of former prisoners have found among our comrades troubles of varying gravity in different organs, but troubles whose frequent appearance, it seems, can be traced back to a common psychosomatic origin."

"Captivity, in tearing the individual from his familiar and professional surroundings to which he has adapted through acquired reflexes, brought about a series of aggressions: Physical aggression, overexertion in marching, in work, in climate, privations, fear, anxiety about the future, breaking off family life."

"The organism made an effort to adapt to captivity; captivity, however, multiplies the aggressions consisting of prolonged imprisonments, lack of sufficient food, compulsory work."

"The successive aggressions disturb the circuit of acquired reflexes at the level of

pathologie sur l'internement des prisonniers de guerre Tome II à la suite de la conférence médicale internationale qui eut lieu à Bruxelles du 1er au 4 novembre, 1962.

Un résumé de ce rapport édité par la Conférence Internationale des anciens prisonniers de guerre contient des informations qui apparaissaient au rapport publié par le Dr J. H. Richardson.

Quelques idées générales de ce rapport sur la pathologie de l'internement des prisonniers de guerre vous sont ici présentées.

Il n'y a nul doute que les résultats des études sur l'internement des prisonniers de guerre sont difficiles à définir.

Incidemment, il est difficile d'atteindre suffisamment des témoins et dans plusieurs pays, il n'a pas été facile d'obtenir assez d'informations basées sur des examens de cliniques, tests de laboratoire concernant nos camarades dues à certaines fatigues physiques qui sont souvent le résultat de l'internement.

Pour la majorité des prisonniers de guerre, les années passées dans les camps représentent une série de privations, de travaux forcés, un nouveau danger de guerre qui influence leur état psychosomatique.

Ils ont enduré ce stage sans avoir de nourriture suffisante, le travail souvent pénible, dans un climat dont ils n'étaient pas habitués, conduit par des gardiens obsédés par la nation qu'ils devaient produire plus, sans compter l'absence de nouvelles de leur famille.

Les médecins qui se sont intéressés au cas des anciens prisonniers de guerre, ont constaté parmi nos camarades différents troubles augmentant en gravité dans différents organes, mais les déficiences qui apparaissent plus fréquemment peuvent être retracées par une origine psychosomatique commune.

La captivité tout en arrachant l'individu à son milieu familial auquel il était habitué de vivre depuis son enfance a apporté toute une série d'aggravations, agression physique sur la marche au travail, dans le climat, les privations, la peur, anxiété à propos des éventualités futures.

L'organisme a fait un effort afin de s'adapter à l'internement par contre, ce dernier multiplie les agressions lorsqu'il y eut l'emprisonnement prolongé, nourriture insuffisante et travaux forcés.

L'agression successive gêne les réflexes acquis au niveau (du cortex cérébral) du

the cerebral membrane, the thalamus and the formations at the base of the brain."

"The nervous system of our former comrades shows very often evidence of unbalanced functionings; with the weight of advancing years there appear disorders of temper, irritability, disinterestedness in a sentimental sector and, on the other hand, a diminishing of intellectual ability, difficulty in mental concentration, impossibility of a sustained effort."

"In the domaine of psychiatry, it manifests itself as either a slowly advancing asthenia or in chronic form with attacks (Targowla's paroxystic hypermnesic syndrome)."

"In particular reference is made to the report of Dr. Francis Lanthéaume of Neulise, France in his "Introductory Report to Senescence". He reports as follows:

"This problem of fatigue has moreover been studied by authors from various countries and their conclusions are practically identical in noticing the wear caused by a psychic as well as neuro-muscular fatigue. One has also placed the accent on the responsibility of emotional, affective, and nervous shocks in the evolution and precociousness of Senescence."

"Baumgartner" writes:

"The accumulation of physiological and psychological stresses which have a repercussion on the sympathetic system and on the hollow viscera, is responsible for increased mortality among men between the ages of 40 and 70 years."

"On their side J. and M. Postel dealing with the senile psychological feeling", say:

"These causes are mainly of psycho-affective and social order."

"Mr. Boruk insisted particularly on the etiological role of emotional shocks: deaths, violent emotions, changes of job, family conflicts. Hunger, misery, physical and moral stresses, fatigue, climatic and atmospherical injuries, physiological shocks, here are in a few words the causes of precocious senility, to which one must add since a few years, have passed the inopportune eradiations to which the human organisms are submitted."

"For one who lived in prisoner of war camps, it is undeniable that one finds here all the conditions, almost at the

Thalamus et de la formation à la base du cerveau.

Le système nerveux de nos camarades montre très souvent des évidences d'un déséquilibre fonctionnel avec le poids des années apparaît d'une part des désordres de tempérament, dans le contexte sentimental, d'autre part par une diminution intellectuelle dans la concentration, impossibilités d'efforts soutenus.

Dans le domaine de la psychiatrie, il y a manifestation de l'avancement de l'asthénie ou sous forme chronique avec attache de (Targowla's paroxystique hypermenesic syndrome).

Particulièrement, référence est faite au rapport du Dr Francis Lanthéaume de Neulise, France, dans son rapport d'introduction sur la sénescence qu'il décrit comme suit:

Ce problème de fatigue est de plus en plus étudié par les auteurs de différents pays et leur conclusion est presque identique à remarquer une usure causée par une fatigue psychique ainsi que neuro-musculaire. Nous avons aussi placé l'accent sur la responsabilité émotive affective et choc nerveux dans l'évolution et la précocité du sénescence.

«Baumgartner écrit»:

L'accumulation physiologique et psychologique accentuée qui a une répercussion sur le Hollow-Viscera est responsable du taux accru de mortalité parmi les hommes de 40 à 70 ans.

De leur côté J. et M. Postel traitant l'effet de la sénilité psychologique déclare: Ces causes sont principalement dues à la psycho-affective et ordre social.

«M. Boruk insiste particulièrement sur le rôle étiologique dû au choc émotionnel, émotion violente, changement d'emploi, conflit familial, la faim, la misère, la fatigue, choc physiologique. Voici dans ces mots les causes précoces de sénilité auxquelles on doit ajouter depuis quelques années les radiations inopportunes auxquelles les organismes du corps humain sont soumis.

Pour celui qui a vécu dans les camps de prisonniers de guerre, il est indéniable que l'on trouve ici toutes les

experimental state, of the incurrence of precocious senescence."

"However, before a prejudiced mind, it is difficult to affirm this, one must also give proof of these declarations."

"Dr. Lanthéaume then quotes a number of eminent physicians who have carried out studies which indicate considerable pre-aging for ex-prisoners of war. He then states as follows:

"This summary, as it is only a short summary in relation to the works published in the last fifteen years, as boring as it may seem, has only aimed to start an investigation on the precocious senility, the premature senescence which seems to be the fate of the ex-prisoners of war."

"It is important that very soon a close network of proofs prove to the reticent Governments, the materiality of our statements. Once again it is a question of helping unfortunate people, victims of fate."

conditions presque à l'état expérimental de l'apparition de la précocité de la sénescence.

Cependant, devant une idée de préjudice, il n'est pas difficile d'affirmer ceci, que l'on doit donner des preuves à ces déclarations.

Le Dr Lanthéaume nomme quelques éminents médecins qui ont fait des études qui indiquent qu'un nombre considérable d'ex-prisonniers de guerre sont (pré âgés), de plus, il note aussi, ce sommaire et vu qu'il n'est qu'un court aperçu en relation avec les ouvrages publiés depuis les quinze années, aussi ennuyeux qu'il puisse être n'a qu'un but, le début d'une investigation sur la sénilité. La sénescence prématurée qui semble être le destin des anciens prisonniers de guerre.

Pathology of the Captivity of the Prisoners of War Brussels, November, 1962

The International Federation of Ex-Servicemen and P.O.W.'s (C.I.A.P.G.) held its Congress in Brussels on November 2nd, 3rd and 4th, 1962.

The aim of the Medical Commission of the A/M was to study the belated sequelae of captivity.

Along with: Reps. World Federation of Ex-Servicemen (F.M.A.C.) the Union of the Interned and Deported of the Resistance (U.I.R.D.O.) several governments, the Committee of the International Red Cross, were: doctors delegated from Belgium, Italy, Japan, Norway, the Netherlands, The German Federal Republic, the U.S.S.R., the U.S.A. and Yugoslavia.

(Writer's note: Canada was represented by a note only, to the Congress.)

In many countries, the legislation enacted regarding ex P.O.W.'s had fixed a precise limit, generally too short. As noted by grievances from P.O.W. Ass'ns. it was noted that these countries adopted a wait and see attitude; Canada was no exception.

The point of view of the doctors on the effects of the prolonged duration of detention, observed during 1940-45 war, was excellently summarized in the conclusion of the Congress

Extrait du Rapport Pathologique sur les Prisonniers de guerre Bruxelles, Novembre 1962

La Fédération Internationale des Anciens Combattants et Prisonniers de guerre (C.I.A.P.G.) tenait son congrès à Bruxelles le 2, 3 et 4 novembre 1962.

Le but de la Commission Médicale était d'étudier les effets de la captivité.

Avec les représentants de la Fédération Mondiale des Anciens Combattants (F.M.A.C.) ainsi que l'union des internés et déportés de la résistance (U.I.R.D.O.), plusieurs représentants de différents gouvernements, le Comité International de la Croix-Rouge, des médecins délégués par la Belgique, l'Italie, le Japon, la Norvège, la Hollande, la République Fédérale de l'Allemagne, l'U.R.S.S., les États-Unis et la Yougoslavie.

(Nous notons ici que le Canada était représenté par une note seulement au congrès).

Dans plusieurs pays, la Législation en vigueur au sujet des Anciens Prisonniers de guerre avait établi une limite précise, trop courte en général. A noter, les griefs des Associations de Prisonniers de guerre. A noter que ces pays adoptèrent une attitude passive, le Canada n'était pas une exception.

Le point de vue des médecins sur l'effet de la prolongation de la durée de la détention observée durant la guerre 1939-1945 a été parfaitement énuméré au terme du Congrès

of the World Federation of Ex-Servicemen in The Hague in November, 1961:

The conference considers that there exist affections and "Infirmities, with belated appearance among those who were interned or detailed in concentration camps."

"These conditions can show up at any time after liberation and no time limit can be fixed for their appearance."

"Similar conditions can also be found among ex-P.O.W.'s having lived in exceptionally hard conditions."

During the discussion, it was specified that these conditions were achieved by the severity of the detention, or by its duration. The C.I.A.P.G. asked the doctors to set forth the results of their recent researches: (i.e.)

1. Cardio-vascular pathology
2. Psycho-somatic disorders with complement communications and observations on belated tuberculosis of the P.O.W.'s.
3. Precocious senescence.

Since 1954 the F.N.A.C. has interested itself with the problems of the International Red Cross and subsequently it concentrated its attention on the deported and the P.O.W.'s.

Fifteen years after returning to near normal life, it has become evident "that the suffering endured in P.O.W. camps had inflicted invisible injuries which often proved injurious, in a permanent manner, to the health of these persons and always hastened the ageing of the prisoners having lived in exceptional conditions of stress" (Rogan—F.N.A.C.)

What is required is the means of settling many questions and straying from tradition, to request our Government to guarantee for the ex-P.O.W.'s the best form of reparation, by studying their special needs, whose nature changes as they grow older, and to strive to ease them by taking into account the progress which has been accomplished in the medical, economical and social sciences.

We agree that the Government has taken into consideration the lot of the P.O.W.'s but legislations being as they are, no text will ever be able to bring out exactly the prejudice suffered by living in P.O.W. camps.

de la Fédération des Anciens Prisonniers de guerre à La Haye en novembre 1961:

La Conférence considère qu'il existe affections et infirmités avec apparence à retardement parmi ceux qui ont été internés ou détenus dans les camps d'internement.

Ces conditions peuvent apparaître en tout temps après la libération et aucune limite de temps ne peut être fixée pour leur apparence.

Des conditions semblables se trouvent aussi parmi les anciens prisonniers de guerre qui ont vécu dans des conditions exceptionnellement dures.

Durant la discussion, il a été fait mention que ces conditions étaient le résultat de la dureté de la détention aussi bien que de la longue durée.

La C.I.A.P.G. demande aux médecins de produire les résultats de leurs récentes recherches: (i.e.)

1. Pathologie cardio-vasculaire.
2. Désordres psycho-somatiques, avec attaches et relations aux observations sur les causes déterminantes de la tuberculose chez les anciens prisonniers de guerre.
3. Vieillissement prématuré.

Depuis 1954 la F.N.A.C. s'est beaucoup intéressée aux problèmes de la Croix-Rouge Internationale avec le résultat que plus tard elle mit toute son attention et ses efforts sur le cas des personnes déportées et les anciens prisonniers de guerre.

Quinze années après un retour à une vie presque normale, il est devenu évident «que les sévices endurés dans les camps de prisonniers ont infligé des blessures invisibles et souvent de nature sérieuse et nuisible en permanence, à la santé et au bien-être, produisant un vieillissement très prématuré de ces anciens prisonniers ayant vécu dans des conditions exceptionnelles de «stress». (Rogan—F.M.A.C.).

Ce qu'il nous faut ce sont des moyens pour résoudre plusieurs questions en mettant de côté ce qui se faisait dans le passé, de demander au gouvernement de garantir aux anciens prisonniers de guerre la meilleure formule de compensation, en étudiant leurs besoins spéciaux, qui changent de nature avec le vieillessement, et de s'efforcer d'alléger leurs infirmités en tenant compte des derniers progrès accomplis en médecine et en science économique et sociale.

Nous admettons que le gouvernement est intéressé au sort des anciens prisonniers de guerre mais les lois présentes étant ce qu'elles sont, aucune clause ne serait jamais capable de saisir et définir le préjudice fait à ceux qui ont vécu dans des camps de prisonniers de guerre.

There are general laws which cover our pathology; but the pathology of the P.O.W. is special; we feel no pride and prefer not to speak about it, but the ex-P.O.W. is often an old man when admistratively speaking he is only an adult.

Il y a des lois qui concernent la pathologie dans les grandes lignes: mais la pathologie du prisonnier de guerre est toute autre; nous n'en éprouvons aucun orgueil et préférons n'en pas parler, mais l'ancien prisonnier de guerre est souvent physiquement parlant un vieil homme pendant que d'un point de vue administratif il est encore un adulte.

The legislation on this subject should follow an evolution parallel to that of medical science.

Sur ce sujet les lois devraient donc évoluer de pair avec la science médicale.

This will lead to a more exact appreciation of the belated sequelae which appear among ex-P.O.W.'s and which can manifest themselves at any time after liberation.

Ceci nous conduirait à une appréciation plus exacte des sévices soufferts par les anciens prisonniers de guerre, lesquels se manifestent en aucun temps après la démobilisation.

We request that the P.O.W.'s receive the right to the benefit of the presumption of the origin and the aggravation of their ailments. It is unquestionable that the filiation and the evolution of ailments caused by captivity and which were not ascertained on release or were considered light or not dangerous, and which have transformed themselves into ailments which at present have an important incapacity and a premature senescence.

Nous demandons que les anciens prisonniers de guerre soient accordés la reconnaissance quant à l'origine et à l'aggravation de leurs infirmités, comme ayant été encourues durant leur temps passé dans les camps de prisonniers de guerre.

Il ne fait aucun doute que la cause et l'aggravation de certaines infirmités durant la captivité n'ont pas été bien repérées lors du licenciement ou bien, avaient été considérées de nature bénigne et sans danger, mais que plus tard sont devenues de nature telle à présenter une sérieuse infirmité et la cause directe d'un vieillissement précoce.

If the P.O.W.'s are affected with a particular predilection for certain ailments, it is because captivity has had an unquestionable influence on their genesis.

Si un ancien prisonnier de guerre semble avoir moins de résistance à certaines maladies, ceci nous croyons est dû sans contredit à l'influence de la captivité sur l'origine de ces maladies.

If the captivity has had an influence on their genesis, the imputability of these ailments must be *reconsidered,* even if this late showing of ailments has not allowed, from the point of view of present legislation, these ailing P.O.W.'s to benefit from the presumption of origin.

Si la captivité a influencé l'origine des infirmités, la cause de ces origines doit être reconsidérée, même si un peu sur le tard la preuve des infirmités n'est pas accordée du point de vue de la législation présente, ces anciens prisonniers de guerre devraient se voir accorder le bénéfice du doute.

The belated sequelae of the pathology of captivity are neither a catch nor a free supposition, but a harsh fact which asserts itself more than ever and grows more vigorous every day.

Les suites tardives de la pathologie de la captivité n'est pas un piège ou une supposition toute gratuite, mais un fait bien réel qui s'affermit et se prouve de jour en jour.

It is therefore legitimate that the promiscuity, the feeding, the climate and all the conditions imposed on P.O.W.'s, be the basis of a different pathology from that of a sedentary population.

Il est conséquemment légitime de dire que la promiscuité, la nourriture, le climat et toutes les autres conditions imposées aux prisonniers de guerre, soient acceptées comme base pour une pathologie différente de celle des populations sédentaires.

The repetition of stress, which does not exist in normal life, is capable of causing injuries which might only appear later on, its evolution may be long and insidious and caused by involuntary circumstances.

La répétition de contraintes qui n'existent pas dans la vie normale est capable de produire des infirmités qui n'apparaîtront que sur le tard, leurs évolutions étant lentes et insidieuses et amenées à la surface par des circonstances involontaires.

Under difficult hygienic conditions, poor nutrition and hospital care, infectious diseases must play a large part in the life of men in a P.O.W. camp.

Rheumatism plays an extremely important role in the case of heart muscles and valvular system. Nutrition troubles and dystrophia can cause high albumen losses and various avitaminosis. There is also the grave situation where a psychosomatic state is induced into the P.O.W. by alimentary privations, physical and moral coercions.

We submit that the repercussion of captivity manifested itself at the level of all organs of the bodies of the P.O.W.'s. These symptoms continue to show themselves and the disturbances which characterize them, become more frequent and noticeable as our comrades grow older.

We now come to a premature conclusion.

Although the problem of pensions for Ex-P.O.W.'s cannot constitute a general rule, there are, nevertheless, particular cases, individual and far from exceptional cases, special affections for which a scale of pensions should be established. Once these individual cases all have been specified, they should be submitted to medico-military tribunals, who have as their function, the solution to our problems.

The Ex-Prisoner of War Associations, together with the help of our medical and pension commissions and with the help of the World Federation of Ex-Servicemen, should try to obtain from our Government a practical means of adapting the existing legislations.

We Ex-Prisoners of War, who have all known the same horror of war, the sweetness of Peace and the price of Liberty, can only hope that our pleas will be heard by those who are at the disposal of medical science and the Peace of all men.

Dans des conditions d'hygiène lamentables, une nourriture insuffisante est déficiente, un système de soins médicaux rudimentaires, il n'est pas surprenant que les maladies de toutes sortes ont eu une grande part dans la vie de ces anciens prisonniers de guerre.

Le rhumatisme occupe un rôle extrêmement important dans le cas de maladies de cœur en ce qui a trait au système valvulaire.

Troubles de nutrition et dystrophie peuvent causer de grandes pertes d'albumine et aussi plusieurs sortes d'avitominosis.

Il y a aussi une grave situation où un état de psychomatose est induit dans un ancien prisonnier de guerre par privations alimentaires, et sévices mentaux et moraux.

Nous disons que les répercussions de la captivité se présentent dans tous les organes du corps des anciens prisonniers de guerre.

Que ces symptômes continuent de se manifester et que les troubles qui les caractérisent deviennent plus nombreux, et plus apparents à mesure que nos camarades vieillissent.

Nous en venons maintenant à une conclusion initiale, peut-être prématurée.

Bien que le problème des pensions pour les anciens prisonniers de guerre ne peut être considéré comme règle générale, il y a cependant, des cas fort particuliers et individuels, sans être des cas exceptionnels, où certaines affections devraient être mesurées selon un barème établi.

Une fois que tous ces cas individuels auraient été signalés, ils devraient être présentés à un tribunal médico-militaire, qui devrait avoir pour fonctions de trouver la solution à nos problèmes.

L'association des Anciens Prisonniers de Guerre assistée de nos commissions de médecine et de pension, avec l'aide de la Fédération Mondiale des Vétérans devraient essayer d'obtenir de notre gouvernement des moyens pratiques à être adoptés dans la législation présente.

Les anciens prisonniers de guerre, qui ont connu les mêmes horreurs de guerre, les bienfaits de la Paix et du prix de la liberté, ne peuvent qu'attendre que nos demandes seront écoutées par ceux qui se dévouent à la science médicale et à la Paix mondiale.

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Speaker — The Honourable Lucien
Lamoureux

Mr. Ormiston 3567

It is my opinion that a general overhaul should be made of pension legislation. This legislation has not been amended for quite a few years. It was originally brought forward in a hurry to expedite assistance to veterans who had completed their wartime service. In light of what has transpired in the last few years a general review of veterans pension legislation should be made.

3567

I presume the representations and appeals made from time to time to the minister and the department by various organizations have been considered. We would like to hear what is in store for our veterans in the next year. The cost of living has made it imperative that increases in pensions be considered and now would be a good time to let our veterans know what they can expect in the future.

3568

Over the last year and a half many representations have been made to the minister and his department to give us some outline of what can be expected in the nature of veterans legislation. I hope that today the minister will afford himself of the opportunity to deal with this question and will give us some idea of what we may expect in the future.

Mr. Lambert 3569

There is another matter about which I would like to say a few words. It also concerns prisoners of war. Sometime ago I placed a question on the order paper asking whether the treatment section of the Department of Veterans Affairs intended to call in prisoners of war through the various treatment centres in the country to give them a check-over either there or through the facilities of the Canadian Pension Commission. I consider this to be treatment of a preventive nature. There is no use waiting for a veteran to come in and say: Iam ill and this is attributable to a disability incurred during the war. The minister is in the same position as I am. We are both former prisoners of war. He will recall the agitation on both sides of the house with

M. Ormiston 3567

A mon avis, une refonte complète de la législation sur les pensions, qui n'a subi aucune modification depuis des années, s'impose. Adoptée hâtivement à l'origine pour secourir les anciens combattans qui avaient terminé leur service du temps de guerre, elle devrait subir une révision générale à la lumière des événements de ces dernières années.

3567

Je suppose qu'on a tenu compte des instances et des appels adessés de temps à autre au ministre et à son ministère par différentes organisations. Nous aimerions qu'on nous dise ce que l'année prochaine réserve à nos anciens combattans. Le coût de la vie nous fait une obligation impérative de considérer une augmentation de leurs pensions et ce serait le bon moment pour mettre nos anciens combattants au courant de ce qu'ils peuvent espérer de l'avenir.

3568

Depuis dix-huit mois on a présenté de nombreuses instances au ministre et à son ministère pour qu'ils nous donnent une idée de ce qu'on peut attendre en fait de lois relatives aux anciens combattants. J'espère qu'aujourd'hui le ministre profitera de l'occasion pour exposer la question et nous donner une idée de ce qu'il compte faire dans l'avenir.

M. Lambert 3569

Il y a un autre point sur lequel j'aimerais m'arrêter quelque peu. Il s'agit aussi des prisonniers de guerre. J'avais fait inscrire il y a quelque temps une question au *Feuilleton*. Je voulais savoir si la section des traitements du ministère des Affaires des anciens combattants avait l'intention de convoquer les prisonniers de guerre aux divers centres de traitements du pays afin de leur faire subir des examens médicaux dans ces centres ou par les services de la Commission canadienne des pensions. Je considère qu'il s'agit là de traitements préventifs. Il ne sert à rien d'attendre qu'un ancien combattant vienne nous dire: «Je suis malade et c'est à cause de quelque invalidité subie durant la guerre.» Le ministre lui-même se trouve dans la même position

regard to the Hong Kong prisoners of war. I think that finally the right steps were taken on their behalf and none too soon. However, I suggest to him that the same applies to other prisoners of war whose medical histories after incarceration have followed the same pattern.

3569

Relatively speaking the minister and I did not suffer too much, but I know of many men who had to subsist for longer period of time on raw sugar beets which they pulled out of frozen fields. How has this affected them? We are not able to say whether any of these men who have died may have done so five or ten years earlier than they should have. And yet what do we know about those who are still suffering from the effects of the war? I think that here again we are missing an opportunity. I am sure that the treatment services have learned a great deal from the examinations of the Hong Kong prisoners of war conducted in the past few years. The same could be done with all the other prisoners of war. This is what I would call a form of preventive medicine. Their experiences cannot be duplicated. After all, there are not that many of these men who may serve as guinea-pigs, and experiments cannot be conducted easily with regard to this type of condition. I strongly urge the minister to reconsider the position taken by his department in the reply to my question. I really feel that we are passing up a truly worthwhile opportunity.

Mr. Herridge 3570

At the present time the major concern of veterans in Canada is an increase in the disability pension and the war veterans allowance. It is obvious that this does concern veterans and their dependants and veterans organizations. In order to indicate the extent of their concern I show the minister the over 100 letters I have received to date on this issue. There is a regular campaign going on in Kootenay West. We have ten branches of the Royal Canadian Legion. I will give the minister the letters later, but they show the interest in this question and the need for increases.

3570

Our whole system of judging the rate of pension is wrong. In the first instance it was

que moi. Nous sommes tous deux d'anciens prisonniers de guerre. Qu'il se rappelle l'agitation qu'avait causée des deux côtés de la Chambre la question des prisonniers de guerre de Hong-kong. On a finalement pris les dispositions appropriées en leur nom, et pas trop tôt. Toutefois, je lui signale que la même chose s'applique aux autres prisonniers de guerre dont la fiche médicale après leur incarcération a suivi la même tendance.

3569

Le ministre et moi-même n'avons, relativement, pas trop souffert, mais je sais que nombreux sont ceux qui se sont nourris, durant de longues périodes de temps, de betteraves à sucre crues qu'ils arrachaient dans les champs gelés. Comment cela a-t-il pu altérer leur santé? Nous ne pouvons déterminer si ces hommes ont pu mourir cinq ou dix ans avant l'âge normal. Pourtant, que savons-nous de ceux qui souffrent encore des effets de la guerre? Je crois que nous manquons encore une occasion favorable. Je suis certain que les services de traitement ont beaucoup appris à la suite de l'examen des prisonniers de guerre de Hong-kong, ces quelques dernières années. On pourrait faire de même pour tous les autres prisonniers de guerre. C'est ce que j'appellerais de la prophylaxie. Leur expérience ne peut être répétée. Somme toute, il n'y a pas tellement de ces hommes qui peuvent servir de cobayes, et il n'est pas facile d'effectuer des expériences sur ce genre d'état. Je recommande instamment au ministre de revenir sur la position prise par son ministère dans sa réponse à ma question. J'estime vraiment que nous manquons une excellente occasion.

M. Herridge 3570

Et maintenant, monsieur le président, je voudrais souligner que le principal souci des anciens combattants au Canada est de voir augmenter la pension d'invalidité et l'allocation pour service de guerre. Il est évident que cela est un sujet de préoccupation non seulement pour les anciens combattants et pour les personnes à leur charge, mais encore pour les organisations d'anciens combattants. Afin d'indiquer la gravité de ces préoccupations, je montre au ministre la centaine de lettres que j'ai reçues jusqu'ici à ce sujet. Une campagne en règle est menée à Kootenay-Ouest. Nous y avons dix branches de la Légion Royale Canadienne. Je donnerai les lettres au ministre un peu plus tard; elles montrent l'intérêt que suscite cette question et la nécessité des augmentations en cause.

3570

Notre façon d'évaluer le taux de pension est entièrement mauvaise. On l'a d'abord éta-

based on the wage of a casual labourer. The increases in pensions have not been equal to the increases received by casual labourers thus far. This is the first reason for discontent. The second reason is the rapid increase in the cost of living during the last two or three years. I believe these arguments are soundly based.

3570

Canada has a generally good record with regard to veterans legislation. However, we are reaching a stage now where we have to approach our problems in this field on an international basis rather than on a strictly national basis. Before I sit down I want to bring to the attention of the members of the committee what has been done in this respect. I happen to be a member of the World Veterans Federation which has done a lot of constructive work in respect of improving veterans legislation generally in all countries of the world. I know that members of the Legion and veterans who will receive a copy of Hansard containing this day's proceedings will want to know something about what has been done. I should like, therefore, to place a few facts on the record.

3570

This organization, one might say, is the counterpart of the International Labour Organization, The World Federation of Farm Women, the World Health Organization and organizations of that type which have resulted from the realization that if we are going to solve our problems satisfactorily we have to solve them almost on the basis of an international set of rules. This is what has been done to date. The organization has held its third conference on legislation with regard to veterans affairs. Under the heading "International Documentation on Benefits for War Victims", the conference recommended the assembling by all means at its disposal, with the assistance of governments and member associations, of the fullest possible data bearing on the establishment of valid comparisons of the purchasing power of national currencies, gross national revenues, national budgets, average wages and the number of war victims in receipt of benefits in relation both to the amount of benefits granted and to modifications of legislation in this field. I believe that suggestion was made as a result of considerable thought.

3571

The second heading was "Co-operation in Promoting Veterans Protection". The conference called upon veterans organizations and competent governmental institutions pursuing

blie d'après le salaire d'un manœuvre d'emploi intermittent. Jusqu'à présent, les pensions n'ont pas augmenté autant que les salaires des manœuvres. Voilà le premier motif de mécontentement. Le deuxième est la hausse rapide du coût de la vie depuis deux ou trois ans. An mon sens, ces griefs sont bien fondés.

3570

A tout prendre le Canada peut être fier de ses lois relatives aux anciens combattants. Nous en arrivons toutefois au point où il y a lieu d'aborder nos problèmes dans ce domaine d'un point de vue international plutôt que strictement national. Avant de me rasseoir, je tiens à attirer l'attention des membres du comité sur ce qui a été fait à cet égard. Je suis membre de la Fédération mondiale des anciens combattants, qui a fait beaucoup pour améliorer la législation relative aux anciens combattants de tous les pays du monde. Je sais que les légionnaires et les anciens combattants qui recevront le hansard d'aujourd'hui voudront savoir un peu ce qu'elle a accompli. Voilà pourquoi je tiens à faire consigner certaines choses au compte rendu.

3570

La Fédération est l'équivalent, peut-on dire, de l'Organisation internationale du travail, de la Fédération mondiale des femmes d'agriculteurs, de l'Organisation mondiale de la santé et d'autres organismes analogues, tous fondés sur le principe que la solution effective de nos problèmes repose presque absolument sur des règles internationales. Voici ce qu'on a accompli à ce jour. La Fédération a tenu sa troisième conférence sur les lois relatives aux affaires des anciens combattants. Sous la rubrique: «Documentation internationale sur les prestations aux victimes de la guerre», la conférence a proposé que soit réunie, par tous les moyens disponibles et avec la collaboration des gouvernements et des associations affiliées, une documentation des plus fouillées pour qu'on puisse établir des comparaisons valables concernant le pouvoir d'achat des devises nationales, les revenus nationaux bruts. les budgets nationaux, les salaires moyens et le nombre des victimes de la guerre qui sont indemnisées, en fonction tant du chiffre des prestations que des modifications apportées aux lois pertinentes. Je crois que cette proposition a été faite après mûre réflexion.

3571

On a parlé ensuite de «la coopération en vue d'assurer une meilleure protection aux anciens combattants». La conférence a exhorté les associations d'anciens combattants

humanitarian aims for the protection of veterans and their dependants to develop comprehensive mutual cooperation for the purpose of completing and improving systems of protection of veterans, resistants and war victims.

3571

The next subject was "Indemnification for Damages and Illnesses Resulting Indirectly from Disabilities Already Giving Entitlement to Indemnification". The conference recommended that governments ensure the indemnification of any aggravation occuring in the somatic state of a person disabled in war or while performing military service, not only when it is established medically that his recognized lesions or sicknesses were caused exclusively by a disability previously recognized as being war or service connected but also where a consensus of medical opinion makes it possible to consider that the predominant cause of the new disability is the accepted war disablement. They recommended also the introduction into the legislation of countries concerned of provisions which make possible a benevolent, clear and uniform application of the relevant regulations.

3571

The conference also discussed the discrimination existing against the less severely disabled in the matter of pensions and advocated scales of pensions proportional to disability ratings. There was a recommendation that the governments concerned resist any such tendency, accord to the less severely disabled their true worth and respect their right and, with this end in view, ensure that scales of pensions are directly proportional to the basic pension related to the medical assessment of the disablement.

3571

The conference then dealt with the influence of age on war pension rates. They called upon governments to introduce, where necessary, legislation whereby the disabled are entitled to the undiminished rate of their disability pension as from the age of 60, or earlier in cases where they have been in receipt of such pensions for a period of ten years.

3571

The next subject dealt with was the adjustment of war victims pensions. The conference went on to recommend that governments establish pensions and other benefits in line with rising national standards.

et les organismes officiels chargés du bien-êtres des anciens combattants et de leurs familles à collaborer de leur mieux afin d'établir et d'améliorer des sytèmes de protection pour les anciens combattants, les membres de la résistance et les victimes de guerre.

3571

Le sujet de discussion suivant était «l'indemnisation pour les dommages et les maladies résultant indirectement d'une invalidité qui donne déjà droit à une indemnisation». La conférence a recommandé que les gouvernements accordent une indemnité pour toute aggravation d'une affection somatique contractée pendant le service militaire ou à la guerre, non seulement lorsque les médecins reconnaissent que les maladies ou lésions en cause proviennent exclusivement d'une invalidité reconnue comme étant le résultat de la guerre ou du service militaire, mais lorsque les médecins s'accordent pour considérer l'invalidité de guerre comme étant la cause principale de la nouvelle infirmité. La conférence a recommandé également que les pays intéressés modifient leurs lois en y incorporant des dispositions permettant d'appliquer les règlements pertinents de façon claire, uniforme et bienveillante.

3571

Puis, la conférence a discuté la discrimination envers les personnes frappées d'une invalidité relativement légère lorsqu'il s'agit de pensions et a préconisé une échelle de pensions proportionnelle à l'incapacité. Elle a exprimé le vœu que les gouvernements repoussent toute tendance à la discrimination, accordent à ces personnes ce qu'elles méritent et ce qui leur revient de droit et, à cette fin, assurent une échelle de pensions directement proportionnelle à la pension et fondée sur l'évaluation médicale de l'incapacité.

3571

On est ensuite passé à l'effet de l'âge sur les taux de pension de guerre. On a invité les gouvernements à présenter, au besoin, des mesures législatives qui permettent aux invalides de toucher une pension d'invalidité non réduite à partir de l'âge de 60 ans ou plus tôt lorsqu'ils la touchent depuis dix ans.

3571

Ensuite, il a été question du rajustement des pensions des victimes de guerre. Il a été recommandé, lors de la conférence, que des gouvernements fixent les pensions et autres prestations selon l'amélioration des normes de leur pays.

Mr. Churchill 3574

Why does the minister not say to the people of this country: you have a continuing responsibility for the disabled veterans who fought in the wars for freedom for Canada? Let him stress this point. He is the only member of the cabinet who is charged with this responsibility, although I would hope other members of the cabinet share it, but someone has to do this and keep on doing it because human nature is such that we tend to forget when things are not drawn to our attention.

3574

The grave danger which faces the veterans of Canada is that with the passage of time people generally will tend to forget them. There is a new generation coming up. Fortunately it has been free from having to make sacrifices in warfare, but that new generation should be interested in the history of our country, should know something of the fight for freedom that was carried on by its predecessors and should be steeled in its own will to face similar hazards if called upon to do so.

3575

Let us not carelessly brush aside or treat as something insignificant the care of our disabled veterans. The minister should have put the figures on the record to show the number of people still suffering. Why did he not say that of the approximately 33,000 disabled pensioners of the first world war almost 6,000 are men who are in the category of 75 per cent to 100 per cent disability? They have carried that burden for 50 years. Fancy being a 100 per cent disabled pensioner for 50 years. No greater sacrifice has been made by any citizen of this country than that made by the men who have carried that burden. The minister should draw this to our attention.

3575

The minister should also indicate the figures for the second world war and Korea to show that the problem exists, that it cannot be brushed aside, and that it will remain with us for a great many years. First world war veterans, of course, are on the downward slope. There are very few of them under 70 years of age. In another 15 years they will have gone over the precipice. But second world war veterans are going to be around for a long time and the citizens of this country must gratefully bear the burden of sustaining these men who risked their lives in order that Canada would be free. The Minister of Veterans Affairs carries the responsibil-

M. Churchill 3574

Pourquoi le ministre ne dit-il pas aux Canadiens: «Vous avez une responsabilité continue envers les anciens combattants infirmes qui ont combattu lors de deux guerres pour la liberté du Canada»? Qu'il souligne ce point. Il est le seul membre du cabinet chargé de cette responsabilité, quoique pour ma part j'aurais souhaité que d'autres la partagent. Mais quelqu'un doit le faire et revenir à la charge, car la nature humaine est telle que nous sommes portés à oublier ce qu'on ne nous signale pas.

3574

Les anciens combattants canadiens courent un sérieux danger: celui de se voir peu à peu oubliés. La génération actuelle est une nouvelle génération qui n'a heureusement pas dû se sacrifier pour la guerre; elle devrait, cependant, s'intéresser à l'histoire de notre pays, connaître l'essentiel de la lutte pour la liberté qu'ont menée ses prédécesseurs et galvaniser sa propre résolution de faire face à de semblables dangers si elle y était un jour appelée.

3575

Ne soyons pas désinvoltes en ce qui concerne le souci de nos anciens combattants; ne les traitons pas en quantité négligeable. Le ministre aurait dû faire figurer au dossier les chiffres qui attestent le nombre de personnes qui souffrent encore. Pourquoi n'a-t-il pas cité celui des quelque 33,000 pensionnés invalides de la Première Guerre mondiale, dont environ 6,000 appartiennent à la catégorie de ceux qui ont 75 pour cent d'invalidité? Ils ont porté ce fardeau pendant 50 ans. Qu'on imagine ce que cela représente d'être un invalide à 100 pour cent pendant 50 ans. Aucun citoyen de notre pays n'a accompli un sacrifice plus grand que celui de ces hommes. Le ministre devrait attirer notre attention sur ces faits.

3575

Le ministre devrait aussi nous donner les chiffres pour la seconde guerre mondiale et celle de Corée, afin de nous montrer que le problème existe, qu'on ne saurait en faire abstraction et qu'il subsistera encore très longtemps. Évidemment, les anciens combattants de la Grande Guerre sont au déclin de leur vie. Rares sont ceux de moins de 70 ans. Dans 15 ans, ils auront disparu. Mais il y aura encore des anciens combattants de la seconde guerre pendant longtemps, et les Canadiens doivent accepter avec reconnaissance de secourir ces hommes qui ont risqué leur vie pour préserver la liberté du Canada. Le ministre des Affaires des anciens combat-

ity of repeating that message time and time again.

Mr. Martin (Timmins) 3578

The other point I would like to raise has to do with the treatment of our war veterans allowance recipients who also happen to be old age pensioners. I have raised this matter before; in fact I raised it last spring during the committee hearings, as the minister may recall. I have since heard of a number of cases of veterans of the first world war who were recipients of old age security and also of a partial war veterans allowance pension who have found that the money which the Minister of National Health and Welfare put into one pocket for old age pensions was promptly taken out of the other pocket for war veterans allowances. I think we should remember that the reason for $30 supplement was given to old age pensioners was that old age pensioners were in need and that they were not receiving a sufficient pension to meet their basic needs in view of the cost of living today. Having recognized this, the department proceeded to give them a small increase.

3578

The funny part of the whole thing is that the different sets of rules in the games that the government plays with the old people have meant that under the rules of the old age security game they could qualify even though they were in receipt of the war veterans allowance but under the rules of war veterans allowance game the recipients fell afoul of the law if they received extra money on their old age pension. The most vicious feature of all in many of these cases was that when the department finally got through the red tape in giving the extra $30 a month it was late in the year, July, August or September, and since the increase was retroactive to the first of this year it constituted an overpayment. We found that not only were the war veterans allowances out by the $30 which they received in addition to the old age security pension but they were cut even more to recoup the so-called overpayments. I cannot think of anything more vicious in the treatment of our veterans.

Mr. MacRae 3581

The time has now come when veterans pensions must be increased. We know the unpleasant economic facts of life in this nation and that inflation is one of the great problems. The cost of living falls most heavily on those men and woemn on fixed incomes, such peotants se doit de revenir là-dessus constamment.

M. Martin (Timmins) 3578

Je voudrais aussi parler de la manière dont on traite les bénéficiaires des allocations aux anciens combattants qui touchent aussi des pensions de vieillesse. J'ai déjà soulevé la question; de fait, je l'ai soulevée le printemps dernier pendant les audiences du comité, comme le ministre doit s'en souvenir. Depuis, j'ai entendu parler d'un nombre de cas d'anciens combattants de la première guerre mondiale qui touchent des pensions de la sécurité de la vieillesse, ainsi que des pensions partielles à titre d'allocations de guerre. Ceux-ci estiment que les pensions de vieillesse que leur verse d'une part, le ministre de la Santé nationale et du Bien-être social, leur sont promptement retirées d'autre part au titre des allocations aux anciens combattants. Nous devrions nous rappeler, je pense, que le supplément de $30 aux pensions de la vieillesse est justement versé parce que le gouvernement a enfin compris que les vieillards pensionnés en avaient besoin, leurs pensions étant bien insuffisantes pour répondre à leurs besoins fondamentaux en raison du coût de la vie à l'heure actuelle. Ayant reconnu cela, le ministère est passé à l'action et a légèrement haussé les pensions.

3578

Le plus amusant, c'est qu'en vertu des différentes règles des jeux que joue notre gouvernement avec les vieillards, ceux-ci pourraient satisfaire aux exigences relatives à la sécurité de la vieillesse même s'ils touchent une allocation d'ancien combattant, mais en vertu du règlement applicable à ces allocations, les bénéficiaires enfreignent la loi s'ils reçoivent un supplément à la pension de vieillesse. Pour comble d'injustice, dans une foule de ces cas, avant que le ministère en ait fini avec les formalités et verse le supplément de $30, l'année était déjà avancée—c'était en juillet, août et septembre—et comme l'augmentation était rétroactive au premier de l'an, il y a eu paiement en trop. Non seulement le supplément de $30 à la pension de vieillesse a-t-il été déduit des allocations aux anciens combattants, mais les prétendus paiements indus en ont aussi été défalqués. Est-il façon plus injuste de traiter nos anciens combattants?

M. MacRae 3581

Le moment est venu d'augmenter les pensions des anciens combattants. Nous savons que la situation économique est difficile dans notre pays et que l'inflation est un grand problème. Le coût de la vie retentit plus durement sur les hommes et les femmes à revenus

ple as was pensioners, the dependants of veterans and federal civil service superannuates.

3581

Those who belong to the powerful labour unions can strike, and they do with regularity. In this way they are able to force up their remuneration. But the veterans of this country and their dependants have no one other than the members of this house to speak for them. This is why I make no excuse for pressing this matter in the house upon the Minister of Veterans Affairs. The time has now come when there should be a substantial increase in disability pensions, in war veterans allowances, in pensions to disabled veterans, indeed in the payments to all those who are receiving assistance of this sort.

Mr. Patterson 3583

I would also like to support the representations made by the Hon. member for Timmins who referred to the fact that there are veterans who find their pensions have been reduced because they are now in receipt of the old age pension income supplement. It seems very strange that although veterans pensions are not taken into consideration in the establishment of people's right to the income supplement, the income supplement itself affects veterans pensions.

Mr. Winch 3584

It has been some time since the Wood commission was appointed to study veterans problems, legislation, administration and regulations. A committee was also set up to deal with the financial aspects of veterans pensions. It is not necessary to remind the house that a period of over a year has passed since the minister indicated that the report of the Wood commission would be forthcoming. Because the report has not been received the government, through the minister, introduced an interim increase of 15 per cent in veterans pensions. He pointed out that this was only an interim increase and that the situation would be remedied as soon as the Wood report was received and the committee's fiscal recommendations has been considered. Almost another year has elapsed and we are still awaiting the Wood commission report and the committee's fiscal recommendations.

3584

The priority list of legislative items outlined by the Prime Minister for this year did not contain any mention of veterans pensions and contained not one word in respect

fixes, comme les pensionnés de guerre, les personnes à la charge d'anciens combattants et les agents pensionnés de l'État.

3581

Ceux qui sont membres de puissants syndicats ouvriers peuvent se mettre en grève et ils le font régulièrement. Ainsi ils peuvent faire augmenter leur rémunération. Mais les anciens combattants du Canada et leurs personnes à charge n'ont que les députés pour parler en leur nom. Voilà pourquoi je ne crois pas devoir m'excuser d'insister sur cette question auprès du ministre des Affaires des anciens combattants. L'heure est venue d'augmenter considérablement les pensions d'invalidité, les allocations aux anciens combattants, les pensions aux anciens combattants invalides, en fait toutes les prestations versées à ceux qui reçoivent une telle aide.

M. Patterson 3583

J'aimerais aussi appuyer les instances du député de Timmins (M. Martin), qui nous a rappelé que la pension de certains anciens combattants a été réduite parce qu'ils touchent maintenant le supplément de revenu aux vieillards pensionnés. Il paraît très étrange que, bien que les pensions des anciens combattants ne comptent pas dans l'établissement du droit des gens au supplément de revenu, le supplément de revenu lui-même affecte la pension des anciens combattants.

M. Winch 3584

La création du comité constitué pour étudier les problèmes des anciens combattants ainsi que les lois, l'administration et les règlements qui s'y rapportent remonte déjà à un certain temps. Ce comité devait aussi s'occuper des aspects financiers des pensions des anciens combattants. Dois-je rappeler à la Chambre que plus d'un an s'est écoulé depuis que le ministre à laissé entendre que le rapport du comité Woods était en route. Le rapport n'étant pas arrivé, le gouvernement, par le truchement du ministre, décréta une augmentation provisoire de 15 p. 100 des pensions des anciens combattants. Il a signalé que ce n'était qu'une augmentation provisoire et qu'on remédierait à la situation dès que le rapport Woods serait présenté et que les recommandations du comité en matière fiscale auraient été examinées. Depuis, près d'une année s'est encore écoulée et nous attendons toujours ce rapport et ces recommandations.

3584

La liste des mesures législatives prioritaires pour cette année, énumérées par le premier ministre de l'époque, était muette sur les pensions des anciens combattants et pas

of any change or increase on an interim basis between now and the receipt of the Wood report. It is obvious that as far as this government and the minister are concerned the veterans of this country have been forgotten. We all pay tribute to the senior citizens and pioneers of Canada but the government has apparently forgotten those who volunteered and risked their lives for this country. During this past centennial year we should remember the hundreds of thousands who offered their time and their lives during wartime not only for this country but to protect the concept of democracy in the free world. These people have now been forgotten.

3585

The veterans of this country and the dependants of those who were killed have the right to expect top priority to be given to the introduction of a bill to provide a further interim increase to our veterans. I refer not only to those on veterans pension but those on veterans allowance.

3585

Action should be taken at once to correct this situation, and those on veterans allowance should not be discriminated against as they were last year, when in effect they received no increase whatsoever because of the means test, or to use the polite language of the government, the needs test. More than that, what has happened in this respect from the first world war through to the second world war is now almost a matter of history. There has been a denial of fair treatment by governments of this country to forces which have already been mentioned, namely those who served in the Korean war, the firefighting corps and the merchant marine service, which in many respects was just as much in a firing line as those on active service.

3585

There was no mention, in the list of priorities announced by the Prime Minister, of legislation to improve the lot of our veterans.

Mr. Pugh 3586

The veterans themselves are writing letters, but the government is stalling and stalling. It says to the veterans complacently, "Tomorrow is the day quite possible, and if we can, we will try to get down to it and give you an answer." The minister must do better than that.

Mr. Webb 3587

Under the present regulations a veteran is discouraged from showing initiative and

un mot ne laisse prévoir un rajustement ou une hausse provisoire d'ici la réception du rapport Woods. Tout indique que le gouvernement et le ministre ont oublié les anciens combattants. Nous rendons tous hommage aux vieillards qui ont édifié ce pays, mais le gouvernement, semble-t-il, fait peu de cas de ceux qui ont consacré volontairement leur vie à leur pays. Nous devons, en cette année du centenaire, nous rappeler les centaines de milliers de Canadiens qui ont sacrifié leur temps et leur vie pendant la guerre non seulement pour leur propre pays, mais pour défendre les principes démocratiques du monde libre. On les a oubliés maintenant, ces gens-là.

3585

Les anciens combattants et les familles des militaires tués ont le droit de s'attendre à ce que la priorité soit donnée à un projet de loi visant à leur accorder d'autres augmentations provisoires. Je ne parle pas seulement de ceux qui touchent une pension, mais aussi de ceux qui reçoivent une allocation.

3585

Il faut agir immédiatement pour corriger cette situation; ceux qui reçoivent des allocations aux anciens combattants ne doivent pas subir la discrimination dont ils ont été victimes l'an dernier alors qu'ils n'ont reçu aucune augmentation à cause de l'évaluation des ressources ou, pour employer l'euphémisme du gouvernement, l'évaluation des besoins. En outre, ce qui s'est produit dans ce domaine depuis la première grande guerre jusqu'à la seconde est passé à l'histoire. Les gouvernements du pays ont refusé de traiter équitablement les troupes dont il a été déjà question, à savoir celles qui ont servi pendant la guerre de Corée, le corps des sapeurs-pompiers et la marine marchande qui, dans un certain sens, était autant sur la ligne de feu que les hommes en activité de service.

3585

Dans la liste des priorités annoncées par le premier ministre on n'a mentionné aucune mesure législative destinée à améliorer le sort de nos anciens combattants.

Mr. Pugh 3586

Les anciens combattants eux-mêmes écrivent des lettres, mais le gouvernement, lui, ne fait que temporiser. Il leur dit avec suffisance que ce sera peut-être pour demain mais que s'il le peut, il essaiera de leur fournir une réponse. Le ministre doit faire mieux que cela.

M. Webb 3587

Les règlements actuels tendent à dissuader les anciens combattants de toute initiative et

endeavouring to keep himself busy, thereby earning a few extra dollars. In some cases veterans have a few chickens or a cow to supply eggs or milk for their families. Yet when the D.V.A. representative has called on them this has been calculated as income. Also the fact that a veteran owned a decent car to transport his family here and there was deplored by the representatives of the department. Surely this is not the wish of the Canadian people. In my opinion they want their veterans to be treated as well as veterans are treated in any other country. I hope the minister will consider these matters.

The National Dieppe Prisoner of War Association wishes the Minister to give serious consideration to the remarks made by Mr. Webb.

Thank you.

NATIONAL DIEPPE PRISONER OF WAR ASSOCIATION.

de toute occupation qui leur apporterait quelques dollars supplémentaires. Certains anciens combattants avaient des poules ou une vache qui donnent des œufs ou du lait à leur famille. Pourtant, aux yeux des représentants du ministère, il s'agissait là d'un revenu. Ils ont aussi déploré le fait qu'un ancien combattant possède une voiture convenable pour les déplacements de sa famille. Ce n'est certainement pas ce que désire le peuple canadien. A mon sens, il veut que ses anciens combattants soient traités comme ceux des autres pays. J'espère que le ministre examinera ces questions.

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First Session

Twenty-eighth Parliament, 1968-69

FASCICULE BILINGUE OFFICIEL

CHAMBRE DES COMMUNES

Première session de la

vingt-huitième législature, 1968-1969

STANDING COMMITTEE ON

VETERANS AFFAIRS

COMITÉ PERMANENT DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS AND EVIDENCE

PROCÈS-VERBAUX ET TÉMOIGNAGES

No. 19

MONDAY, SEPTEMBER 29, 1969

LE LUNDI 29 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings) *(Voir Procès-verbaux)*

STANDING COMMITTEE ON
VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—20.

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

COMITÉ PERMANENT
DES
AFFAIRES DES ANCIENS
COMBATTANTS

Président: M. Lloyd Francis

Vice-président: M. Carl Legault

et Messieurs

[*Text*]

MINUTES OF PROCEEDINGS

(25)

MONDAY September 29, 1969.

The Standing Committee on Veterans Affairs met this day at 9.40 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Bigg, Francis, Guay (*St. Boniface*), Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London East*)—(10).

Other Members present: Messrs. Knowles, M.P. (*Winnipeg North Centre*), Howard, M.P., (*Okanagan-Boundary*) and Honourable Marcel Lambert, P.C., M.P.

Witnesses: From The Nursing Sisters' Association of Canada: Mrs. Margaret Reynolds, President; Miss Kathleen Christie, Member of Executive Committee; Miss Evelyn Pepper, Member of Executive Committee; Miss D. Lodge, National Vice-President; Mrs. M. MacDermott, Ottawa Unit; Miss N. Kennedy-Reid, Past President; Miss G. Johnson, Ottawa Unit President; and Major Jessie Urquart. *From the Canadian Pension Commission:* Mr. T. D. Anderson, Chairman.

Mrs. Reynolds read the brief of the Nursing Sisters' Association and the Committee proceeded to the questioning of the witnesses.

At 12.10 p.m., the Committee recessed to 2.00 p.m.

AFTERNOON MEETING

(26)

The Committee resumed sitting at 2.10 p.m.

Members present: Messrs. Badanai, Bigg, Francis, Guay (*St. Boniface*), Legault, MacRae, Marshall, Peters, Turner (*London East*)—(9).

Other Members present: Mr. Knowles, M.P. (*Winnipeg North Centre*), Hon. Mar-

[*Traduction*]

PROCÈS-VERBAUX

(25)

Le LUNDI 29 septembre 1969.

Le Comité permanent des affaires des anciens combattants se réunit ce matin à 9 h. 40, sous la présidence de M. Lloyd Francis, président.

Députés présents: MM. Badanai, Bigg, Francis, Guay (*Saint-Boniface*), Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London-Est*)—(10).

De même que: M. Knowles, député (*Winnipeg-Nord-Centre*), M. Howard, député (*Okanagan-Boundary*), et l'honorable Marcel Lambert, c.p., député.

Témoins: De l'Association des infirmières militaires du Canada: M^me^ Margaret Reynolds, présidente; M^lle^ Kathleen Christie, membre du Comité de direction; M^lle^ Evelyn Pepper, membre du Comité de direction; M^lle^ D. Lodge, vice-présidente nationale; M^me^ M. MacDermott, Unité d'Ottawa; M^lle^ N. Kennedy-Reid, ex-présidente; M^lle^ G. Johnson, présidente de l'Unité d'Ottawa; et le major Jessie Urquart. *De la Commission canadienne des pensions:* M. T. D. Anderson, président.

M^me^ Reynolds donne lecture du mémoire de l'Association des infirmières militaires du Canada, puis le Comité interroge les témoins.

A midi 10, le Comité lève la séance, pour se réunir de nouveau à 2 h. de l'après-midi.

SÉANCE DE L'APRÈS-MIDI

(26)

Le Comité se réunit de nouveau à 2 h. 10 de l'après-midi.

Députés présents: MM. Badanai, Bigg, Francis, Guay (*Saint-Boniface*), Legault, MacRae, Marshall, Peters, Turner, (*London-Est*)—(9).

De même que: M. Knowles, député (*Winnipeg-Nord-Centre*), M. Howard, dé-

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cel Lambert, P.C., M.P., Mr. Howard, M.P. (*Okanagan-Boundary*).

Witnesses: From the Canadian Corps Association: Mr. Leslie Crooks, Dominion First Vice-President; Mrs. Shirley Wood Heesaker, Dominion Honorary Secretary; Mr. H. C. Chadderton, Dominion Honorary Vice-President; Mr. E. J. Parsons, Dominion Pension Advocate and Mr. John Stroud, Dominion Resolutions Chairman.

The Chairman introduced the delegation from the Canadian Corps Association and Mrs. Heesaker read their brief.

At 5.00 p.m., the questioning of the witnesses continuing the Committee adjourned to Tuesday, September 30, 1969 at 9.30 a.m.

puté (*Okanagan-Boundary*), et l'honorable Marcel Lambert, c.p., député.

Témoins: De l'Association du Corps canadien: M. Leslie Crooks, premier vice-président national; M^me^ Shirley Wood Heesaker, secrétaire nationale honoraire; M. H. C. Chadderton, vice-président national honoraire; M. E. J. Parsons, avocat national des pensions; et M. John Stroud, président national des résolutions.

Le président présente la délégation de l'Association du Corps canadien, dont M^me^ Heesaker lit le mémoire.

A 5 h. de l'après-midi, l'interrogatoire des témoins se poursuivant, le Comité s'ajourne jusqu'au mardi 30 septembre 1969 à 9 h. 30 du matin.

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

[*Texte*]

EVIDENCE

(*Recorded by Electronic Apparatus*)

Monday, September 29, 1969

The Chairman: I would like to call the Committee to order.

We have with us this morning the Nursing Sisters' Association of Canada, and they will present a brief. I believe members of the Committee have a copy of their brief, so without further ado I will turn the proceedings over to Mrs. Reynolds, who is here with a group of other representatives of the Association.

Mrs. Margaret Reynolds (Executive Committee, Nursing Sisters' Association of Canada): Thank you, Mr. Chairman.

Mr. Chairman and members of the Standing Committee on Veterans Affairs, this brief has been prepared on behalf of the 7,304 registered nurses of Canada whose privilege it was to serve their country during World Wars I and II. We do not purport to speak on behalf of all servicewomen's organizations. During our study of the Woods Committee Report, however, we have continually had their needs and rights in mind. Consequently, we trust that our deliberations will reflect the views of all women who served.

The Pension Crisis 1969

The basic rate of pension is now $3,180 per annum for a 100 per cent pensioner. It seems very obvious that this basic rate has been allowed to lag very considerably behind what might be termed earnings in the unskilled labour market.

A history of pension increases shows that in 1919 the amount provided under the Pension Act was $720 a year. This was the equivalent to the amount paid at that time to the cleaner and helper in the federal civil service. The pension amount was increased in 1920 to $900 and no further increase was made until 1948 when the basic rate of pension became $1,128. Subsequent increases were as follows:

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le lundi 29 septembre 1969

Le président: Attention, la séance est ouverte. Nous recevons ce matin l'Association des sœurs infirmières du Canada qui présentera un mémoire au Comité des Affaires des anciens combattants. Je crois que les membres du Comité possèdent actuellement un exemplaire de ce mémoire. Sans plus tarder, nous entendrons donc madame Reynolds qui est ici avec un groupe de représentantes de son association.

Mme M. Reynolds (Comité exécutif de l'Association des sœurs infirmières du Canada): Merci, monsieur le président. Le présent mémoire a été rédigé au nom des 7,304 infirmières autorisées du Canada, qui ont eu le privilège de servir leur patrie au cours des deux guerres mondiales. Nous ne prétendons pas parler au nom de toutes les associations de femmes qui ont servi sous les drapeaux. Tout au long de l'étude que nous avons faite du Rapport du Comité Woods, toutefois, nous avons eu constamment présents à l'esprit leurs besoins et leurs droits. En conséquence, nous avons la certitude que nos observations refléteront l'opinion de toutes les femmes qui ont servi dans les forces armées.

La crise des pensions de 1969

La crise des pensions 1969

Le taux de base de la pension est actuellement de $3,180 par année, dans le cas d'un pensionné à 100 p. 100. Il semble tout à fait évident que l'on a permis à ce taux de base de tirer considérablement de l'arrière sur ce que l'on pourrait appeler le salaire d'un ouvrier non spécialisé.

L'histoire des majorations des pensions nous montre qu'en 1919, la Loi des pensions prévoyait un montant de $720 par année. Ce montant était l'équivalent de ce qui était payé, à ce temps-là, aux travailleurs de la catégorie des nettoyeurs et aides du service civil fédéral. En 1920, la pension a été portée à $900 et aucune autre majoration n'est survenue avant 1948 lorsque le taux de base de la pension a été porté à $1,128. Les majorations subséquentes furent les suivantes:

[*Text*]

1951—$1,500
1957—$1,800
1961—$2,160
1964—$2,400
1966—$2,760
1967—$3,180

The cleaning serviceman in the Public Service of Canada is, we now believe, rated at approximately $4,152 per annum. Hence, the gap between the original basis of war disability pension and the equivalent being earned by unskilled labour in the federal civil service is $972 per year.

The findings of the Woods Committee emphasize the need to bring the basic rate of pension to $4,152 a year. This association would point out, however, that this is the penalty which must be paid for not having kept pensions in line, over the years, with the cost of living and other factors which went into the compilation of the earnings of the unskilled worker in the federal civil serivce.

This association is aware, of course, that the Prime Minister has announced an "anti-inflation" policy. He did, at the same time, state very clearly that one of the objectives of this policy was to assist the pensioner who must, of necessity, subsist on a fixed income.

It is obvious that anti-inflationary measures will be of benefit to this group of pensioners. However, it is essential, in the first instance, that the pension be brought up to a reasonable level before being subjected to a "freeze". In other words, if the war disability pension could be raised to $4,152 per annum and then "locked in", to be adjusted only in accordance with fluctuations in the cost of living, the anti-inflationary measures would, hopefully, assist the pensioner. If, however, the anti-inflationary measures are applied as a means of preventing an increase in pension to the $4,-152 level, where it should have been in 1967, the war disability pensioner would be severely penalized. These anti-inflationary measures would be fair only if they were applied to all categories of income in a standard or uniform way. However, where because of circumstances, the amount of war disability pension was considerably below where it should have been at the date that the anti-inflationary measures were announced, there is only one equitable means of dealing with the situation. That is, to bring pensions to reasonable levels and then freeze them in their proper bracket in comparison with earnings in the unskilled labour market.

[*Interpretation*]

1951 — $1,500
1957 — $1,800
1961 — $2,160
1964 — $2,400
1966 — $2,760
1967 — $3,180

L'employé de la catégorie des nettoyeurs de la Fonction publique du Canada touche actuellement, semble-t-il, environ $4,152 par année. En conséquence, l'écart entre la base originale des pensions d'invalidité de guerre et le salaire du travailleur non spécialisé de la Fonction publique du Canada est actuellement de $972 par année.

Les conclusions du Comité Woods appuient sur la nécessité de porter à $4,152 par année le taux de base de la pension. Notre association tient à faire remarquer que c'est là le prix que nous devrons payer pour ne pas avoir maintenu les pensions à un niveau tenant compte du coût de la vie et des autres facteurs qui déterminent le salaire du travailleur non spécialisé dans la Fonction publique fédérale.

Notre association n'est pas sans savoir, bien entendu, que le premier ministre a annoncé une politique «anti-inflationnaire». Il a dit très clairement, toutefois, que l'un des objectifs de cette politique était d'aider le pensionné qui doit forcément se suffire d'un revenu fixe.

Il est évident que les mesures anti-inflationnaires seront à l'avantage de ce groupe de pensionnés. Il est essentiel, toutefois, que la pension soit d'abord portée à un niveau raisonnable avant d'être «figée». En d'autres termes, si la pension d'invalidité de guerre pouvait être majorée à $4,152 par année, pour être ensuite maintenue à ce niveau jusqu'à ce que s'imposent des rajustements motivés par les fluctuations du coût de la vie, les mesures anti-inflationnaires aideraient vraisemblablement le pensionné. Si, par contre, les mesures anti-inflationnaires sont appliquées de façon à empêcher que la pension soit portée au niveau de $4,152 qu'elle aurait dû atteindre en 1967, le pensionné pour invalidité de guerre en sera très fortement pénalisé. Ces mesures anti-inflationnaires ne seraient justes que si elles étaient appliquées d'une manière uniforme à toutes les catégories de revenus. Toutefois, étant donné que le taux de base de la pension d'invalidité était de beaucoup inférieur à ce qu'il aurait dû être au moment où les mesures anti-inflationnaires furent annoncées, il n'y a qu'une seule façon équitable de corriger cette situation. Il faudrait porter les pensions à un niveau raisonnable et *ensuite* les figer au niveau qu'elles doivent occuper par rapport au salaire de l'ouvrier non spécialisé.

[*Texte*]

Basic Rate of Pension

This association desires firstly to deal with the recommendation of the Woods Committee concerning basic rate of pension which states that the amount for 100 per cent pension be a composite of the earning power of the untrained labourer, as determined by the average wage for this type of employment in the public service of Canada and the labour market.

We recognize that it is difficult to determine the quantum of dollars represented by earnings in the unskilled labour market as there is no specific classification of this nature, and wages in the common labour field vary widely in different parts of Canada.

We believe, however, that the problem could be solved by using, as a general basis, the wages of the unskilled classified employee in the public service of Canada and the unskilled worker in the labour market in determining a composite figure. The advantages of this would be, firstly, that pension would then keep pace with periodic adjustment in wages generally. Secondly, average wages in the public service do not vary significantly in different geographic locations. Thirdly, the inclusion of the criterion of the unskilled classified worker in the public service of Canada as a guide, would allow continuation of the existing system which has been in force, as we understand it, since the inception of the Pension Act in 1919.

The adoption of the Woods recommendation would bring about an orderly solution to the long-standing problem of adjustments in the pension rates. For many years, organizations representing pensioned veterans have attempted to have pensions brought into line with increases in the cost of living. To date this has not happened.

This association would point out that, for the pensioner to be classified as an untrained labourer is sufficient penalty, in the sense that many of them brought well-developed skills with them into the service. Nursing sisters are cited as a case in point! It is undertood, however, that it would be difficult to base a pension plan on the principle of attempting to compensate a person disabled by war, in accordance with the skills which he or she acquired in civilian life prior to enlistment. Hence, in order that there should be a common denominator, it is recognized that the category of the untrained worker from the labour force and the public service is probably the only feasible criterion. Accepting this,

[*Interprétation*]

Taux de base de la pension

Notre association veut d'abord traiter de la recommandation du Comité Woods concernant le taux de base des pensions, et selon laquelle le montant versé au pensionné à 100 p. 100 devrait être la moyenne de ce qui est payé à l'ouvrier non spécialisé dans la Fonction publique du Canada et sur le marché du travail.

Nous reconnaissons qu'il est difficile d'établir le nombre de dollars représenté par le salaire de l'ouvrier sur le marché du travail non spécialisé, vu qu'il n'existe actuellement aucune classification des travailleurs de cette catégorie et que la rémunération de l'ouvrier sur le marché du travail non spécialisé varie énormément d'une partie à l'autre du Canada.

Nous croyons, toutefois, que la solution à ce problème serait de prendre comme base le salaire versé à l'employé non spécialisé dans la Fonction publique du Canada et à l'ouvrier non spécialisé sur le marché du travail, pour établir un chiffre moyen. Cette méthode présenterait plusieurs avantages: premièrement, la pension refléterait les rajustements périodiques de l'ensemble des salaires. Deuxièmement, le salaire moyen payé dans la Fonction publique ne varie pas sensiblement d'une région à l'autre du pays. Troisièmement, l'adoption, en guise de critère, du salaire du travailleur non spécialisé de la Fonction publique du Canada permettrait de continuer le système actuel, qui est appliqué, selon ce que nous croyons savoir, depuis la mise en vigueur de la Loi des pensions en 1919.

L'adoption de la recommandation du Comité Woods apporterait une solution méthodique au problème ancien des rajustements des taux de pension. Depuis de nombreuses années, les associations représentant les anciens combattants pensionnés ont tenté d'obtenir que les pensions reflètent les augmentations du coût de la vie. Elles ne l'ont pas obtenu jusqu'à ce jour.

Notre association veut souligner, en outre, que le pensionné est déjà suffisamment pénalisé en étant classé comme un ouvrier non spécialisé, car un grand nombre d'entre eux étaient déjà bien spécialisés lorsqu'ils se sont enrôlés. Mentionnons le cas des infirmières à titre d'exemple. Nous comprenons, toutefois, qu'il serait difficile de fonder un régime de pensions sur le principe de l'indemnisation des invalidités de guerre en fonction des talents que le pensionné a acquis dans la vie civile, avant son enrôlement. En conséquence, afin qu'il y ait un dénominateur commun, nous reconnaissons que le seul critère utile est probablement la catégorie du travailleur non spécialisé du marché du travail et de la Fonc-

[*Text*]

it is surely the responsibility of the government to make certain that, at the very least, the war disability pension should not be below the earning levels of these workers. Notwithstanding, the existing rate for war disability pension is $3,180 per annum, or as stated previously, $972 below the earning level of the average wage of the unskilled worker in our country.

Old Age Security Pension and Canada Pension Plan

Disability pensions paid under the authority of the Pension Act, are based on "disability" which is defined in the Act, Section 2(j), as follows:

> "Disability" means the loss or lessening of the power to will and to do any normal mental or physical act;

Such pension is paid as of right and, in accordance with Section 28(1), such pension shall be based on the extent of the disability.

Old Age Security

For some years old age security pension has been paid as of right to persons 69 years or over. By 1970 persons of 65 years or over will be eligible recipients. This is a contributory type pension in that the assessment for income tax contains a special assessment for old age security.

Canada Pension Plan

Benefits under the Canada Pension Plan are also payable as of right. This plan is also a contributory plan in that employed persons in the meaning of the Act, and employers jointly, contribute an assessment of 1.8 per cent of an employee's salary to fund the Canada Pension Plan.

This association desires to point out, therefore, that the basis for payment of disability pensions, and for payment of pensions to widows under the Pension Act, and dependents of single veterans, if applicable, must be calculated independently of any possible pension which may be payable under either the Old Age Security Pension Act or the Canada Pension Plan.

Adjudication of Claims

It is our understanding that, under the present system used by the Pension Commission, the initial decisions are made by the commissioners on the basis of written reports submitted by the commission staff, or by pen-

[*Interpretation*]

tion publique. Ce critère étant accepté, le gouvernement a certainement le devoir de s'assurer que, tout au moins, la pension d'invalidité de guerre ne soit pas *inférieure* au niveau de salaire de ces travailleurs. Quoi qu'il en soit, le taux actuel de la pension d'invalidité est de $3,180 par année, c'est-à-dire, comme nous l'avons déjà souligné, $972 de moins que le salaire moyen de l'ouvrier non spécialisé.

Pension de sécurité de la vieillesse et Régime de pensions du Canada

Les pensions d'invalidité versées en vertu de la Loi sur les pensions sont fondées sur l'invalidité, celle-ci étant définie à l'article 2(j) de la Loi, ainsi qu'il suit:

> «invalidité» signifie la perte ou l'amoindrissement de la faculté de vouloir et de faire normalement des actes d'ordre physique ou mental;

La pension d'invalidité est payée *de droit* et, en conformité de l'article 28 (1), elle doit être fondée sur la gravité de l'invalidité.

La pension de sécurité de la vieillesse

Depuis quelques années, la pension de sécurité de la vieillesse est payée de droit aux personnes âgées de soixante-neuf ans ou plus. Dès 1970, elle sera versée aux personnes âgées de soixante-cinq ans ou plus. Cette prestation est une pension contributoire, en ce sens que la cotisation d'impôt sur le revenu comprend une cotisation spéciale destinée à la sécurité de la vieillesse.

Le Régime de pensions du Canada

Les prestations versées dans le cadre du Régime de pensions du Canada sont également payées de droit. Il s'agit aussi d'un régime contributoire car l'employé et l'employeur contribuent chacun une cotisation de 1.8 p. 100 du salaire de l'employé pour financer le régime.

En conséquence, notre association désire souligner que la base sur laquelle est fondé le paiement des pensions d'invalidité prévues par la Loi sur les pensions, y compris les pensions versées aux veuves et aux personnes à la charge d'un ancien combattant, doit être calculée indépendamment de toute prestation qui pourrait être payée en vertu de la Loi sur la pension de sécurité de la vieillesse ou du Régime de pensions du Canada.

Adjudication des demandes de pensions

Nous croyons savoir que, en vertu de la procédure utilisée actuellement par la Commission canadienne des pensions, les décisions initiales sont rendues par les commissaires, qui se fondent sur des rapports écrits soumis

[*Texte*]

sions advocates employed by the Department of Veterans Affairs or through veterans organizations. This appears adequate so far as it goes but we find a grave weakness in the lack of a proper appeal procedure, as determined by the Woods Committee. The present appeal system provides only for a review of the decision by fellow commissioners, some of whom may have even been associated with the initial decision. This does not give the appearance of a true form of appeal and is, we feel certain, responsible for a great deal of the criticism which is heard in regard to the Pension Commission.

Members of the Woods Committee suggested the establishment of an independent appeal board which would be superior in structure to the Pension Commission and which would have the power of reversal of commission decisions. It would also have the power of interpretation of the Pension Act, and such interpretations would have the force of law within the commission. Our association considers this to be a most practical step and strongly endorses its implementation.

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Multiple Disabilities

Most of the members of this Association have first-hand knowledge of the suffering of the severely disabled veteran. We refer specifically here to the quadriplegic, the paraplegic, the war blinded and the multiple amputee case. It is difficult to comprehend how we in Canada could have perpetuated a pension system which places an artificial ceiling on the amount of pension which can be paid, bearing in mind that the ceiling of 100 per cent is very far below the state of total disablement. That is to say, a 100 per cent pensioner can very often live a fairly normal life and, although it is evident that he should be compensated for his disability at the 100 per cent rate, it seems unreasonable that the government will not recognize that there are degrees of disablement far in excess of the existing 100 per cent category.

We have studied this Woods Committee recommendation respecting multiple disabilities with a great deal of care. The committee's solution, which as we understand it, is based on the assumption that the first 100 per cent of a disability would be paid in accord-

[*Interprétation*]

par le personnel de la Commission, par les avocats des pensions à l'emploi du ministère des Affaires des anciens combattants ou, encore, par les associations d'anciens combattants. Ce régime semble adéquat, mais nous croyons que l'absence d'une véritable procédure d'appel, ainsi que l'a constatée le Comité Woods, constitue une grave lacune. Le régime d'appel actuel ne prévoit qu'une révision de la décision par des collègues des commissaires qui l'ont rendue, dont certains ont parfois même contribué à rendre la décision initiale.

Cela ne semble pas être une vraie procédure d'appel et donne lieu, nous en sommes certains, à bon nombre des critiques qui sont formulées relativement à la Commission des pensions.

Les membres du Comité Woods ont recommandé la formation d'un jury d'appel indépendant qui aurait la préséance sur la Commission des pensions et qui serait autorisé à renverser les décisions de cette Commission. Il serait également autorisé à interpréter la Loi sur les pensions, et ses décisions auraient force de loi aux yeux de la commission. Notre Association estime qu'il s'agit d'une mesure très opportune, et nous recommandons très fortement qu'elle soit adoptée.

Invalidités multiples

La plupart des membres de notre Association connaissent parce qu'ils les ont éprouvées eux-mêmes les souffrances des grands infirmes de guerre. Nous voulons mentionner spécialement ici les quadriplégiques, les paraplégiques, les aveugles de guerre et ceux qui ont subi plusieurs amputations. Il est difficile de comprendre comment il se fait qu'ici au Canada, nous avons pu conserver un régime de pension qui fixe un plafond artificiel quant au montant de la pension qui peut être versé, si l'on considère que ce plafond de 100 p. 100 est bien en deça de l'invalidité totale. Ce qui veut dire qu'un pensionné qui reçoit une allocation de 100 p. 100 peut très souvent mener une vie à peu près normale et, bien qu'il soit évident qu'il doive recevoir une pension d'invalidité totale, il ne semble pas raisonnable que l'État ne reconnaisse pas que certains cas d'invalidité dépassent largement la catégorie à laquelle on verse présentement une allocation de 100 p. 100.

Nous avons étudié avec beaucoup de soin cette recommandation du Comité Woods concernant les formes multiples d'invalidité. La solution que propose le Comité, selon notre façon de voir la chose, se fonde sur l'idée que cette première allocation de 100 p. 100 pour

[*Text*]

ance with loss of earning capacity, with the balance for these multiple disability cases being based on other aspects of the pensioner's problem. These would include anatomical loss, restrictions on his ability to enjoy life and shortened life expectancy. This recommendation is, in our view, a just one.

Our committee feels very strongly about this specific recommendation and I would like to have Miss Christie speak to it further at this time.

[*Interpretation*]

invalidité serait versée lorsque le pensionné est incapable de gagner sa vie, les autres cas d'invalidité multiple étant considérés selon d'autres aspects de la situation du pensionné. Ce qui comprendrait les cas d'ectomie, les limitations pour le pensionné à jouir de la vie et les perspectives d'un décès prématuré. A notre point de vue, cette recommandation est justifiée. Notre Comité aimerait souligner qu'il est vraiment d'accord et qu'il désire appuyer fortement cette recommandation. Mademoiselle Christie, vous désirez parler?

Miss Kathleen Christie (Member of the Executive Committee, Nursing Sisters' Association of Canada): I think everyone recognizes the fact that no amount of money could fully compensate for the loss of limbs or eyes. A person with only one limb can learn to manage fairly well, but he needs help. However, the loss of both arms, for example, is devastating, not only from the physical standpoint but from the severe psychological trauma he suffers. First of all, he must forever face the fact that he does not have a whole body. He loses his means of spontaneously protecting himself from falling objects or from falls, quite apart from the assistance required in all aspects of his daily life.

If the rate of pension for the loss of one limb is 70 per cent, then surely the assessment for the loss of two limbs should at least be 70 per cent plus 70 per cent. Why cannot the pension assessment exceed 100 per cent? In the world of buying and selling, the cost price is set at 100 per cent but the selling price can be in excess of 100 per cent.

If anyone has doubts about the state of helplessness experienced by the amputee, there is a very simple experiment that can be carried out which will provide a first-hand practical demonstration. All you need is a firm bandage and a girdle or binder and someone to help you. Before going to bed one night, fold your thumb over, fold your fingers over and have this hand firmly bandaged above the wrist and then have it immobilized to your side.

On getting up in the morning try to wash yourself with one arm or to shave, try to put socks and shoes on with one hand and when you go to the kitchen try to spread butter on a slice of bread or take the top off a bottle with one hand. As you go to your business carrying a briefcase in one hand, see what it is like to travel on public transportation with no second arm to support yourself, or to open a door when you are already holding a brief-

Mlle Kathleen Christie (Association des Sœurs infirmières du Canada): Il faut bien se rendre compte qu'aucune somme d'argent ne peut compenser la perte des membres ou des yeux. Une personne qui n'a qu'un membre peut apprendre à se débrouiller passablement bien, mais la perte des deux bras est traumatisante non seulement du point de vue physique mais aussi du point de vue psychologique.

Celui qui a perdu l'usage de ses deux bras ne peut plus se protéger, par exemple, des objets qui peuvent tomber sur lui ou des chutes. En outre, il a toujours besoin d'aide.

Si la perte d'un membre, par exemple, accorde une indemnité de 70 p. 100, la perte de deux membres devrait être au moins de 140 p. 100. Alors on ne peut pas accepter que le plafond soit fixé à 100 p. 100. Dans le domaine des affaires, le prix coûtant est fixé à 100 p. 100, mais le prix de vente peut excéder 100 p. 100. Si l'on connaît bien les problèmes des amputés, il y a une expérience très simple que vous pouvez faire vous-même. Prenez simplement un bandage et faites-vous aider. Avant de vous coucher un soir repliez les doigts d'une main et faites-vous bander fermement la main au-dessus du poignet de façon à l'immobiliser à votre côté.

Le matin en vous levant tentez de vous laver avec seulement un bras ou tentez seulement de vous raser avec un seul bras. Tentez ensuite l'expérience de mettre vos souliers et vos bas, ensuite passez à la cuisine, tentez d'étendre du beurre sur une tranche de pain, ou tentez de verser du lait avec une seule main dans votre tasse de café, ensuite vaquez à vos affaires, portez votre porte-documents d'une main et utilisez ensuite les transports

[*Texte*]

case. I think one day of this sort of testing would help most of us see the case of the amputee.

[*Interprétation*]

publics avec seulement une main; vous n'avez pas une main pour ouvrir une porte alors que l'autre main est occupée. Après une journée de cette expérience, vous comprendrez beaucoup mieux le problème de l'amputé de guerre.

• 1000

Mrs. Reynolds:

Stabilization of Pension

One of the major complaints heard by this association in regard to the existing pension system is the lack of a policy of stabilization for World War II veterans. This lack of policy seems difficult to justify, bearing in mind that the policy of the commission, since 1936, has been to stabilize World War I pensions, once an award has been in effect for three years. The same justifications which applied in the case of World War I pensions should apply for World War II pensions, particularly inasmuch as nearly 25 years have elapsed since the end of the Second World War. The stabilization of a pension after three years appears to be eminently fair. This gives the pension medical authorities a three-year period in which to decide whether a pension assessment is stable. When the assessment has been in effect three years, the pensioner and his family have every right to expect that the assessment will be considered permanent, and they should not be subjected to the fear that that pension will be reduced.

Retroactive Awards

This Association has read, with interest, the chapter of the Woods Report dealing with fretroactive awards. What appears difficult to understand is why, over the years, the administration of our pension legislation should have been based on the principle of placing a pension award in payment only from the date of the decision of the Commission. It is understood that under certain circumstances the Commission can make the award retroactive 12 months and even with a further six months where hardship exists and a further 18 months where there has been an administrative error. These are, at the best, compromises and we are in full agreement with the conclusion of the Woods Committee to the effect that pension should be placed in payment from the *date of the application,* subject only to a five-year limitation.

Mme Reynolds:

Stabilisation des pensions

L'une des principales plaintes présentées à notre Association touchant le système actuel de pension est qu'il n'existe aucune ligne de conduite en matière de stabilisation pour les anciens combattants de la Seconde guerre mondiale. Cela semble difficile à comprendre si l'on considère que, depuis 1936, la Commission a eu pour ligne de conduite de stabiliser les pensions de la Première guerre mondiale, après qu'une allocation a été versée durant trois ans. Les règles qui s'appliquent dans le cas des pensions versées depuis la Première guerre mondiale devraient s'appliquer également aux pensions de la Seconde guerre mondiale, surtout que près de vingt-cinq années se sont écoulées depuis la fin de la Seconde guerre mondiale.

Il semble tout à fait équitable qu'une pension soit stabilisée après trois ans. Les autorités médicales consultées en matière de pension ont ainsi trois ans pour décider si l'allocation de pension doit être rendue stable. Lorsqu'une allocation a été en vigueur durant trois ans, le pensionné ainsi que sa famille sont bien en droit de s'attendre que l'allocation sera considérée comme permanente, sans avoir à craindre que l'allocation de pension pourrait être réduite.

Indemnités rétroactives

Notre Association a lu avec intérêt le chapitre du Rapport Woods qui traite des indemnités rétroactives. Ce qui semble difficile à comprendre c'est qu'au cours des années, les administrateurs de la Loi sur les pensions aient eu pour ligne de conduite de ne verser une indemnité rétroactive de pension qu'à compter de la date à laquelle la Commission a rendu sa décision. Nous croyons savoir que la Commission peut, en certaines circonstances, accorder 12 mois de rétroactivité et même prolonger celle-ci de 6 mois en cas de nécessité ou encore de 18 mois s'il y a eu une erreur d'administration. Tout ce qu'on peut dire à ce sujet, c'est que ce sont des compromis et nous sommes pleinement d'accord sur la conclusion du Comité Woods portant que l'indemnité de pension devrait être versée à compter de *la date de la demande,* sous la seule réserve d'une période de cinq ans.

[*Text*]

Continuation of Pension to Dependents of Person with Single Status

It is our belief that in the administration of War Disability Pensions, the continuation of pension for dependents of persons with single status has been overlooked.

The Act does provide that where pension is in payment at 48 per cent or higher, or where a death is attributable to service, a widow and children may be awarded continuation of pension. There is, however, no similar coverage where a person of single status has been supporting a dependent parent or dependent brother or sister. Surely, where such persons are dependent upon the pensioner, there is every justification to continue pension in payment for these dependents if the pensioner dies.

Therefore, we fully subscribe to the recommendation in the Woods Report (Recommendation 107, page 879) which suggests that where pension is in payment to a dependent parent or a dependent brother or sister, such should be continued at the full rate permissible under the Act if the member's death was attributable to his service or if the pensionable disability was assessed at 48 per cent or greater; and that, if the assessment was *less* than 48 per cent, the pension for the dependent parent or brother or sister be awarded in proportion to the extent of the assessment in payment to the pensioner at the time of his death.

Reinstatement of Widows Pension

The Woods Committee recommendation which suggests a broadening of the terms under which a widow's pension may be reinstated appears to be fully warranted.

• 1005

The feeling of our Association is that a widow in receipt of pension should have the fullest possible guarantee when contemplating remarriage, that if for any justifiable reason the marriage does not work, and she encounters financial need, her pension can be restored.

The existing legislation is satisfactory, but it does not go far enough. She can be placed back on pension if her second husband dies within a period of five years. The Woods Committee recommendation suggests removal of the five-year time limit, and suggests the additional circumstances that, if the second

[*Interpretation*]

Maintien de l'allocation de pension aux personnes à charge d'un pensionné célibataire

Nous croyons que les administrateurs des pensions pour invalidité de guerre n'ont pas prévu le maintien de l'allocation de pension aux personnes à charge des pensionnés célibataires.

La Loi dit bien que lorsque l'allocation de pension versée est de 48 p. 100 ou plus, ou que le décès est attribuable au service militaire, la veuve et les enfants ont droit de demander que l'allocation de pension se continue. Or, la même disposition ne s'applique pas dans les cas où un pensionné célibataire avait à sa charge un parent, un frère ou une sœur. Lorsque de telles personnes sont à la charge d'un pensionné, elles sont, bien entendu, tout à fait justifiées de s'attendre qu'on continuera de leur verser une allocation de pension à titre de personnes à charge du pensionné décédé.

Par conséquent, nous souscrivons pleinement à la recommandation du Rapport Woods (Recommandation 107, page 879) qui propose que lorsqu'une allocation de pension est versée à un parent, un frère ou une sœur que le pensionné avait à sa charge, cette allocation se continue au plein montant admissible en vertu de la Loi si le décès du membre est attribuable au service militaire ou si l'invalidité du pensionné était calculée à 48 p. 100 ou plus; et que, si l'indice d'invalidité était *moins* de 48 p. 100, la pension du parent, du frère ou de la sœur qui était à charge soit calculée en proportion de ce qu'était l'indemnité versée au pensionné au moment de son décès.

Rétablissement de la pension aux veuves

La recommandation du Comité Woods pour que soient élargies les conditions auxquelles la pension d'une veuve peut être rétablie semble tout à fait justifiée.

Notre Association est d'avis qu'il faudrait rétablir l'allocation d'une veuve qui reçoit une pension et, à cet effet, qu'elle en ait toute la garantie possible dans le cas où elle voudrait contracter un second mariage et que, pour une bonne raison, le mariage n'a pas lieu, et qu'elle se trouve dans le besoin du point de vue financier.

La législation actuelle est satisfaisante, mais elle ne va pas encore assez loin! La veuve peut commencer à recevoir la pension si son second mari décède avant cinq ans. Le Comité Woods recommande que l'on abandonne le délai de cinq ans, et propose comme autres circonstances que si le second mariage

[*Texte*]

marriage fails, she is entitled to be reinstated to the status of a widow under the Pension Act.

Security of the Pensioner's File

This Association cannot subscribe to the existing procedure under which information on a pensioner's file can be made available to the Public Service Commission and to life insurance companies. There are, quite obviously, many circumstances where information would be placed on a pensioner's file of which he would have no knowledge. This information would have been gathered for pension purposes and would, in our view, be quite liable to misinterpretation if placed in the hands of a prospective employer or insurer.

Both the Public Service of Canada, and the life insurance companies operating in Canada, have excellent facilities through which they can obtain medical histories. There seems to be no justification for extending to them the information on a pensioner's file. We support, in the strongest possible terms, the recommendation of the Woods Committee to the effect that the information on a pensioner's file be made available *only* to the Canadian Pension Commission for its purposes, unless otherwise specifically requested by the pensioner.

Income Tax Exemption

This Association deems it essential for the Government to continue to recognize the special nature of payments under the Pension Act, which warrant exemption from income tax, specifically wartime pay.

War Disability Pension is an extension of wartime pay, and as such is entitled to the same income tax exemption. This factor was stressed by the Woods Committee, along with a number of other considerations, some of which are reviewed below:

(1) *Replacement of Earnings:* War Disability Pension is intended to replace earnings, but in addition the pensioner receives his pension as a mark of gratitude for his service to the state.

(2) Pension is not social legislation and it is not paid on the basis of financial need; it is a right.

[*Interprétation*]

n'a pas lieu, la veuve ait droit d'être rétablie comme veuve d'un ancien combattant aux termes de la Loi sur les pensions.

Sécurité du dossier d'un pensionné

Notre Association ne peut souscrire à la pratique actuelle qui permet de fournir à la Commission de la Fonction publique et aux compagnies d'assurance-vie certains renseignements que contient le dossier du pensionné. Dans de nombreux cas, bien entendu, le pensionné n'est pas au courant des renseignements qui sont consignés dans son dossier. A notre avis, ces renseignements étant recueillis aux fins de la pension, il se pourrait fort bien qu'ils soient mal interprétés s'ils venaient à tomber entre les mains d'un employeur ou d'un assureur éventuels.

La Fonction publique du Canada, de même que les compagnies d'assurance-vie au Canada, ont d'excellents moyens à leur disposition pour se renseigner sur l'état de santé des gens. Il semble n'y avoir aucune raison de leur permettre d'obtenir des renseignements à même le dossier d'un pensionné. Nous appuyons avec toute la vigueur possible la recommandation du Comité Woods portant que les renseignements contenus dans le dossier d'un pensionné doivent être mis *uniquement* à la disposition de la Commission canadienne des pensions pour ses propres fins, à moins que le pensionné ne demande spécialement le contraire.

Exemption d'impôt sur le revenu

Notre Association estime qu'il est essentiel que le gouvernement continue de reconnaître le caractère spécial des allocations versées aux termes de la Loi sur les pensions, paiements dont on garantit l'exemption de l'impôt sur le revenu, surtout dans le cas d'allocations du temps de guerre.

La pension pour invalidité de guerre est un prolongement de l'allocation du temps de guerre et, comme telle, elle doit également être exempte de l'impôt sur le revenu. Le Comité Woods a appuyé sur cette question ainsi que sur un certain nombre d'autres considérations, dont certaines sont exposées ci-dessous:

(1) La pension tient lieu du traitement: Le but de la pension pour invalidité de guerre est de remplacer le traitement, mais il faut ajouter le fait que le pensionné reçoit une allocation de pension comme marque de gratitude pour les services qu'il a rendus à son pays.

(2) La pension n'est pas une forme d'aide sociale et elle n'est pas versée en fonction de la nécessité financière; elle est un droit.

[*Text*]

This Association wishes to support the submission of Mr. Justice Woods and his colleagues to the effect that War Disability Pension should remain exempt from income tax.

Pension Coverage for Regular Forces

This Association holds the view that the coverage under the existing Pension Act for death and disability arising from, or connected with, service in Canada's Armed Forces in peacetime is inadequate.

Our Association agrees with the observation of the Woods Committee to the effect that the circumstances of service in the Regular Force, as it exists today, bring about the requirement for a somewhat different philosophy from that which obtains during time of war. Service in the Armed Forces today involves activities which are seemingly more industrial than military in nature. Also, the recreation programmes of the Armed Forces are perhaps more extensive than was the case during wartime.

This Association fully supports the recommendations of the Woods Committee concerning pension coverage for Regular Force applications and, in particular, emphasizes the need for the Act to contain specific coverage in special activities engaged in by the Armed Forces such as: (1) acts done in accordance with specific orders or established service customs: and (2) exposure to any environmental hazard resulting in disease or other disability.

• 1010

Prisoners of War

This Association notes the recommendations of the Woods Report concerning Hong Kong Veterans. One of our own members who was herself taken prisoner of war at Hong Kong, witnessed the totally inadequate medical treatment of the battle casualties and the subsequent illnesses suffered by the men during their term of imprisonment including the irreversible effects of the psychological harassment. Accordingly, we subscribe to the Woods Recommendation that such persons should be awarded the basic 50 per cent minimum pension with additional pension where the disability warrants it.

We would also strongly urge the Committee to consider the application of the recommendations with respect to all Canadian prisoners of

[*Interpretation*]

Notre Association voudrait appuyer la recommandation du Juge Woods et de ses collègues portant que la pension pour invalidité de guerre ne soit pas imposable aux fins de l'impôt sur le revenu.

Allocations de pension dans le cas de l'armée régulière

Notre Association est consciente de l'insuffisance des allocations de pension, aux termes de la Loi actuelle sur les pensions, dans le cas de décès ou d'invalidité résultant ou découlant du service dans les Forces régulières du Canada en temps de paix.

Notre Association partage le point de vue du Comité Woods portant que les circonstances du service dans l'Armée régulière, dans sa forme actuelle, imposent la nécessité d'adopter une philosophie un peu différente de celle qui a cours en temps de guerre. De nos jours, le service dans l'Armée régulière comporte des activités qui ont plutôt le caractère industriel que militaire. En outre, les programmes de divertissement de l'Armée régulière sont sans doute plus étendus qu'ils ne l'étaient pendant la guerre.

Notre Association appuie pleinement les recommandations du Comité Woods relativement aux allocations de pension dans le cas de l'Armée régulière, et nous insistons en particulier pour que la Loi prévoie des allocations de pension précises dans le cas d'activités spéciales auxquelles s'adonne l'Armée régulière; par exemple:

1. Des actes posés à la suite d'ordres précis ou selon les pratiques établies du service; et

2. Le fait d'être exposé à un danger quelconque dans son milieu d'emploi, et qu'une maladie ou autre infirmité en découlent.

Prisonniers de guerre

Notre Association a pris note des recommandations du Rapport Woods concernant les anciens combattants de Hong-Kong. Une de nos membres qui a été elle-même prisonnière de guerre à Hong-Kong a constaté l'inefficacité totale du traitement médical accordé aux victimes des combats et les maladies subséquentes dont ont souffert les soldats pendant leur séjour en prison, y compris les effets inéluctables du harcèlement psychologique. Par conséquent, nous souscrivons à la recommandation Woods portant que la pension minimum de base de 50 p. 100 soit accordée à de telles personnes, de même qu'une allocation de pension supplémentaire si elle est justifiée par l'infirmité.

Nous voudrions également inciter très fortement le Comité à songer à appliquer ces recommandations à tous les prisonniers de

[*Texte*]

war in other theatres. Many of our Association members have vivid recollections of the condition of these survivors, having nursed them following their release from prisoner of war camps in Europe. Large numbers had suffered extreme deprivation, physical brutality and unspeakable humiliations over long periods of time. The ultimate psychological and physiological damage of these experiences many, as with the Hong Kong veterans, never be fully ascertained.

We are advised that the Pension Commission is, at this time, conducting a survey with respect to the pension problems of prisoners of war from these other areas. We fully support this action.

Personnel of the Commission

We refer to the recommendations of the Woods Committee, to the effect that the Pension Commission personnel should be chosen from amongst qualified persons who have had experience in armed forces, or with veterans organizations. In this regard we recommend that the government consider the appointment of a former nursing sister to the Canadian Pension Commission. The appointment of a former nursing sister of the armed forces would be logical and timely. It would assure a wide breadth of understanding as the nurses who cared for the sick and wounded servicemen and assisted in their rehabilitation have a very special knowledge of the problems of disabled veterans.

Thousands of women also served their country during two world wars. They need and have a right to representation on the Canadian Pension Commission and the appointment of a former nursing sister would in the view of our association recognize that need as well as make a unique contribution to the quality of the Commission itself.

We appreciate the opportunity afforded us to present this brief to the Standing Committee on Veterans Affairs. We trust that during further deliberations of the Committee our expressed views will be found meaningful and helpful.

At this time representatives from the Nursing Sister's Association are prepared to answer any questions that you may have.

The Chairman: I am sure members of the Committee have found the brief well pre-

[*Interprétation*]

guerre canadiens sur les autres théâtres d'opérations. De nombreux membres de notre Association conservent des souvenirs vivants de l'état de ces survivants puisqu'ils les ont soignés après qu'ils eurent quitté des camps de prisonniers de guerre en Europe. Un grand nombre d'entre eux ont subi des privations extrêmes et souffert de cruauté physique et d'humiliations sans nom pendant de longues périodes de temps. Il ne sera peut-être jamais possible de connaître totalement, en définitive, jusqu'à quel point ces expériences ont été coûteuses du point de vue psychologique et du point de vue physiologique, comme dans le cas des anciens combattants de Hong-Kong.

On nous dit que la Commission des pensions procède présentement à une étude concernant les problèmes relatifs à la pension des prisonniers de guerre de ces autres théâtres d'opérations. Nous sommes tout à fait d'accord sur une telle mesure.

Le personnel de la Commission

Nous signalons la recommandation du Comité Woods voulant que le personnel de la Commission des pensions devrait être choisi parmi les gens qualifiés qui ont l'expérience des Forces armées, ou qui appartiennent à des associations d'anciens combattants. A cet effet, nous recommandons que le gouvernement avise à nommer une ancienne infirmière pour faire partie de la Commission canadienne des pensions. La nomination d'une ancienne infirmière des Forces armées serait une chose logique et à propos. On assurerait ainsi beaucoup plus de compréhension car les infirmières qui ont soigné les doldats malades et blessés et qui ont aidé à les réhabiliter connaissent parfaitement les problèmes des anciens combattants infirmes.

Des milliers de femmes également ont servi leur pays au cours des deux grandes guerres. Elles doivent être représentées au sein de la Commission canadienne des pensions, car elles y ont droit, et notre Association estime que le choix d'une ancienne infirmière ne ferait que reconnaître ce besoin, tout en contribuant singulièrement à rehausser la qualité de la Commission elle-même.

Nous sommes heureux d'avoir eu l'occasion de soumettre le présent mémoire au Comité permanent des anciens combattants. Nous avons confiance que les points de vue que nous avons exprimés seront jugés opportuns et utiles lors des délibérations futures du Comité. Nous sommes maintenant prêtes à répondre à toutes les questions que vous voudrez bien nous poser.

Le président: Je suis sûr que les membres du comité apprécient la qualité du mémoire.

[*Text*]

pared and most interesting. One or two members have indicated they would like to ask questions and our procedure, if it suits you, is to open up the meeting for questioning by the members. Mr. MacRae and Mr. Howard have both indicated they have questions. Are there any others? Mr. Bigg and Mr. Legault. Mr. MacRae.

Mr. MacRae: I would like to ask this particular question of the Sister. I noticed when she referred to the nursing sisters of World Wars I and II that there was no mention of Korea. Did we not have nursing sisters in that conflict as well?

Mrs. Reynolds: Yes.

Mr. MacRae: We did have. Not very many, perhaps, but there would have been a few there.

Mrs. Reynolds: Yes, sir.

Mr. MacRae: I took it from the reading of your brief that basically perhaps you had prepared it—or maybe entirely—before the presentation of the White Paper. Is that correct or not?

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Mrs. Reynolds: Sir, we have not seen the White Paper, so we cannot comment on it.

Mr. MacRae: That limits me...

The Chairman: This is a public document and it should have been distributed to you. I do not quite know what happened in the channels of communication, but it was released to the press and to the public generally on September 9. We can certainly give you some copies right now.

Mr. MacRae: Regardless of that, I think perhaps I would like to ask you one or two questions on matters that are dealt with in the White Paper. On the principle of multiple disabilities, Sister, the White Paper suggested that in lieu of a pension of 150 per cent, 200 per cent or 300 per cent, as the case may be, that there would be a lump sum annual payment over the 100 per cent to a multiple disability pensioner of from $400 to $1,200 per year. I can tell you that for the most part those organizations that have appeared before us took a very dim view of this particular principle of simply paying $400 to $1,200 at the discretion, presumably, of the Commission. Would you care to comment?

Mrs. Reynolds: Miss Christie, would you like to speak to that?

[*Interpretation*]

Un ou deux députés ont exprimé le désir de poser des questions. Si cela vous sied, nous allons laisser la parole aux députés. Messieurs MacRae et Howard ont laissé voir qu'ils voulaient poser des questions. Y en aurait-il d'autres? Messieurs Bigg et Legault. Monsieur MacRae, vous avez la parole.

M. MacRae: J'ai remarqué que lorsque l'infirmière parlait des infirmières, elle mentionnait celles de la Première Guerre mondiale et de la Deuxième, mais pas celle de Corée. Est-ce que nous n'avons pas eu aussi des infirmières dans cette guerre?

Mme Reynolds: Oui.

M. MacRae: En effet. Il n'y en a pas eu beaucoup, mais il y en a eu quelques-unes.

Mme Reynolds: Oui monsieur.

M. MacRae: D'après la lecture de votre mémoire, j'ai cru comprendre que vous l'aviez préparé peut-être entièrement avant la parution du Livre blanc. Est-ce exact?

Mme Reynolds: Nous n'avons pas vu le Livre blanc, de sorte que nous ne pouvons pas formuler de commentaires.

M. MacRae: Cela me limite...

Le président: Il s'agit d'un document publique qui aurait dû vous être distribué. Je ne sais pas ce qui est advenu de la distribution, mais il a été remis à la presse et au public en général le 9 septembre. Nous pouvons vous en donner une copie en ce moment.

M. MacRae: J'aimerais poser une ou deux questions sur des sujets traités dans le Livre blanc. Sur le principe des infirmités multiples, le Livre blanc a proposé qu'au lieu d'une pension de 150 p. 100, 200 p. 100 ou 300 p. 100 suivant le cas, qu'il y ait un paiement global annuel qui excède le montant de la pension de 100 p. 100 versée à une personne atteinte d'infirmités multiples de $400 à $1,200, probablement à la discrétion de la Commission. Pourriez-vous apporter quelques commentaires?

Mme Reynolds: Mademoiselle Christie, aimeriez-vous répondre à cette question?

[*Texte*]

Miss Christie: I am generally adverse to lump sum settlements.

The Chairman: These would be annual payments.

Miss Christie: Oh, annual payments. What did you say the amount was?

Mr. MacRae: From $400 to $1,200 annually, rather than the principle that was outlined by Mr. Justice Woods of a percentage, depending on the multiple disability. I believe Mr. Justice Woods went up to roughly 350 per cent under certain circumstances with, I would think, the majority being somewhere between 100 and 200 per cent, but in the case of the quadriplegic and the triplegic it would go to 250 or 300 per cent. As I said earlier, it puts you at a disadvantage if you have not seen the White Paper, but I repeat that other organizations did not agree with this and I was just telling you about it in case you wanted to comment. Perhaps it is not fair to ask you to comment.

Miss Christie: I would prefer to see it in black and white and think about it.

Mr. MacRae: Yes. In other words, you would like to reserve judgment.

Miss Christie: Yes, I would.

Miss Evelyn Pepper (Honorary President, National Executive, Nursing Sisters' Association of Canada): May I ask a question, Mr. Chairman?

The Chairman: Yes.

Miss Pepper: Am I correct in assuming that you mean over and above the 100 per cent pension that is now paid?

The Chairman: Yes.

Miss Pepper: The pensioner would get a lump sum varying from $400 to $1,200.

The Chairman: That is the proposal.

Miss Pepper: This in fact does not support what we are saying about the multiple disabilities.

Mr. MacRae: No.

Miss Pepper: In any way. It does not meet it at all, and I think this is rather unfair. Are there so many cases that they cannot be determined individually, and should they not be determined individually? You cannot compare a quadriplegic with a person who perhaps has a double amputation. His needs are

[*Interprétation*]

Mlle Christie: Je m'oppose généralement aux règlements annuels sous forme de somme globale.

Le président: Il s'agirait de versements annuels.

Mlle Christie: Oh, de versements annuels. Quel en était le montant?

M. MacRae: De $400 à $1,200 par an, au lieu du principe, exposé par monsieur le juge Woods, du pourcentage établi d'après les infirmités multiples, Monsieur le juge Woods préconisait un pourcentage maximum de 350 p. 100 dans certains cas. Je crois que la majorité se situerait entre 100 et 200 p. 100, mais pour les quadriplégiques et les triplégiques, cela irait jusqu'à 200 ou 300 p. 100. Comme je l'ai dit auparavant, vous êtes désavantagées par le fait de ne pas avoir lu le Livre blanc, mais je dois dire que d'autres organisations ne partageaient pas cet avis. J'ai apporté ces précisions au cas où vous aimeriez apporter des commentaires. Il n'est peut-être pas juste de vous demander votre point de vue.

Mlle Christie: Je préférerais lire le Livre blanc et y r éfléchir.

M. MacRae: Oui, autrement dit, vous aimeriez réserver votre jugement.

Mlle Christie: Oui.

Mlle Evelyn Pepper (Présidente honoraire de la Nursing Sisters' Association of Canada): Puis-je poser une question, monsieur le président?

Le président: Oui.

Mlle Pepper: Ai-je raison de croire que vous pensez à une pension au-dessus du 100 p. 100 qui est versé actuellement?

Le président: Oui.

Mlle Pepper: Le pensionné recevrait une somme globale qui varierait entre $400 et $1,200.

Le président: C'est ce qu'on propose.

Mlle Pepper: Cela n'appuie pas nos dires sur les infirmités multiples.

M. MacRae: Non.

Mlle Pepper: Cela n'y répond pas du tout et à mon avis, c'est assez injuste. Y a-t-il tellement de cas qu'ils ne peuvent déterminer individuellement, et ne devraient-ils pas l'être ainsi? On ne peut pas comparer un quadriplégique avec un individu qui a subi deux amputations. Les besoins sont tellement plus

[*Text*]

so much greater, and my reaction to this is that this would indeed be an unfair way to try to settle it. I think each case should be assessed on the inability of the pensioner to fend for himself, his needs are so much greater and in that way I think there would be so many variables.

Another thing I would like to emphasize is that we are aware of these disabilities if a single or a double amputation is involved, or if it is the case of a quadriplegic, but where there is an underlying medical condition it is very, very hard to assess and in my estimation when that is linked with these other disabilities it creates a need for an individual assessment. It is not a matter of giving, over and

• 1020

above the 100 per cent, a variable of from $400 to $1,200. I do not think this is at all adequate.

Mr. MacRae: I think, Sister, that most of us would agree with you, and certainly I do. Another point—and it is a very brief one—is that I would like the Sister who read the brief to clarify the point mentioned on page 9 of your brief.

The Chairman: Mr. MacRae, I am concerned at this point about procedure. Should we try to deal with one point at a time and should we go through the brief page by page. If we begin by each member asking questions on four or five points, I am concerned about how we are going to deal with this. I think there possibly may be supplementary questions on the problem of multiple disability before we proceed to another major question. How does the Committee want to deal with this?

Mr. MacRae: Perhaps, Mr. Chairman, if at the very beginning of the brief we had stopped at each particular point and finished with it that it would have been better.

The Chairman: Would this be all right?

Mr. MacRae: However, I have no objection.

The Chairman: I am sorry, I just opened and I did not want to inhibit in any way the asking of questions, but I feel that if we go from the multiple disability point to another fundamental point in the brief the next person who puts a question may well repeat the same thing. If we can, I would like to deal with the questions on a point by point basis. Mr. Knowles has his hand up.

[*Interpretation*]

grands et ce serait injuste de régler la question de cette manière. Chaque cas devrait, à mon avis, être réglé en fonction de l'incapacité du pensionné, de se défendre. Ses besoins sont tellement plus importants et de cette manière, il y aurait tellement de variantes.

J'aimerais aussi insister sur le fait que nous sommes conscients de ces infirmités s'il s'agit d'une amputation simple ou double ou s'il s'agit d'un cas de quadriplégie, mais lorsque l'état de santé, est très très difficile à établir, et à mon avis, lorsque c'est lié à d'autres infirmités, il faut faire une évaluation isolée. Il ne s'agit pas de donner une pension qui excède 100 p. 100, qui varie entre $400 et $1,200. A mon avis, cela ne résout pas le problème.

M. MacRae: Je crois que plusieurs d'entre nous sont d'accord avec vous et croyez que je le suis. J'aimerais que l'infirmière qui a lu le mémoire précise le point mentionné à la page 9.

Le président: Monsieur MacRae, je me demande quelle méthode nous devrions adopter. Devrions-nous examiner un point à la fois ou étudier le mémoire page par page. Si chaque député pose des questions sur quatre ou cinq points, je me demande comment nous allons pouvoir procéder. Il est possible, à mon avis, qu'il y ait des questions complémentaires sur les infirmités multiples avant de passer à une autre question. Quelle méthode le Comité aimerait-il adopter?

M. MacRae: Monsieur le président, il aurait mieux valu prendre un point à la fois et l'épuiser au cours de la lecture du mémoire.

Le président: Tout le monde serait-il d'accord?

M. MacRae: J'aurais toutefois une objection.

Le président: Je regrette, la période de question vient de commencer et je ne voudrais pas vous empêcher de poser des questions, mais je crois que si l'on prend pour point de départ les infirmités multiples, un autre point important du mémoire, la personne suivante peut fort bien traiter encore de la même question. C'est pourquoi j'aimerais que l'on étudie la question, point par point, si c'est possible. Monsieur Knowles?

[*Texte*]

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I would like to make just a brief comment on one remark Mr. MacRae made. I hope he will not mind my making what I think is a necessary correction. Mr. MacRae referred to the grant of from $400 to $1200 as an annual grant. I do not think that is necessarily so. We were told by one of the officials, for example, that it could be a grant to install a ramp for a man who uses a wheel chair. In other words, there is no guarantee that it is an annual grant; it is at the discretion of the Commission all down the line. All I am saying is that I think it makes it a less desirable proposition, when one understands that, than it is already.

Mr. MacRae: I thank Mr. Knowles for that advice because I had not understood that. I had understood that it was an annual grant up to this point.

Mr. Knowles (Winnipeg North Centre): But you do remember the example...

Mr. MacRae: Yes.

Mr. Knowles (Winnipeg North Centre): ... a lump sum grant once to install a ramp.

Mr. MacRae: Thank you, Mr. Knowles.

The Chairman: Are there any other comments on this point? If not, then in the interests of clarification I think we should start from the beginning and proceed. Mr. MacRae, I hope you do not mind my doing it this way.

Mr. MacRae: Not at all. You know how co-operative I am.

The Chairman: I realize that, Mr. MacRae and thank you for it.

Are there any comments on page 1 of the brief?

Mr. Bigg: Has the delegation any figures on how many World War I sisters there still are in the association?

Mrs. Reynolds: I am sorry, sir; it is possible to obtain this figure but I do not have it available today.

Mr. Bigg: I would like to go on record as saying that I personally know of one nursing sister, Marnie Hearne, a 100 per cent pensioner out in Victoria who had a long service in both wars. I know you will be all glad to know that she is still with us, wishes she were here today, and she said to say "hello" to any of her old friends.

Mrs. Reynolds: That is very nice. Thank you very much.

[*Interprétation*]

M. Knowles (Winnipeg-Nord-Centre): Brièvement, je reviens sur ce que monsieur MacRae a dit. J'espère qu'il n'aura pas d'objection à ce que je fasse une correction. Monsieur MacRae a parlé de cette subvention de $400 à $1,200 comme étant une subvention annuelle. Je ne crois pas qu'il en soit nécessairement ainsi. Un des fonctionnaires nous a dit que ça pouvait être une subvention pour installer une rampe pour un homme qui utilise une chaise roulante. Rien ne nous assure qu'il s'agisse d'une subvention annuelle. C'est à l'entière discrétion de la Commission. Cela est beaucoup moins intéressant quand on sait de quoi il s'agit.

M. MacRae: Je remercie monsieur Knowles pour cette rectification. Je pensais vraiment que c'était une subvention annuelle.

M. Knowles (Winnipeg-Nord-Centre): Mais vous vous souvenez de cet exemple?

M. MacRae: Oui.

M. Knowles (Winnipeg-Nord-Centre): Un montant global pour installer une rampe.

M. MacRae: Merci M. Knowles.

Le président: Avez-vous d'autres commentaires à formuler à ce sujet? Nous commençons à partir du début. M. MacRae, j'espère que vous n'avez pas d'objection?

M. MacRae: Non, pas du tout. Vous savez que je collabore volontiers.

Le président: Je m'en rends compte et je vous en remercie.

Y a-t-il des commentaires à la page 1 du mémoire?

M. Bigg: Je me demande si la délégation a des chiffres sur le nombre d'infirmières ayant servi au cours de la Première Grande Guerre et faisant encore partie de l'Association?

Mme Reynolds: C'est un chiffre qu'on peut obtenir, mais je ne l'ai pas à ma disposition.

M. Bigg: Je connais une infirmière, Marnie Hearne, ayant servi au cours des deux guerres et qui a une pension de 100 p. 100. Elle habite Victoria. Elle m'a prié de vous saluer de sa part et aurait bien aimé être ici aujourd'hui.

Mme Reynolds: Merci.

[*Text*]

The Chairman: They have a distinguished record of service. There are a number in the Ottawa area too.

Mrs. Reynolds: We have two World War I nursing sisters with us this morning.

Mr. Bigg: Would they mind standing up?

Mrs. Reynolds: Would you please stand?

The Chairman: Would you please introduce the rest of the delegation?

Mr. Bigg: We would like to know who you all are, if you do not mind.

Mrs. Reynolds: Miss Pepper, would you please introduce the other members of our delegation?

Miss Pepper: Miss Ella Beardmore, Miss Kathleen Christie, Miss Evelyn Pepper, Miss Grace Johusan and Miss Nancy Kennedy-Reid.

Mr. Guay (St. Boniface): On a point of order, Mr. Chairman, are they all in the same group or do they represent various organizations. If the latter is the case, could we have the group or association they are from?

The Chairman: This is the Nursing Sisters Association of Canada.

Mrs. Reynolds: Mr. Chairman, I am President of the National Executive of the Nursing Sisters Association of Canada, Miss Beardmore and Miss Christie are our Executive Committee, Miss Evelyn Pepper is Honorary President, Miss Grace Johusan is the President of the Ottawa Unit, and Miss Nancy Kennedy-Reid is past president of the Nursing Sisters Association of Canada.

Mr. Badanai: Is there anyone from northwestern Ontario?

The Chairman: Mr. Badanai represents the head of the lakes and he has a strong local interest there.

Mrs. Reynolds: Miss Christie, Miss Beardmore and myself are from Toronto, Miss Pepper and Miss Johusan from Ottawa, and Miss Nancy Kennedy-Reid is from Montreal.

Mr. Guay (St. Boniface): Would you introduce the others please?

The Chairman: Could we have the other members who are here too?

[*Interpretation*]

Le président: Elles ont de bons états de service. Il y en a quelques-unes dans la région d'Ottawa.

Mme Reynolds: Nous avons, ce matin, deux infirmières qui ont fait la première guerre avec nous.

M. Bigg: Peuvent-elles se lever?

Mme Reynolds: Voulez-vous vous lever s'il vous plaît?

Le président: Voulez-vous nous présenter les autres membres de votre délégation.

M. Bigg: Nous voudrions savoir qui vous êtes.

Mme Reynolds: M[lle] Pepper, voulez-vous nous présenter les autres personnes de notre délégation.

Mlle Pepper: M[lle] Ella Beardmore; Mlle Kathleen Christie; M[lle] Evelyn Pepper; Mlle Grace Johusan; M[lle] Nancy-Kennedy-Reid.

M. Guay (St-Boniface): Sont-elles toutes du même groupe ou appartiennent-elles à divers organismes? Si oui, pouvons-nous savoir à quel organisme ou association elles appartiennent?

Le président: Elles font partie de la Nursing Sisters Association of Canada.

Mme Reynolds: Je suis la présidente nationale et je parle au nom du comité d'organisation de l'association: M[lle] Beardmore et M[lle] Christie forment l'exécutif; M[lle] Evelyn Pepper, présidente honoraire; M[lle] Grace Johusan est présidente de la section d'Ottawa; M[lle] Nancy Kennedy-Reid, ancienne présidente de l'association.

M. Badanai: Y a-t-il quelqu'un du Nord-Ouest Ontarien?

Le président: M. Badanai représente la Tête des lacs et s'intéresse beaucoup à notre section locale.

Mme Reynolds: M[lle] Christie, M[lle] Beardmore et moi-même sommes de Toronto; M[lle] Pepper et M[lle] Johusan d'Ottawa. M[lle] Nancy Kennedy-Reid représente Montréal.

M. Guay (St-Boniface): Voulez-vous nous présenter les autres membres s'il vous plaît?

Le président: Pouvons-nous connaître les autres membres qui sont présents?

[*Texte*]

Mrs. Reynolds: We have 15 units across Canada with almost 900 active members. We have many others that are somewhat inactive but are paid-up members. Miss Christie is our Hong Kong Nursing Sister. She was a prisoner of war in Hong Kong.

As Mr. Francis would like the other nursing sisters to introduce themselves, would you mind standing up and giving your name?

Mr. Guay (St. Boniface): Yes, and the group and area you are from.

Major Jessie Urquhart: I am Jessie Urquhart and I am presently in the Armed Forces.

Miss M. Maclaren: I am Mina Maclaren and belong to the Ottawa Unit.

Miss C. Winter: I am Constance Winter and belong to the Ottawa Unit.

Miss M. Ross: I am M. Ross from the Ottawa Unit.

Miss E. Bagnall: I am E. Bagnall and I belong to the Ottawa Unit.

Mrs. Miriam MacDermott: I am Miriam MacDermott of the Ottawa Unit.

Miss D. Lodge: I am Miss D. Lodge of the Ottawa Unit.

Miss B. Riddell: I am Miss B. Riddell from the Winnipeg, now Ottawa Unit.

The Chairman: May I say that you are all welcome. Our procedure is very informal and if at any point in the questioning anyone present would like to add to the comments they do not need to feel inhibited about doing so.

Are there any further comments on page 1 of the brief?

Mr. Bigg: Also, Mr. Chairman, if anything has come up since the briefs have come in or the White Paper has been put out, we would be very happy to hear about it.

The Chairman: Yes, indeed; the doors are certainly not closed at this point.

Mr. Marshall: Mrs. Reynolds, you say you have 900 members?

Mrs. Reynolds: Paid-up members in our National Association.

Mr. Marshall: But in your brief you say you have 7304 registered nurses in Canada?

[*Interprétation*]

Mme Reynolds: Nous avons 15 sections par tout le Canada avec environ 900 membres actifs et de nombreux membres passifs. M[lle] Christie est notre infirmière de Hong Kong. Elle a été prisonnière de guerre à Hong Kong. M. Francis voudrait que les autres infirmières se présentent.

M. Guay (St-Boniface): Oui, votre nom et celui de votre organisme ainsi que l'endroit d'où vous venez.

Major Jessie Urquhart: Je suis Jessie Urquhart et je suis présentement dans les Forces Armées.

Mlle M. MacLaren: Je suis Mina MacLaren et je suis d'Ottawa.

Mlle C. Winter: Je suis Constance Winter et suis aussi d'Ottawa.

Mlle M. Ross: Je suis M. Ross d'Ottawa.

Mlle E. Bagnall: Je suis E. Bagnall d'Ottawa.

Mme Miriam MacDermatt: Je suis Miriam MacDermatt d'Ottawa.

Mlle D. Lodge: Je suis D. Lodge d'Ottawa.

Mlle B. Riddell: Je suis B. Riddell anciennement de Winnipeg et aujourd'hui d'Ottawa.

Le président: Je tiens à vous souhaiter la bienvenue. Nous procédons sans formalité et si vous avez des commentaires à formuler à propos de la première page du mémoire n'hésitez pas à le faire.

M. Bigg: Monsieur le président, je voulais dire aussi que si ces infirmières ont quelque chose de plus à nous dire, nous les écouterons très volontiers.

Le président: Certainement, la porte est ouverte à tout commentaire.

M. Marshall: Vous dites que vous avez 900 membres?

Mme Reynolds: Qui paient leur cotisation à l'association nationale.

M. Marshall: Vous en avez 7304 parmi les infirmières enregistrées?

[*Text*]

Mrs. Reynolds: This is the total of those in World War I and World War II who have served in the capacity of a nursing sister.

Mr. Marshall: How many are around now who are not members?

Mrs. Reynolds: That is rather difficult to know. Like all associations, we have people who do not pay their membership.

Mr. Marshall: I am just wondering how many are not interested and therefore have not belonged.

Mrs. Reynolds: We have 15 units, as I said, across Canada. There is at least one unit in each province. We have several in Ontario.

The Chairman: I am sure you can be very proud of that record. I know what Mr. Marshall is trying to bring out; every organization faces the problem of trying to get to everyone that you want to reach.

Mr. Marshall: I can state cases, which perhaps is not relevant at this point, but there are people who do not know that help is available for them.

Mrs. Reynolds: One of the aims of our National Executive is to help the poor and needy of our own association. We have very active welfare committees in some of our units that do a great deal. We in Toronto have a very, very active welfare committee which makes a real effort to seek out former nursing sisters who are in need and we try to get the benefits for them. Many of them are unaware of what is available. This is one of our problems.

Miss Ella Beardmore (Executive Committee of the Nursing Sisters Association of Canada): One of our problems, too, is that we are unaware of the benefits that these former nursing sisters are entitled to. This is one reason that we are so extremely interested in this report.

• 1030

Mr. Marshall: That is what I was trying to bring out.

The Chairman: Are there any other comments on page 1?

Miss Daisy Lodge: (from the Ottawa Unit): As many former members of the nursing sisters forces do not live in the larger communities and as there are just the 15 units across the country many of these former members would not belong, being outside the larger cities.

[*Interpretation*]

Mme Reynolds: C'était de la première guerre et de la deuxième guerre.

M. Marshall: Combien en avez-vous maintenant qui ne sont pas membres?

Mme Reynolds: Je ne sais pas exactement.

M. Marshall: Je me demandais tout simplement combien d'infirmières ne sont pas intéressées.

Mme Reynolds: Nous avons 15 sections dans tout le Canada. Environ une section par province. Nous en avons plusieurs en Ontario.

Le président: Je suis sûr que vous pouvez être fières de ce que vous avez accompli. Tout organisme a le problème de rallier le plus de membres possibles.

M. Marshall: Mais il y a peut-être des infirmières, qui ne sont pas au courant qu'on peut leur venir en aide.

Mme Reynolds: Un des objectifs de notre exécutif national c'est d'aider les personnes dans le besoin. Nous avons des comités de bien-être très actifs, des comités à Toronto. A Toronto nous avons un comité très actif qui fait tous les efforts possibles pour rallier les infirmières à notre association. Et je dois dire qu'un grand nombre d'entre elles n'étaient pas au courant de notre existence. C'est là un de nos problèmes.

Mlle Beardmore (Comité exécutif): Notre problème, c'est que nous ne sommes pas au courant des avantages auxquels certaines de nos consœurs ont droit. Voilà pourquoi nous nous intéressons si vivement à ce rapport.

M. Marshall: C'est ce que je voulais vous entendre dire.

Le président: Y a-t-il d'autres commentaires concernant la première page?

Mlle Daisy Lodge (section d'Ottawa): Plusieurs de nos anciens membres, infirmières militaires, n'habitent pas les grands centres urbains. N'oubliez pas que les 15 sections sont réparties à travers le pays; alors plusieurs de ces membres ne peuvent pas facilement faire partie des sections parce qu'ils n'habitent pas dans les grandes villes.

[*Texte*]

Mr. Bigg: I notice that a good many nursing sisters are members of The Royal Canadian Legion and perhaps we could contact some of them through the legion.

The Chairman: Are there any comments on page 2 of the Brief—the pension crisis, general problems and background?

Page 3 deals with the basic rate of pension. In the White Paper there are comments concerning other studies and the general problem of social welfare and related programs in Canada, and there is a question in my mind how far the Committee can go on the basic rate of pension. I have said this with other delegations presenting a brief, and we are happy to hear your views; they will be part of the record. Are there any other comments? Page 4, the Old Age Security Pension and Canada Pension Plan. Are there any comments here? Mr. Knowles?

Mr. Knowles (Winnipeg North Centre): I notice that in the brief it is stressed that these two programs; Old Age Security Pension and Canada Pension Plan, are as-of-right programs, just as our payments under the Pension Act, and I note with interest that you are insisting that it stay this way. It is clear now that a person who qualifies for old age security or the Canada Pension Plan does not thereby lose anything that he is entitled to under the Pension Act. And this also applies to an Old Age Security recipient who qualifies for the guaranteed income supplement. That is, a disability pension is nothing else but a disability pension and the Old Age Security Pension. He can get the guaranteed income supplement and suffer no loss of the disability pension.

I see the Chairman looking at me with that critical eye. I am afraid that in a moment I am going to be out of order.

The Chairman: Mr. Knowles, I think I have taken a fairly tolerant view here.

Mr. Knowles (Winnipeg North Centre): Yes you have, and I am thanking you for your continuing tolerance. How do you feel about the fact that pensioners on the War Veterans Allowance Act, when they get the guaranteed income supplement, have the War Veterans Allowance cutback?

The Chairman: I think I would have to say that the War Veterans Allowance Act is not part of our terms of reference, in this Committee, and I think we realize that.

[*Interprétation*]

M. Bigg: Il y a déjà plusieurs de vos membres qui sont membres de la Légion canadienne, alors nous pourrions peut-être en rejoindre de cette façon.

Le président: Quelqu'un a-t-il des commentaires ou des exposés ou des remarques sur la page 2? Sur la pension, les problèmes généraux et antécédents. La page 3 traite du taux de base des pensions. Dans le Livre blanc, on fait des commentaires sur d'autres études et on parle des problèmes généraux de bien-être social et des programmes connexes au Canada. Alors, je me demande jusqu'à quel point le Comité peut étudier le taux de base des pensions. Nous sommes très heureux d'entendre votre point de vue et ce point de vue sera inscrit au dossier. D'autres commentaires? Page 4, Pension de vieillesse et Régime de pensions du Canada. A-t-on des commentaires concernant ces sujets? Monsieur Knowles?

M. Knowles (Winnipeg-Nord-Centre): Je remarque que, dans le mémoire, on fait remarquer que ces deux programmes, Pension de vieillesse et Régime de pensions du Canada, sont des programmes de droit, tout comme nos paiements en vertu de la Loi sur les pensions. Vous espérez que cela restera ainsi. Il est clair que la personne qui réussit à obtenir une pension de vieillesse ou une pension en vertu du Régime de pensions du Canada ne devrait pas perdre quoi que ce soit en vertu de la Loi sur les pensions. Cela s'applique aussi à quelqu'un qui reçoit une pension de vieillesse et qui peut recevoir le supplément de revenu garanti. La pension d'invalidité n'est autre chose qu'une pension d'invalidité et la pension de vieillesse. Une personne peut recevoir le supplément de revenu garanti sans voir diminuer sa pension d'invalidité. Je vois que le président me regarde d'un œil peu favorable. Je crois que dans un moment on va me rappeler à l'ordre.

Le président: Monsieur Knowles, je crois que j'ai été assez tolérant envers vous.

M. Knowles (Winnipeg Nord-Centre): Je le sais et je vous en remercie. Que pensez-vous du fait que des pensionnés en vertu de la Loi sur les allocations aux anciens combattants ne puissent pas recevoir le supplément de revenu garanti sans se voir couper leur allocation d'ancien combattant.

Le président: Cette loi que vous venez de mentionner, monsieur Knowles, ne fait pas partie de notre mandat.

[*Text*]

Mr. Knowles (Winnipeg North Centre): You would not let them express their view?

The Chairman: Certainly they can express their views, but there is no question that this is outside our terms of reference.

Miss Beardmore: This is one of our concerns too, the War Veterans Allowance Act being reduced when the person is entitled to Old Age Security. We have thoughts on this but as the Chairman has pointed out, it is really irrelevant to the existing situation.

Mr. Knowles (Winnipeg North Centre): Thank you. Thank you, Mr. Chairman.

The Chairman: I was not aware that there was any suggestion from any quarter that pensions which are paid as a matter of right for war service would be jeopardized by either receipt of the Old Age Security or the Canada Pension Plan. Has this suggestion ever been made? It is totally repugnant to me, just even the thought of it, and if there is any suggestion from any source, I have yet to hear of it. It is the first time this has come to my attention.

Mr. Bigg: The only suggestion, Mr. Chairman, is that it says at the start of the White Paper that basic pension cannot be considered except in reference to the whole problem of pensions and security and so on in Canada. This naturally alarms people who are already suffering under these conditions.

• 1035

The Chairman: I am sure that the observations that the Nursing Sisters' Association of Canada have made on this matter would have the complete support of every member of the Committee in this respect, and I do not think there would be any dispute on the point they are making here.

Mr. Knowles (Winnipeg North Centre): We would support the last comment that was made.

The Chairman: Are there any further comments on Adjudication of Claims? That should be on pages 5 and 6.

Mr. Bigg: This brings up, Mr. Chairman, the last item where they suggest that nursing sisters should be put on the boards. I don't know whether you want to discuss it now or later. I think that it is tied in with this Adjudication of Claims as far as they are concerned. They would certainly be enhanced by having one of their own members put on the Board, but perhaps we will discuss that more fully on the final paragraph.

[*Interpretation*]

M. Knowles (Winnipeg Nord-Centre): Alors, vous ne voudriez pas qu'ils expriment leur point de vue à ce sujet?

Le président: Ils peuvent exprimer leurs points de vue, mais c'est certainement hors de notre mandat.

Mlle Beardmore: Nous sommes d'accord avec ce que vous avez dit, monsieur Knowles, et nous avons même combattu pour obtenir cela, mais le point n'est pas pertinent ici.

M. Knowles (Winnipeg Nord-Centre): Merci. Merci, monsieur le président.

Le président: Je n'ai pas entendu parler qu'une pension versée de droit pour services militaires pourrait être diminuée si une personne recevait la pension de vieillesse ou une pension en vertu du Régime de pensions du Canada. Est-ce que quelqu'un a déjà laissé entendre cela? Enfin, est-ce que quelqu'un a entendu dire qu'une personne risquerait de voir sa pension d'invalidité diminuer pour les raisons mentionnées? L'idée me dégoûte, mais c'est la première fois que j'en entends parler.

M. Bigg: On dit dans le Livre blanc qu'il faut tenir compte dans l'ensemble du problème des pensions. C'est ce qui alarme les gens.

Le président: Je suis certain que les observations que le *Nursing Sisters' Association of Canada* a fait à ce sujet recevraient l'appui de ce Comité. Je ne crois pas que personne soit en désaccord avec ce point.

M. Knowles (Winnipeg-Nord-Centre): Nous appuyerions ce dernier commentaire.

Le président: Est-ce que quelqu'un a maintenant quelque chose à dire sur ce qui est mentionné aux pages 5 et 6 sur l'adjudication des demandes de pensions?

M. Bigg: Est-ce que vous voulez en discuter tout de suite ou plus tard? Ce point prétend que des membres des *Nursing Sisters* devraient faire partie des Commissions. Je crois qu'il se rattache à l'adjudication des demandes de pensions. Ils seraient heureux de voir un de leurs membres faire partie de la Commission, mais peut-être devrions-nous en discuter lorsque nous serons rendus au dernier paragraphe.

[*Texte*]

The Chairman: That is a separate point at the end of the brief and one which is of very great interest to members of the Committee. I think, Mr. Bigg, you have a valid point in this matter. Are there any other comments? Mr. Legault had his hand up a few minutes ago.

Mr. Legault: Thank you, Mr. Chairman. My question was asked by Mr. MacRae at the very beginning.

Mr. Bigg: Perhaps one of the sisters would like to enlarge on that, and then we could think about it a little bit before we come to the final paragraph. I have some ideas myself about that, how it would help to have a nursing sister on these boards.

Mrs. Reynolds: Yes, and I think Miss Christie can tell you how we feel that this would be of great benefit because of our experience of having nursed the veterans during World War I and World War II. We have had personal experience.

Miss Christie: A number of the pension medical examiners for one reason or another did not see service in either World War I or World War II, and they really have no down-to-earth understanding of the circumstances under which the pensioners obtained their disability. I have heard fears expressed by pensioners that the doctor really does not understand; he really does not listen. There is this attitude of lack of interest. He may well be listening and be interested, but it is not reflected in his outward attitudes, and the pensioners have this fear, and fear can be a dreadful thing. So we feel that a nursing sister who has served overseas and shared the horrors with the disabled veterans would have a greater understanding, a built-in understanding of the problem, and give them a feeling of support in their complaints and their claims.

The Chairman: I am sure all members of the Committee have listened with interest to what you say at this point, and when we come to make our recommendations later, we will certainly look at what you have said. Are there any comments here?

Mr. Peters: Mr. Chairman, is this feeling that the sister just expressed pretty general? I was thinking, as you were talking about this, of a field with which I am more closely connected, the compensation boards, and this is one of the comments that are made by claimants. I am thinking of a particular case where a man asked to get out of the hospital because one of his children was quite sick and he went home. He was supposed to be back

[*Interprétation*]

Le président: C'est un point distinct. Je suis certain que cela intéressera grandement les membres du Comité. Je crois que vous avez là un point valable à ce sujet. Est-ce qu'il y a d'autres commentaires? Monsieur Legault, vous aviez, me semble-t-il, l'intention de poser des questions?

M. Legault: Merci, monsieur le président, M. MacRae a déjà posé ma question.

M. Bigg: Est-ce qu'une des infirmières ne pourrait nous donner plus de détails, ce qui nous donnerait de quoi réfléchir avant d'arriver au dernier paragraphe. J'ai certaines idées visant à faire admettre des infirmières dans les commissions. Cela serait utile.

Mme Reynolds: Oui, cela serait très certainement utile parce que plusieurs de nos membres ont acquis une très grande expérience pendant les deux guerres mondiales. M^lle^ Christie pourrait vous donner des précisions.

Mlle Christie: Plusieurs des examinateurs médicaux, pour une raison ou une autre, n'ont pas servi durant les deux guerres mondiales, alors ils ne comprennent pas quelles sont les circonstances et les conditions dans lesquelles les pensionnés sont devenus invalides. Certains des pensionnés ont exprimé la crainte que les examinateurs médicaux ne comprennent pas vraiment leur situation et qu'ils ne les écoutent pas vraiment. Il y a un manque d'intérêt. Ils écoutent, mais ne sont pas intéressés et cette attitude se reflète sur leur façon d'agir et entraîne une certaine peur chez le pensionné. Nous croyons que les infirmières qui ont servi outre-mer et qui ont connu les horreurs auxquelles ont été exposés les anciens combattants seraient plus compréhensives et sauraient mieux apprécier les plaintes et les demandes.

Le président: Je suis certain que les membres du Comité ont écouté avec intérêt ce que vous avez dit concernant cette question. Lorsque nous aurons à faire des recommandations, nous tiendrons compte de ce que vous venez de mentionner. Des commentaires?

M. Peters: Ce sentiment qu'on vient d'exprimer est-il généralisé? Je pensais à un domaine que je connais mieux, les commissions de compensation, et où on retrouve le même état de chose. Je pense à un cas où un homme a dû quitter l'hôpital et se rendre chez lui parce qu'un de ses enfants était malade. Il devait revenir le lundi, mais il n'est rentré que le jeudi ou le vendredi parce que son enfant était mort et qu'il avait dû

[*Text*]

on Monday and he did not get back until Thursday or Friday. The child has died and they had buried the child. He was supposed to have been on disability so, of course, the doctor did not allow him back in the hospital for an operation. When you go over the doctor's head, of course, or other arrangements are made, this to me is a legitimate excuse. But the doctor did not pay any attention. I presume he did not even listen to the reason that was given. Is this a pretty general condition?

Miss Christie: Are you talking about Workmen's Compensation Board cases or veterans?

Mr. Peters: No, I am just saying that I know that this just happened a couple of weeks ago in the compensation in Ontario, but it was not the Compensation Board in any way, shape or form. It was only the

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doctor that this patient had. And he obviously was talking at him, but he was not talking with him. The fellow listened but did not hear, or was not interested.

Miss Christie: That is the expression exactly. We have not done any kind of survey on this, but this is just from what I hear, and just in conversation, quite casual conversation. A few nights ago with another nursing sister, I did not even know that she received a disability pension, but she said: "You know they do not even listen to you". And I could not help but say "amen" because I get this feeling myself. Sometimes I almost feel like saying: "Would you like me to write this for you", and I could give them the facts and it would not waste his time, he would not have to be bothered with me. This I have heard from others. We do not expect a dance of joy to be done when we enter his office, but you would like to feel that he was at least interested in what this pensioner was complaining about. Perhaps "complaining" is not the right word. But when you are asked what your complaints are you sometimes wonder how much he is really listening, how much he knows that is related, and what this does to me. As you say, I think the individual doctor who is examining has much to do with it. I have noticed that the doctors who themselves had served overseas have a much greater understanding and ask an altogether different set of questions.

Mr. Bigg: I think, sister, it is like a man trying to understand hunger when he has never been hungry.

[*Interpretation*]

l'enterrer. Il était considéré comme un invalide et il n'a donc pas pu être réadmis à l'hôpital pour une opération. Le médecin n'a pas écouté son malade et n'a peut-être même pas écouté la raison. S'agit-il d'une situation généralisée?

Mlle Christie: Parlons-nous de cas des commissions de réparation des accidents du travail ou des anciens combattants?

M. Peters: Je ne voulais que mentionner un cas qui s'est produit récemment en Ontario. La faute n'était imputable en rien à la commission de compensation, mais c'était la faute du médecin. Il écoutait, mais n'entendait pas ou il n'était pas intéressé.

Mlle Christie: C'est exact. Ce que j'ai mentionné découle de ma propre expérience. J'ai eu un entretien l'autre soir avec une autre infirmière qui m'a parlé également de ce problème. Elle m'a dit qu'ils ne nous écoutent même pas. Ils ne nous comprennent pas parce qu'ils ne nous écoutent pas. Parfois j'aimerais lui offrir d'écrire les renseignements moi-même pour l'en débarrasser. Je connais cette situation fort bien. Ils ne semblent pas se préoccuper de nous. Ils ne veulent pas nous écouter ou tenir compte de notre expérience. On aimerait que les gens qui ont à prendre soin des pensionnés tiennent au moins compte des problèmes de ceux-ci.

Il n'est peut-être pas exact de parler de «plainte». Mais quand on nous demande de quoi vous voulez vous plaindre, vous vous demandez parfois si on vous écoute vraiment, et si le médecin connaît vraiment la situation. Comme vous dites, le médecin particulier qui vous examine a beaucoup d'importance. Ceux qui semblent faire preuve de plus de compréhension sont parmi les docteurs qui ont connu le service actif; ils connaissent bien la situation et vous posent les questions toutes différentes.

M. Bigg: Je crois que c'est comme demander à quelqu'un de comprendre ce qu'est la faim quand il n'en a jamais souffert.

[*Texte*]

Miss Christie: How true.

Mr. Bigg: And when I say "hunger" I do not mean missing your breakfast—

Miss Christie: No.

Mr. Bigg: —I mean missing your diet for a month, two months or two years. He has no conception whatever how it is to be starved. I think that is the kind of thing you are talking about. He laughs at pain who never felt a wound.

Miss Pepper: Mr. Chairman, if I may speak, I am not deprecating the Commission at all but I think it is a sad state of affairs when you hear pensioners say that they do not want to go back to report something more because they are fearful of having their existing pension reduced. This is so and I am sorry to have to say this. We have known it to happen because we are all in close association at some time or another with veterans.

The Chairman: The question has been asked: "How many doctors are there on the Pension Commission?" I cannot answer that question myself but we can have someone from the Department answer it.

Would Mr. Anderson be prepared to say something on this?

Mr. T. D. Anderson (Chairman, Canadian Pension Commission): Yes, Mr. Chairman. We have a total of 48 doctors on the Commission at the moment. Twenty of those are medical advisers and the others are pension medical examiners. Incidentally, we have only one pension medical examiner who is not an ex-serviceman.

The Chairman: Thank you, Mr. Anderson.

Mr. Peters: Mr. Chairman, I would like to pursue this further.

The Chairman: We will now take a short break and then return to complete the examination.

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AFTER RECESS

The Chairman: Can we call the Committee back to order, please? Just before we had a brief recess I interrupted Mr. Peters and he smiled broadly at that point and said he would resume later.

[*Interprétation*]

Mlle Christie: C'est bien vrai.

M. Bigg: Si je ne veux pas parler ici de ceux qui ne peuvent prendre leur déjeuner, par exemple.

Mlle Christie: Oui.

M. Bigg: Quand on a jamais risqué de mourir de la faim, il est assez difficile de comprendre la situation.

Mlle Pepper: Me permettriez-vous de prendre la parole, monsieur le président? Je ne veux pas déprécier le travail de la Commission, mais on entend souvent des pensionnés dire qu'ils ne veulent pas continuer à faire des rapports parce qu'ils craignent de voir leurs pensions existantes coupées. C'est la situation réelle. Je suis désolée d'avoir à la signaler. Je sais que cela se produit parce que nous travaillons parfois en étroite collaboration avec les associations d'anciens combattants.

Le président: Quelqu'un a posé la question suivante: Combien y a-t-il de médecins à la Commission des pensions? Je ne peux pas répondre moi-même à cette question. Il faudrait que quelqu'un du ministère réponde à la question. M. Anderson est-il en mesure de nous fournir une réponse?

M. T. D. Anderson (Président de la Commission canadienne des pensions): Oui, monsieur le président. Nous avons 48 médecins à la Commission à l'heure actuelle. Vingt de ces médecins sont des conseillers médicaux, les autres sont des examinateurs médicaux des pensions. Il serait intéressant de signaler qu'un examinateur médical seulement n'a pas fait de service actif.

Le président: Merci beaucoup, M. Anderson.

M. Peters: Monsieur le président, j'aimerais poursuivre.

Le président: Nous ferons une courte pause avant de reprendre notre travail.

REPRISE DE LA SÉANCE

Le président: Pourrions-nous reprendre le travail du Comité? Avant la pause-café, j'avais interrompu M. Peters qui était d'accord pour reprendre après la pause.

[*Text*]

Mr. Peters: We were discussing the relationship of the doctors in relation to cases and the charge that is made by veterans that the doctor may not be paying any attention to their case. In the old system of pension appeals did the Nursing Sisters in their experience not find that again this charge was being made, that this particular case became old hat because it had been heard before, and they did not listen. For instance, I brought up new evidence, I did this and I did that, but they did not listen. After the first time the veteran quite often complains of the fact that they did not listen.

Mrs. Reynolds: Mr. Peters, I believe this is quite true. Miss Christie probably is the one who can speak to this from personal experience.

Miss Christie: I remember very distinctly on one occasion I attempted to give new evidence and he said, "Oh, we have that". I said, "You could not possibly have that", but "Good morning", and that was it. How does a mere pensioner argue against that? I mean we are dismissed, that is the end of the interview.

Mr. Peters: Yes, this is a complaint in both cases and I do not know the answer. However, I do think the Woods Commission had part of the answer when they insisted that they not be the same people, and I suggest perhaps not even the same information. If the file is before the person doing the interview, and he opens the file and he scans through it, there is a suggestion that this information is going to be provided in advance. I think the charge will be continued that they did not listen because they already had made up their minds. It would seem to me the Woods Commission in their suggestion of completely new people without that evidence meant they would, in fact, have to listen if they are going to make any kind of a decision. They might make a decision that had not been made before and so they would have to at least listen, because they would have to justify their decision sooner or later. Is this a reasonable summary of what the effect of an independent appeal, a new appeal, a new person would be?

Miss Christie: I think this is what the Appeal Board would, hopefully, accomplish then.

[*Interpretation*]

M. Peters: Nous étions en train de discuter de l'importance des médecins qui examinent les patients et de la plainte que formulent les anciens combattants à l'effet que les médecins ne s'occupent pas de leurs cas. Quand l'ancien régime d'appel des pensions était en vigueur, les soeurs infirmières n'ont-elles pas remarqué que les anciens combattants se plaignaient de cela; cette plainte n'est donc pas nouvelle, et c'est pourquoi on n'y prête plus aucune attention. Moi-même, par exemple, j'ai présenté de nouvelles preuves, mais les examinateurs ne m'ont pas écouté. La deuxième fois qu'ils se présentent devant les médecins, les anciens combattants se plaignent que les médecins ne s'intéressent plus à leur cas.

Mme Reynolds: Monsieur Peters, ce que vous dites est tout à fait exact. M[lle] Christie pourrait nous raconter son expérience personnelle à ce sujet.

Mlle Christie: Je me rappelle très bien qu'une fois, j'ai essayé de fournir de nouveaux faits au médecin et il m'a répondu qu'il connaissait déjà ces faits; je lui ai dit que c'était impossible, mais il m'a tout simplement dit que la consultation était terminée. Comment un simple pensionné peut-il réagir devant un tel argument? Quand le médecin nous dit que la consultation est terminée, elle est terminée, un point c'est tout.

M. Peters: Oui, on a le droit de se plaindre et je ne sais vraiment pas comment on pourrait expliquer une telle situation. Cependant, je crois que le Comité Woods fournissait en partie la réponse, quand il insistait pour que des personnes différentes examinent les cas, et j'irais même plus loin en disant qu'il ne faudrait pas que les mêmes personnes examinent les mêmes renseignements. Si la personne qui fait passer l'entrevue a le dossier devant lui qu'il peut consulter à sa guise, il est très probable qu'il aura les renseignements qu'il cherche à l'avance. On pourra alors continuer à se plaindre, car en fait, les examinateurs auront déjà pris leur décision à l'avance. D'après la recommandation du Comité Woods les examinateurs seront forcés d'écouter les anciens combattants avant de prendre une décision quelle qu'elle soit. Il pourrait arriver qu'ils prennent une décision qui n'avait pas été prise avant et il faudra donc qu'ils écoutent les anciens combattants étant donné qu'ils devront justifier tôt ou tard leur décision. Ai-je ainsi pu faire comprendre quel serait l'effet d'un appel indépendant par une personne différente?

Mlle Christie: J'espère que c'est ce que la Division des appels s'efforcera d'accomplir.

[*Texte*]

Mr. Peters: I understand, Mr. Chairman, they are not aware of the appeal procedure outlined in the White Paper.

The Chairman: Unfortunately the Nursing Sisters Association have not had an opportunity to examine the White Paper in detail.

Mr. Peters: The new appeal is really a tiered appeal system where it is carried on within the department rather than going outside. It is tiered in a different manner and I suppose I better not ask about it. All I will ask is in the Woods Commission suggestion for appeal, would you find that the strong support from your own experience would be at least in the idea that the people who were going to hear the appeal were going to have to listen because they did not have the previous information that would be available under the present system and that they would have to listen before they could make any decision.

Miss Christie: Probably.

The Chairman: Mr. Legault.

Mr. Legault: Mr. Chairman, I have a supplementary to what Mr. Peters was asking. First of all, I would like to compliment the Nursing Sisters for their wonderful brief and especially for their recommendation of the member of their organization on the Commission and on the Appeal Board. However, one thing that hits me and this is very relevant in all fields of work in the sense that you would notice it in social work. Mr. Anderson has pointed out very well that of the doctors who are with the Commission only one is not a veteran. On the Pension Commission I think you will also find that most, if not all, of them are veterans. The point in my mind is that it is just human nature that, with time, we all become stale. Perhaps a rotation formula could be devised. Someone who has listened over and over and over again is not always disposed to be completely sympathetic. Perhaps a proper formula could be devised, to give him a holiday for a time—change his work every third month or every sixth month, or so. Would that not be a better proposition than to try to find someone else who may not have the experience, and, as you have said, has not participated in the particular difficulties that are being discussed?

Miss Christie: What do you mean by "changing their work"?

Mr. Legault: What I fear is this continuous role of facing the same people. It is not a case of meeting something very enjoyable, such as

[*Interprétation*]

M. Peters: Je crois comprendre que l'association n'est pas au courant de la nouvelle procédure d'appel qui est définie dans le Livre blanc.

Le président: Malheureusement, l'Association des soeurs infirmières n'a pas eu l'occasion d'étudier le Livre blanc en détails.

M. Peters: Le nouveau système d'appel est organisé par paliers et tout se passe à l'intérieur du Ministère au lieu d'avoir recours à une aide extérieure. Son organisation est différente et je ne crois pas que je doive demander des détails à ce sujet. Je voudrais cependant savoir ceci: croyez-vous que la grande innovation du Rapport Woods est d'obliger en quelque sorte les examinateurs à écouter le malade avant de prendre leur décision parce qu'ils ne posséderont pas les renseignements qu'ils ont avec le système actuel.

Mlle Christie: Probablement.

Le président: Monsieur Legault.

M. Legault: Monsieur le président, j'aurais une remarque complémentaire à ajouter à ce qu'a dit M. Peters. Mais d'abord, j'aimerais féliciter les Soeurs infirmières pour leur excellent mémoire et pour avoir recommandé un des membres de leur organisation au Comité et au Bureau d'appel. Cependant, quelque chose me frappe et je crois que c'est particulièrement important dans un domaine du genre de l'assistance sociale. M. Anderson a très justement souligné que seul un des docteurs de la Commission de pensions n'est pas un ancien combattant. Je crois aussi, et ce n'est qu'humain, qu'après un certain temps, on manque de ressort. On pourrait peut-être songer à varier le travail des examinateurs. Quelqu'un dont le travail ne consiste qu'à faire des entrevues n'est peut-être pas toujours disposé à être sympatique envers la personne qu'il écoute. On pourrait peut-être songer à lui donner des vacances de temps en temps, à changer la sorte de travail qu'il fait tous les trois ou six mois, etc. Ne serait-ce pas mieux que d'essayer de trouver quelqu'un qui n'a peut-être pas son expérience et qui n'a pas lui-même vécu les situations difficiles dont nous nous occupons présentement.

Mlle Christie: Que voulez-vous dire «changer la sorte de travail qu'ils font»?

M. Legault: Ce que je crains surtout pour les examinateurs, c'est la monotonie, car ces examinateurs interrogent toujours les mêmes

[*Text*]

to talk about a favourite subject—fishing, or something like that. You are always dealing with difficulties. Such is human nature that after a while we become stale; we become disinterested. This, I believe, is the fear that does exist among applicants—that whoever listens is not interested. And the reason for his lack of interest is that perhaps he has heard about 1,000 such cases and it merely becomes another number and a case that he has to dispose of.

If there was a rotation system he would rest for a while and do some other type of work rather than deal with these applications. He would then come back refreshed and more interested. Would that not be a better format?

Miss Christie: I think that would mean asking the same questions in another setting. After all, is not asking questions the basic procedure in any doctor's practice whether he be in private practice or in a specialty? He is still facing patients and asking questions. Apart from those who go into administrative work, they are still dealing with patients. And pensioners are basically patients, because they have some disability. I cannot see how moving the medical examiner to another position would change the situation. If he is not interested in one situation he is not going to be interested in another, relative to examining or interviewing pensioners.

Mr. Legault: Then we get right back to the same thing. We could change the people, but according to various briefs we have received within about a year or so we are right back in the same rut.

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Miss Christie: But they do not examine that often, do they?

Mr. Legault: But they are dealing always with the same cases.

Miss Christie: From my experience, they do not always. They take the files in order, as they appear. They do not always have to deal with the same pensioners. I am speaking from my own experience. I think twice I have seen the same documents.

Mr. Legault: What I am trying to find is some solution that will develop this sense of interest that the pensioner or the applicant would want to feel he is getting from the examiner.

[*Interpretation*]

sortes de personnes. Ils ne s'entretiennent pas de quelque chose d'agréable, comme la pêche ou que sais-je, ils ne parlent que de situations difficiles. Il est donc naturel qu'après un certain temps, on se fatigue, on n'a plus ce ressort. Et je crois que c'est de cela que se plaignent les anciens combattants: que les examinateurs ne font plus attention à ce qu'ils leur disent. Et la cause en est que ceux-ci ont déjà entendu la même chose de très nombreuses fois. Ce qu'il entend n'est donc plus qu'un cas parmi bien d'autres semblables ... et qu'il doit régler au plus tôt.

S'il y avait un système de roulement, il pourrait échapper à la routine en faisant une autre sorte de travail pendant quelque temps. Il reviendrait ensuite à ce travail beaucoup mieux disposé. Ne serait-ce pas beaucoup mieux?

Mlle Christie: Je crois que de toute façon il continuerait à poser des questions, mais dans un autre contexte. N'est-ce pas là le travail du médecin, qu'il soit un omnipraticien ou un spécialiste. Il aurait quand même affaire à des patients à qui il devrait poser des questions. La seule exception est pour les médecins qui se lancent dans l'administration. Et les pensionnés sont des patients, puisqu'ils souffrent d'invalidité. Je ne vois vraiment pas comment on changerait cette situation en déplaçant le médecin-examinateur et en lui faisant faire un autre travail pendant quelque temps. Si un travail ne l'intéresse pas, je ne conçois pas comment un autre pourrait l'intéresser.

M. Legault: Nous en arrivons à la même conclusion. Nous pourrions changer les examinateurs, mais, et c'est là l'avis exprimé dans différents mémoires, nous reviendrions au même point au bout d'une année.

Mlle Christie: Mais les examinateurs ne passent pas tout leur temps à faire des entrevues, n'est-ce pas?

M. Legault: Non, mais ils traitent toujours des mêmes problèmes.

Mlle Christie: Je ne crois pas, d'après l'expérience que j'ai. Ils prennent les dossiers dans l'ordre dans lequel ils apparaissent, mais ils ne s'occupent pas toujours des mêmes pensionnés. Je parle en connaissance de cause. Personnellement, je n'ai vu les mêmes dossiers qu'en deux occasions.

M. Legault: Mon but est de trouver une façon d'intéresser les examinateurs aux problèmes des pensionnés et de ceux qui demandent une pension, car ces derniers ont besoin de sentir qu'on s'intéresse à leur cas.

[*Texte*]

Miss Christie: When the examiner takes on the job he knows what his work will be. If he is not interested in that kind of work he should not take the job. That applies to any work. If you are not interested in your work, well, then, God help you. It might be just as well for you to get out and do something that you could be interested in.

Mr. Legault: We are arriving at the same conclusion. Thank you.

The Chairman: Are there any further questions? Mr. Bigg?

Mr. Bigg: From your own experience, sister—and this is a leading question, of course, because that is the only way I can probe your experience—what in your opinion is the biggest difficulty, apart from this changing of personnel? What do you think of the method of obtaining evidence about physical difficulties? Is there a lack of actual records, or a lack of proper presumptions? Do you understand what I mean? The fact that people are not getting what they think is a square deal in pensions relates to evidence. Is it the lack of evidence, or is there a lack in the hearing of the evidence?

Miss Christie: I think it is the thick file, right off the bat. If they get this great big thick file they cannot possibly go through it, because they do not know who they are going to get ahead of time. They cannot review the file. I do not quite know, if I were given this job, how I would get that information, but I would work on it.

Mr. Bigg: You people have not sat on these Boards and you therefore do not really have the information I am asking for?

Miss Christie: No, not really.

Mr. Bigg: But you feel that if you were on these Boards you could be valuable because you have first-hand information and you would know whether or not what you heard was relevant to the case?

Miss Christie: I am sure that any of us here would work out something practical.

The Chairman: Are there any further comments on the points on pages 5 and 6 on Adjudication?

Mr. Peters: Mr. Chairman, we may have left the wrong impression and I would not want that to happen. As I understand it, when

[*Interprétation*]

Mlle Christie: Quand un examinateur décide de faire ce genre de travail, il sait en quoi cela consiste. Si ce travail ne l'intéresse pas, il ne devrait pas le faire. Il en va de même de n'importe quel travail. Quand le travail que vous faites ne vous intéresse pas, il est aussi bien d'en changer.

M. Legault: Nous en arrivons à la même conclusion. Merci.

Le président: Y a-t-il d'autres questions? Monsieur Bigg?

M. Bigg: Ma Sœur, en vous basant sur votre expérience—je crois que c'est une question importante, car c'est la seule façon pour moi de voir de près quelle expérience vous avez—quelle est la plus grande difficulté, à part le changement de personnel?

Que pensez-vous de la façon dont on obtient des preuves concernant les difficultés physiques? Y a-t-il trop peu de preuves écrites ou les conclusions qu'on tire sont-elles mauvaises? Voyez-vous ce que je veux dire? Si les pensionnés pensent qu'ils sont lésés, cela tient-il au manque de preuve ou au fait que l'entrevue n'est pas ce qu'elle devrait être?

Mlle Christie: Je crois que les dossiers trop volumineux rendent la tâche trop ardue aux examinateurs, car ils ne peuvent les parcourir, ne sachant jamais combien de travail les attend. Ils ne peuvent passer tout le dossier en revue. Si je devais faire ce travail, je ne sais vraiment pas comment je m'y prendrais, mais je suppose que je trouverais bien une méthode.

M. Bigg: En fait, vous n'avez jamais fait partie d'un tel comité et vous ne pouvez pas vraiment me renseigner.

Mlle Christie: Non, pas vraiment.

M. Bigg: Mais vous croyez que si vous faisiez partie d'un tel comité, vous pourriez être utile étant donné que vous avez des renseignements de premier ordre et vous sauriez si ce que vous avez entendu est important ou non pour le cas?

Mlle Christie: Je suis sûre que chaque personne qui est présente ici pourrait trouver une méthode pratique.

Le président: Y a-t-il d'autres commentaires concernant les points des pages 5 et 6 sur les adjudications des demandes de pensions.

M. Peters: Monsieur le président, nous ne voudrions pas donner une fausse impression. Quand une personne se présente devant un

[*Text*]

a person comes in initially to a district doctor it is not so much that the interview and the questioning and the case are not well conducted at that stage. The difficulty arises in subsequent presentations. The doctor makes a decision, as a doctor always does, on his initial interview with the patient, and he has the tendency not to listen beyond that stage. This is a problem not only with pensions but with your own general practitioner. If he decides you have a gall bladder condition it does not matter a damn if he has pretty good evidence that you have emphysema, or tuberculosis, or anything else; he will still be interested in doing a gall bladder operation eventually. There is the inability to listen after he has made his decision. In the case of the Commission, it is their inability to listen after they have made a decision. The appeal really is not heard, because nobody listens to what happens after that. This is my experience.

I would not like to leave the impression that when you go to a DVA doctor he does not do anything about the initial case. I have found them to be good that way. But it is quite often very difficult for them to change their minds after they have decided on something. I presume we do not want to leave the impression that they are not doing their job initially; that they are—

An hon. Member: That they are not competent doctors?

Mr. Peters: That they are not competent. It is just that with repetition it is very difficult to listen to something new that may emerge. I am sure that when a doctor sees a patient he says: "Oh, yes; that is tonsillitis," or that it is something else. It really does not matter a damn what else is there. He has it pegged—"This guy swings the lead," or "That guy has flat feet."

The Chairman: Mr. Peters, I think you have made your point. Are there any further questions? Mr. Lambert had his hand up a minute ago.

Mr. Lambert (Edmonton West): Yes, Mr. Chairman. I am particularly concerned about the Association's recommendation relative to the institution of the independent appeal board. I presume this goes back right to the whole problem of adjudication. Listening to a number of the questions here, I do not think there has been too much differentiation, or the clear establishing of a differentiation, between the treatment services of the Department and the work of the doctors of the Canadian Pension Commission. Because, in essence, when we talk about pensions it is the Pension Commission that we are concerned

[*Interpretation*]

médecin de district, le problème ne se présente pas à ce stade. La difficulté se présente plus tard. Le médecin prend une décision lors de sa première entrevue avec son patient et généralement, il n'écoute plus après ce stade. Ce problème ne se pose pas seulement dans le cas des pensions, mais pour n'importe quel patient d'un omnipraticien. S'il estime que vous souffrez de la vésicule biliaire, peu lui importe que vous souffriez aussi d'emphysème, de tuberculose ou d'une autre maladie. Ce qui l'intéresse, c'est de vous opérer de la vésicule. Les médecins sont incapables de vous écouter quand ils ont pris leur décision. En fait, il n'y a pas d'audition d'appel, car personne ne s'intéresse à ce qui est dit par la suite. C'est l'expérience que j'ai. Je n'aimerais pas vous donner l'impression que les médecins du ministère des Affaires des anciens combattants ne se préoccupent pas du problème initial. Il y en a qui s'en occupent fort bien. Mais il leur est fort difficile de changer d'avis; je suppose que nous ne voulons pas donner l'impression qu'il ne font pas bien leur travail, qu'ils sont...

Une voix: Qu'ils ne sont pas compétents?

M. Peters: Qu'ils ne sont pas compétents. C'est tout simplement que quand on entend la même chose un nombre infini de fois, il est fort difficile d'avoir de nouvelles idées. Je suis sûr que quand un médecin voit un patient, il se dit: «celui-là a une amygdalite, celui-ci souffre de ceci.» Il ne se soucie de rien d'autre. Il pense que ce patient tire au flanc et que celui-là a les pieds plats.

Le président: Monsieur Peters, je crois que vous avez bien expliqué votre position. Y a-t-il d'autres questions? M. Lambert voulait poser une question il y a quelques minutes.

M. Lambert (Edmonton-Ouest): Oui, monsieur le président, je me préoccupe surtout de la recommandation de l'Association concernant l'institution d'un bureau d'appel indépendant. Je suppose que cela remet en question tout le problème de l'adjudication. En écoutant ici un certain nombre de questions, je ne trouve pas qu'il y ait eu beaucoup de distinction, ou l'établissement d'une distinction claire, entre les services de soins du ministère et le travail fourni par les médecins de la Commission des pensions du Canada. Car quand nous parlons de pensions, c'est essentiellement de pensions de la Commission

[*Texte*]

with. I have seen nothing in the brief to suggest that the doctors of the Pension Commission who make the medical assessments are in any way incompetent, and I do not think anyone can. Perhaps in certain types of cases there might be some greater reliance on the use of consultants rather than staff doctors, but that is a matter of judgment in relation to individual cases. I would not like to pass an opinion now on whether the Canadian Pension Commission does, or does not, use sufficient independent consultants.

What intrigues me, though, is the combination of the recommendations of the Woods Committee and the government White Paper. Frankly, in my own view, having had some experience of the pressures that can be brought to bear upon a Minister of Veterans Affairs relative to cases, I would look with horror upon any move which would put the original determination of pension entitlement in the hands of departmental officials responsible to the Minister. This means that it goes right into the lap of the Minister, and discretion is one of the worst things that a minister can have in these matters. If there is a question of taking a minister on appeal to an independent board it becomes very difficult.

Has the Association, though, in assessing an independent appeal board, looked at the stratification and the other hierarchy of officials and personnel and the cost of it, where members of an independent appeal board would necessarily be at a salary higher than that of the Commissioners? And then there are their staffs. Have you considered just what setting up an independent appeal board would mean in dollars and cents and set that against the potential benefits that would be added to the present system?

I am not by any means saying that the present system is perfect, but would the additional $400,000 to $500,000 a year, which it would cost to operate an independent appeal board, mean that you would have a system that would be that much better than the present one, or the framework that you have now if it is properly operating?

The Chairman: Would any member of the

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delegation care to comment on Mr. Lambert's questions? Mr. MacRae?

Mr. MacRae: May I, Mr. Chairman, ask Mr. Lambert to clarify a point for the benefit of the delegation? Mr. Lambert is a former Minister of Veterans Affairs...

[*Interprétation*]

dont il s'agit. Rien de ce que j'ai lu dans le mémoire ne me permet de supposer que les médecins de la Commission des pensions, qui font les évaluations médicales, manquent de compétence de quelque façon que ce soit, et je ne crois pas que quelqu'un d'autre pourrait le faire. Peut-être, dans certains cas, s'est-on appuyé plus volontiers sur les consultants que sur les médecins de la Commission, mais c'est une question d'appréciation de chaque cas en particulier. J'hésiterais à dire maintenant si la Commission des pensions du Canada emploie ou non suffisamment de médecins à titre de consultants.

Cependant, je suis intrigué par les recommandations faites par le comité Woods et celles qui sont présentées dans le Livre blanc. Franchement, j'ai eu quelqu'expérience des pressions qui peuvent être exercées sur un ministre des Affaires des anciens combattants à l'égard des cas et je considérerais avec horreur toute mesure visant à placer la détermination originale de la pension dans les mains des fonctionnaires qui relèvent du ministre. Ce serait confier l'affaire au ministre lui-même, et dans une question de ce genre, la discrétion est la pire chose que l'on puisse assurer au ministre. S'il s'agit de citer en appel un ministre, à une commission indépendante, la chose devient très difficile.

Mais, l'Association a-t-elle songé à ce qu'il en coûte d'instituer un tribunal d'appel indépendant, car les membres d'un tribunal d'appel indépendant coûteront nécessairement plus cher que ceux de la Commission? Avez-vous songé à ce qu'il en coûterait d'instituer un tribunal de ce genre, relativement aux avantages que ce tribunal remporterait sur le système actuel?

Loin de moi la pensée que le présent régime est parfait, mais la somme de $400,000 à $500,000, soit le montant qu'il faudrait consacrer au fonctionnement d'un tribunal d'appel indépendant, nous vaudrait-elle un système tellement supérieur aux cadres actuels, lorsqu'ils fonctionnent proprement?

Le président: Est-ce qu'un membre du comité désire commenter la question de M. Lambert? M. MacRae?

M. MacRae: Monsieur le président, puis-je demander à M. Lambert certains éclaircissements au profit de la délégation. M. Lambert est un ancien ministre des Affaires des anciens combattants...

[*Text*]

Mr. Lambert (Edmonton West): For a very short period.

Mr. MacRae: A very short period.

Mr. Lambert (Edmonton West): But still sufficient to know under what gun you can be even with the present system.

Mr. MacRae: This is the point I want you to clarify for my benefit, and perhaps for the delegation. When you talk of the present system are you referring to the system as it presently exists or to the system as envisaged by the White Paper? I think that should be clarified.

Mr. Lambert (Edmonton West): Under the system as it now exists the Canadian Pension Commission adjudicates and if there are appeals there is a separate appeal board of the Commissioners. This is within themselves, just as in many courts you will have an entitlement to be heard in the first instance by one judge, or two judges, and then an appeal is taken to three or to five, as the case may be.

I have seen the recommendation or suggestion that the initial adjudication be made by departmental officials.

The Chairman: That is the suggestion of the White Paper.

Mr. Lambert (Edmonton West): Yes.

Mr. MacRae: I think, though, that to clarify it for the delegation—and, by the way, Mr. Lambert and I happen to be on the same side in this particular case . . .

Mr. Lambert (Edmonton West): I am not talking politics here.

Mr. MacRae: I know you are not; but the point I am trying to make, if you are going to put the delegation on the spot, Mr. Lambert, is that it was not clear in my mind—and perhaps it is not clear in theirs—whether, when you ask them the question about what they think, you mean the system as it presently exists or as the White Paper suggests it should be? That is all I am asking you to clarify.

Mr. Lambert (Edmonton West): No; I asked about their recommendation. They say they support the recommendation of the Woods Report. This is quite clear in my question.

The Chairman: Mr. Peters has a question.

[*Interpretation*]

M. Lambert (Edmonton-Ouest): Pendant bien peu de temps.

M. MacRae: Pendant bien peu de temps.

M. Lambert (Edmonton-Ouest): Mais assez longtemps pour me rendre compte de la situation où vous vous trouvez, même sous le présent régime.

M. MacRae: C'est précisément sur ce point que je désire des éclaircissements, pour moi-même et les membres de la délégation. Quand vous dites le présent régime, parlez-vous du système actuel, tel qu'il existe présentement, ou de celui qu'on mentionne dans le Livre Blanc? Il convient, je crois, de préciser.

M. Lambert (Edmonton-Ouest): Sous le régime actuel, c'est la Commission des pensions du Canada qui décide, et s'il y appel, on a recours à un tribunal d'appel distinct formé des commissaires. Ceci se fait entre eux, un peu comme, dans certains tribunaux, une cause sera entendue par un ou deux juges, en première instance, et l'appel reporté à deux ou cinq, selon le cas.

J'ai pris connaissance de la recommandation ou suggestion à l'effet que la décision initiale soit faite par les fonctionnaires du ministère.

Le président: Cette suggestion paraît au Livre blanc.

M. Lambert (Edmonton-Ouest): Oui.

M. MacRae: Je crois cependant qu'en vue de la préciser à l'intention de la délégation, et soit dit en pensant, M. Lambert, je suis avec eux en l'occurrence . . .

M. Lambert (Edmonton-Ouest): Je ne fais pas de politique ici.

M. MacRae: Je comprends, mais je n'en veux pas moins savoir si, lorsque vous parlez du système actuel, vous entendez celui qui existe présentement ou celui qu'on mentionne dans le Livre Blanc?

M. Lambert (Edmonton-Ouest): Non; je me suis renseigné au sujet de leur recommandation. Ils disent qu'ils appuient la recommandation du rapport Woods. Ce point est clairement exprimé dans ma question.

Le président: M. Peters a une question à poser.

[*Texte*]

Mr. Peters: I was just going to point out to Mr. Lambert that the delegation has not had the benefit of perusing the White Paper.

Mr. Lambert (Edmonton West): Quite; and I though I made that clear in my question. I apologize if I did not. But you support the independent appeal board as recommended by the Woods Committee on page 6 in the second paragraph:

> Our Association considers this to be a most practical step and strongly endorses its implementation.

There is nothing equivocal about that statement.

Let us go to the Woods Report. It is the independent appeal board and all that goes with it. I inferentially threw in the recommendation of the White Paper to see what reaction you would have to that. Let us keep them separate. Has the Association considered just what the Woods Report means by "an independent appeal board", the cost thereof and whether it is going to be that much better?

Mrs. Reynolds: I am afraid I cannot answer that, Mr. Lambert, because we are not experts. We are just expressing our opinions as nurses.

Mr. Lambert (Edmonton West): Yes; that is fine; but that sentence is a very powerful one.

The Chairman: Mr. Lambert, on page 6 the final sentence of the second paragraph on the page reads:

> Our Association considers this to be a most practical step and strongly endorses its implementation.

That, as I read it, is an endorsement of the Woods Committee Report on this point.

Mr. Lambert (Edmonton West): I am asking my question...

The Chairman: Right.

Mr. Lambert (Edmonton West): Have you considered this point of the cost and all of the proliferations?

Mrs. Reynolds: No.

Mr. Lambert (Edmonton West): Or whether or not it would be that much better than the present system, which could perhaps be overhauled?

[*Interprétation*]

M. Peters: Je voulais simplement faire remarquer à M. Lambert que la délégation n'a pas eu l'avantage de lire attentivement le Livre blanc.

M. Lambert (Edmonton-Ouest): Justement; et je croyais avoir été précis. Je m'excuse si je ne l'ai pas été. Mais vous êtes en faveur d'un tribunal d'appel indépendant, tel que celui que recommande le comité Woods, à la page 6, au second paragraphe:

> Notre Association considère que c'est là une mesure très pratique et en recommande fortement l'application.

Il n'y a rien d'équivoque dans cette déclaration.

Reportons-nous au rapport Woods. C'est le tribunal d'appel indépendant et tout ce qu'il implique. J'ai, sous forme d'allusion, parlé de la recommandation du Livre blanc, pour voir la réaction. Tenons-les séparés. L'Association a-t-elle considéré ce que le rapport Woods entend par un «tribunal d'appel indépendant», ce qu'il en coûterait et si ce serait tellement mieux?

Mme Reynolds: Je crains de ne pouvoir répondre à cette question, M. Lambert, car je ne suis pas spécialisée en la matière. Nous ne faisons qu'exprimer notre opinion à titre d'infirmières.

M. Lambert (Edmonton-Ouest): Fort bien, mais cette phrase est très énergique.

Le président: M. Lambert, la dernière phrase, du second paragraphe, à la page 6, se lit:

> Notre Association considère que c'est là une mesure très pratique et en recommande fortement l'application.

Il s'agit là, à mon avis, d'une concordance de vues avec le comité Woods sur ce point.

M. Lambert (Edmonton-Ouest): Je pose ma question...

Le président: Très bien.

M. Lambert (Edmonton-Ouest): Avez-vous pensé à ce qu'il en coûterait et à toutes les implications?

Mme Reynolds: Non.

M. Lambert (Edmonton-Ouest): Ou si cela sera tellement mieux que le présent régime, que l'on pourrait peut-être rénover?

[*Text*]

Miss Pepper: I might speak to that, Mr. Lambert, we did not work this out mathematically to determine what moneys would be involved.

Mr. Lambert (Edmonton West): All right; that is fine. I have a related question. It may perhaps put you in an unfair position. It relates to the recommendation in the White Paper that the first adjudication be in the hands of department officials. From your experience how do you react to that? Perhaps you would like to take it under advisement?

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The Chairman: Thank you, Mr. Lambert. Are there any further questions dealing with this point? Yes, Miss Christie?

Miss Christie: Before we leave the question of pensions and examiners and so on, may I make it clear for the record that none of our remarks or mine personally are in any way critical of the professional competency of the medical examiners. It is strictly a matter of attitude. It has nothing to do with their professional ability.

Mr. Legault: Mr. Chairman, it was my understanding of the purpose of Mr. Lambert's question that if we are going to do something we should try to find a solution which would put the improvement on a permanent basis; that whatever would develop from the suggestions might perhaps just bring it right back within a year two to the stale situation that we have today, such as is suggested by the organizations.

It does not mean that we are going to remove human nature from all of these situations. I can well understand Mr. Lambert's point in suggesting that perhaps there may be another way to improve the situation in that sense.

Miss Lodge: May I speak on the point that was raised about whether the present system could be overhauled? As suggested in here, the review board very often contains members who have made the initial decision. Could it be that it would be an absolutely new group that would hear them?

Mr. Lambert (Edmonton West): There I would agree with you entirely. I think that under review the man who sat on an initial decision must under no circumstances appear on the review board.

Mrs. Reynolds: Thank you.

[*Interpretation*]

Mlle Pepper: Permettez-moi de dire un mot sur ce point. Nous n'avons pas effectué de calculs pour déterminer ce qu'il en coûterait.

M. Lambert (Edmonton-Ouest): Très bien. J'ai une question à poser, qui est en rapport avec l'autre. Vous serez peut-être placée dans une situation désavantageuse. Ma question se rapporte à la recommandation qu'on trouve dans le Livre blanc à l'effet que la décision originale soit laissée aux fonctionnaires du ministère. Qu'en pensez-vous? Voulez-vous un moment pour y penser?

Le président: Merci M. Lambert. Y a-t-il d'autres questions? Oui, M^lle^ Christie?

Mlle Christie: Avant de quitter cette question de pensions, d'examinateurs, etc., puis-je préciser, pour que cela soit inscrit au dossier, qu'aucune de nos remarques, ou mes remarques personnelles, ne veulent d'aucune façon mettre en doute la compétence professionnelle des examinateurs médicaux. Il s'agit surtout d'une question d'attitude qui n'a rien à voir avec leur compétence professionnelle.

M. Legault: Je crois, monsieur le président, si je comprends bien les questions de M. Lambert, que si nous devons faire quelque chose, il nous faudra trouver une solution visant à améliorer d'une façon permanente la situation, car autrement, tout ce qui résulterait des suggestions ne ferait qu'améliorer la situation pour un an ou deux, et nous ramener au point de départ, comme l'a suggéré l'association.

Ce qui ne veut pas dire que nous allons pouvoir enlever le facteur humain de ces situations. Je comprends fort bien la suggestion de M. Lambert, à l'effet que l'on puisse d'une autre façon améliorer la situation.

Mlle Lodge: Puis ajouter au sujet de la question soulevée, à savoir si le présent système pourrait être rénové? Comme on l'a laissé entendre, le Conseil de révision est très souvent composé de membres qui ont participé à la décision finale. Ne leur serait-il pas possible de se présenter devant un groupe entièrement nouveau?

M. Lambert (Edmonton-Ouest): Je suis d'avis que toute personne qui a participé à la prise d'une décision initiale ne doit pas être membre ensuite du Conseil de révision.

Mme Reynolds: Merci.

[*Texte*]

The Chairman: Are there any further comments on this?

Mrs. Reynolds: I would like to say that I think this is something that we would like to think about, and if we have an any suggestions we would be prepared to make them.

Mr. Lambert (Edmonton West): I must say that in saying this, though, I am sure that in the administration of the Pension Commission every effort is made so that there are different people on review boards or appeal boards. But there are sometimes administrative difficulties that do arise. I do not think the pension commisioners are necessarily all ogres, you know, not by a long shot.

Miss Christie: We do not think so.

Mr. Lambert (Edmonton West): No. Administratively there may be some difficulties, I am sure. But as a matter of principle maybe we are just underlining the obvious, the practice now. But it seems to me that this should be reinforced because I have seen too many cases in which there has been a reappearance of the commissioner who was on the initial decision.

The Vice Chairman: Any further questions on the question of the appeal board? Mr. Turner.

Mr. Turner (London East): Mr. Chairman, we were assured, when we had some of the department officials here, and also the Minister, that no commissioner would hear the same case twice. That is the way I understood it.

The Vice Chairman: Yes, I believe that this is the way it was explained to us.

Mr. Turner (London East): Right.

The Vice Chairman: Any further questions? Mr. Peters.

Mr. Peters: Mr. Chairman, is it not the thought of the delegation that it is the old basic principle of British justice, that it not only should be done but should appear to be done?

Many pensioners who may not be entitled to additional benefits, or additional pension, are personally of the opinion that they did not get a fair hearing because of the duplication of personnel who heard the case and then heard the review of the case, and in many cases heard it the second and the third time. It may be that they should not get a pension, but they also should be of the opin-

[*Interprétation*]

Le président: Y a-t-il d'autres commentaires?

Mme Reynolds: Nous aimerions réfléchir sur le sujet afin d'être prêts à faire des suggestions.

M. Lambert (Edmonton-Ouest): Je suis sûr que la Commission des pensions fait tout les efforts possibles pour que des personnes différentes fassent partie du Conseil de revision ou d'appel. Il peut parfois y avoir des difficultés administratives qui font qu'une personne ayant participé à une décision originale fasse partie du Conseil de révision.

Mlle Christie: Nous ne sommes pas de cet avis.

M. Lambert (Edmonton-Ouest): Non! Du côté administratif, cela peut causer des problèmes. En principe, je crois que nous soulignons que cette pratique ne devrait pas exister. Il faudrait souligner cela à nouveau parce qu'il y a eu trop de cas où un commissaire ayant participé à la décision initiale, a fait ensuite partie du Tribunal d'appel.

Le vice-président: D'autres questions à ce sujet? Monsieur Turner.

M. Turner (London-Est): Certains des fonctionnaires du ministère, de même que le ministre, nous ont assurés qu'aucun commissaire entendrait feux fois la même cause.

Le vice-président: Oui, je crois que c'est bien ce qu'on nous avait expliqué.

M. Turner (London-Est): En effet.

Le vice-président: D'autres questions? Monsieur Peters.

M. Peters: N'est-ce pas dans l'esprit de la délégation qu'un vieux principe fondamental de la justice britannique veut que justice soit non seulement rendue mais aussi débattue.

Bien des pensionnés qui n'ont pas droit à des avantages additionnels ou à une pension supplémentaire, sont d'avis qu'ils n'ont pas eu un traitement juste parce que les mêmes membres de la Commission ont participé à l'audition de la cause et ont ensuite fait partie de la Commission d'appel ou de revision lorsqu'il y a eu des appels en première ou deuxième instance. Il se peut fort bien qu'ils

[*Text*]

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ion that justice was done and that they had a fair opportunity, and this sometimes is, in the person's mind, not possible.

I am sure the nursing sisters will know of a case where a person psychologically believes that he has greater disability than he has, and if he has what he considers to be an impartial hearing and is not able to make his case, he will be satisfied with that. But if he does not believe that he had that opportunity, the psychological problem will remain as great as it was in the initial stage. In other words, the fundamental principle is not being applied to all appeals before the appeal board. Is that a fair statement?

Mrs. Reynolds: That is a fair statement, I would say, yes.

The Vice-Chairman: Thank you, Mr. Peters. Any further questions? Mr. Turner.

Mr. Turner (London East): Sister, you suggested that a former nursing sister be on the Canadian Pension Commission. Would you like to see a nursing sister sit on the final appeal board, or both?

Mrs. Reynolds: I would like to see her on both, sir.

Mr. Turner (London East): I quite agree.

The Vice-Chairman: Thank you. We will continue with multiple disabilities. Any questions on this paragraph or on this clause? Mr. Peters.

Mr. Peters: In this matter of multiple disabilities, are some of the members of your organization actively treating or working with pensioners?

Mrs. Reynolds: Yes, sir.

Mr. Peters: I wonder if they have any information they could provide the Committee on the manner in which we could assist some of the discussion that has gone on. As you probably know, persons with multiple disabilities find 100 per cent pension certainly not enough. There has been the discussion that it should run up as high as 350 per cent and this may not satisfy them. Are there other means which we could provide that would alleviate the difficulty of some of these persons?

I know that if you give a person a car, the benefit may be far in excess of the cost of that type of assistance. It may be a ramp to his house. It may be some nursing care. But is

[*Interpretation*]

ne reçoivent pas une pension supplémentaire. Alors, ils devraient se dire qu'ils ont eu l'occasion de faire valoir leurs réclamations.

Je sais que vous devez connaître, en temps qu'infirmières, le cas où une presonne se croit plus infirme qu'elle n'est en réalité. Si elle admet avoir fait l'objet d'une audience impartiale, elle sera heureuse du résultat—même si l'on n'a pas répondu favorablement à sa demande. Sinon le problème restera entier comme au début.

En d'autres termes le principe fondamental ne s'applique pas à tous les cas d'appel. N'est-ce pas clair?

Mme Reynolds: Oui.

Le vice-président: Merci M. Peters. D'autres questions? M. Turner.

M. Turner (London-Est): Madame, vous avez parlé de la Commission des pensions qui devrait avoir une infirmière du groupe qui est représenté ici ce matin? Aimeriez-vous qu'une infirmière de votre groupe fasse aussi partie du Tribunal d'appel?

Mme Reynolds: Oui, nous aimerions cela aussi.

M. Turner (London-Est): Je suis de votre avis.

Le vice-président: Continuons de parler des invalidités multiples. Y a-t-il d'autres questions sur le sujet? M. Peters.

M. Peters: Dans cette question, est-ce qu'il y a des membres de votre organisation qui s'occupent actuellement des pensionnés?

Mlle Reynolds: Oui.

M. Peters: Est-ce qu'ils pourraient communiquer au Comité des renseignements utiles aux discussions? Vous savez probablement que les personnes atteintes d'invalidités multiples ne trouvent pas suffisante une pension de 100 p. 100. On a mentionné que les pensions devraient atteindre 350 p. 100 et on n'est pas sûr que les pensionnés seraient satisfaits. Y aurait-il d'autres moyens de soulager les peines de ces personnes?

Je sais que si vous donnez à une personne une automobile, cela peut être beaucoup plus avantageux pour la personne que le coût de l'automobile même. On peut installer une

[*Texte*]

there something further out of your own experience that can be undertaken, some program that can be undertaken that would be advantageous to the veteran, something that we are not doing for them? Is there any lack in our present program that could assist us with that might provide some additional comfort?

Mrs. Reynolds: Miss Pepper, would you like to speak to that?

Miss Pepper: I have very strong feelings that one thing we should always keep in mind is the sense of security we are establishing within the pension, if we can ensure that the pensioner feels secure in his situation, that his pension will be there, that it will not be taken away from him, that he has the backing of the department responsible for his well-being.

It is a psychological reaction I know, but we have to establish that within the pensioner because he has feelings and thoughts and needs beyond himself. He is not the only person involved; so often there is his family, his dependants, and so on. So if you can establish some way, whether it is in money, or care as it is being provided in all our DVA hospitals,

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this I think is one of the most important things, a real sense of security for the pensioner himself.

Mr. Peters: We have made changes in our DVA hospitals and eliminated some of the total attachment that people had to those hospitals. Has this had a psychological repercussion? I know some people always thought...

Miss Pepper: Miss Kennedy-Reid might speak to that, or some others, but I am not aware that it has made any changes in patients. Are you speaking of, for instance, Sunnybrook Hospital, which is now a university hospital, University of Toronto hospital, with a section, as I understand it, run by the Department of Veterans Affairs? I do not think this has in any way jeopardized or brought a feeling of insecurity to the pensioner, but I am not one to speak on this. Miss Kennedy-Reid might speak to that.

Miss Beardmore: I think, speaking of one of the older hospitals, Ste. Anne's, which has the older patients, we tried the home service for some of those veterans. Two double amputees

[*Interprétation*]

rampe devant leur maison, leur fournir les services d'une infirmière. Est-ce qu'il y a des programmes qui devraient être mis en route de façon à venir en aide aux anciens combattants d'après votre propre expérience. Quelque chose que nous ne faisons pas encore présentement et qui pourrait leur être utile. Est-ce qu'il y a des carences au programme actuel? Des carences que vous aimeriez voir éliminer avec notre aide.

Mme Reynolds: Aimeriez-vous répondre à cette question, M[lle] Pepper?

Mlle Pepper: J'estime que nous ne devrions jamais perdre de vue que notre but est d'assurer un sentiment de sécurité chez les pensionnés. Nous désirons communiquer aux pensionnés un sentiment de sécurité. Nous désirons qu'ils se sentent sûrs de recevoir leur pension, de ne pas voir supprimer leur pension, d'avoir l'appui du Ministère responsable de leur bien-être.

C'est la situation psychologique à laquelle nous aimerions arriver. Nous devons créer ce climat de confiance chez le pensionné parce qu'il ne doit pas se sentir abandonné, isolé, frustré ni sa famille, ni les personnes à sa charge. Lui donner de l'argent, ou des soins comme le font les hôpitaux du ministère des Anciens Combattants, je crois que c'est là la meilleure façon de les aider, de leur communiquer un sentiment de sécurité.

M. Peters: Nous avons modifié nos hôpitaux pour anciens combattants et éliminé certaines des conditions qui faisaient que certains anciens combattants s'y attachaient outre mesure. Est-ce que vous avez entendu parler des incidences que cela aurait pu avoir dans certains cas?

Mlle Pepper: Je ne sais pas s'il s'est produit des changements chez les patients. M[lle] Kennedy-Reid ou une autre pourrait peut-être répondre ici. Faites-vous allusion à l'hôpital Sunnybrook qui est un hôpital universitaire rattaché à l'université de Toronto, dont une partie relève du ministère des Anciens combattants? Je ne crois pas que cela ait de quelque façon nuit au sentiment de sécurité et de bien-être que nous voulions créer chez les pensionnés. Je crois que M[lle] Kennedy-Reid pourrait mieux vous renseigner que moi.

Mlle Beardmore: En parlant de l'un des hôpitaux les plus anciens, l'hôpital Sainte-Anne où étaient les patients les plus âgés, nous avons essayé le foyer pour quelques-uns

[*Text*]

who where at Ste. Anne's were getting a bit unhappy about having to be in a hospital atmosphere and they were put in a home and they managed very well for a while, but they were very dependent. The woman was tied down—the husband was working—and could not do shopping because she did not quite know what would happen to them, and finally it came to the point in the wintertime when they were not getting outside at all, so they had to be brought back to Ste. Anne's because they were merely sitting in their chairs and twiddling their thumbs. So, they were brought back to Ste. Anne's and carried on again with the normal living of a hospital life. They were not able to go to Senneville Lodge, which of course is a place where they can more or less care for themselves, which is the main thing.

If amputees or paraplegics were living outside they would be curtailed in their evening activities, such as entertainment. They might have a nurse or an attendant in the daytime but they would also want someone in the evening in order to get out. Otherwise they would be tied to their little quarters and not be able to get out to any outside entertainment or have any social life. So, they are really dependent on the outside person if they are going to have any added life, you might say. The daytime is now an 8-hour day. It was a little different when it was a 12-hour day for the staff, but they almost need somebody for half the evening as well.

Mr. Peters: May I also ask what psychological effect a reasonable escalator clause in the pension structure would have on their sense of well-being? We have treated pensioners to periodic increases through the parliamentary system but if they had it on a basis that would establish this permanency you are speaking of, would this have a considerable psychological effect on the patients that you know about?

Miss Beardmore: It would remove their fear and give them a sense of security, therefore I think they would be psychologically happier because they would have this loss of fear.

The Vice Chairman: Mr. Bruce Howard.

Mr. Howard (Okanagan Boundary): Mr. Chairman, I am interested in the recommendations for change in connection with pensions for multiple disabilities. I think some changes are long overdue with respect to compensation to allow for the added costs

[*Interpretation*]

de ces vétérans, les deux doubles amputés qui étaient à Sainte-Anne, ils étaient un peu déprimés à l'hôpital. On les a mis dans ce foyer. Au début, tout allait bien mais ils étaient très dépendants. Sa femme ne pouvait s'absenter. Son mari travaillait. Elle ne pouvait aller aux provisions car elle ne savait ce qui aurait pu leur arriver, et pour finir, en hiver, ils n'ont plus sorti du tout. Ils restaient à longueur de journée assis dans leurs chaises à se tourner les pouces. Aussi ils sont revenus à Sainte-Anne et pour eux la vie monotone d'hôpital a repris. Il ne leur était pas possible d'aller à Senneville Lodge car c'est un endroit où les gens doivent pouvoir s'occuper d'eux-mêmes, ce qui est le principal problème dans leur cas.

Si un amputé ou un paraplégique vit chez lui, ses activités sociales comme par exemple recevoir des amis seraient très réduites. Ils peuvent avoir une infirmière ou une garde durant la journée mais le soir il faudrait aussi quelqu'un pour qu'ils puissent sortir, autrement ils devraient rester chez eux sans pouvoir participer aux distractions extérieures. Ils dépendent beaucoup en réalité de l'aide extérieure s'ils veulent profiter un peu de la vie. Sa journée de travail est maintenant de 8 heures. C'était un peu différent quand la journée de travail était de 12 heures. Mais à présent il leur faut quelqu'un pour la soirée aussi.

M. Peters: Quels sont les effets psychologiques? Quelles devraient être les dispositions, les structures des pensions pour modifier les effets, pour améliorer ce sentiment de bien-être que l'on veut créer chez les pensionnés? Nous avons habitué nos pensionnés à des augmentations périodiques, est-ce qu'on ne devrait pas les prévoir d'une façon permanente ou de façon à accroître chez eux ce sentiment de sécurité? Est-ce que cela aurait vraiment chez eux un effet psychologique important, d'après ce que vous savez?

Mlle Beardmore: Je crois qu'il y aura un sentiment de sécurité accru au point de vue psychologique. Cela contribuera à leur bien-être en leur enlevant la peur.

Le vice-président M. Legault: Monsieur Bruce Howard.

M. Howard (Okanagan-Boundary): Monsieur le président, je suis intéressé aux recommandations prévoyant des modifications aux dispositions concernant les invalidités multiples. Je crois que ces modifications auraient dû être apportées depuis longtemps

[*Texte*]

involved in maintaining extra care for multiple disabilities. The figures suggested for improvement range as high as incomes of $18,000 to $20,000 and perhaps $22,000 a year. Do you feel these amounts are adequate or do you feel this much is necessary? What additional costs do you envisage multiple disability pensioners will have in the way of extra nursing care and extra assistance that they will have to pay for, and so on?

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Mrs. Reynolds: I do not know. Our views would only be an opinion. I do not think we are prepared to state whether this is adequate or not. I do not think we are experts on the actual assessment; I think we see it more from a humanitarian point of view. We know about it from a psychological standpoint but I think it calls for an expert in that field to put dollars and cents to it. However, money in a man's pocket is certainly a great boost to his morale.

Mr. Howard (Okanagan Boundary): Pensioners who are hospitalized because of multiple amputations, is the extra care they get provided by the hospital facilities or do they require additional care outside the hospital facilities that would mean on extra financial outlay on their part as well?

Mrs. Reynolds: Oh, yes.

Mr. Howard (Okanagan Boundary): Even if they are in a hospital full-time they still require extra care outside the hospital environment. If they go outside the hospital and perhaps require nurses to take them out, would they have to pay for that or is a nurse provided by the hospital?

Miss Nancy Kennedy-Reid (Past President, Nursing Sisters' Association of Canada): If they needed a nurse to go with them I doubt very much if they would be allowed to go out, but they certainly would need an attendant. When the paraplegics go out for a day's outing they must have staff with them.

Mr. Howard (Okanagan Boundary): And this is provided by the hospital?

Miss Kennedy-Reid: By the hospital, yes. I can only speak from the point of view of pensioners in a hospital, where we supply the staff for them, but a paraplegic living outside

[*Interprétation*]

au sujet de l'allocation allouée pour les frais additionnels que nécessitent les soins supplémentaires dans le cas de ceux qui souffrent d'invalidités multiples. Il faudrait prévoir des modifications aux structures actuelles. On donne des chiffres de $18,000, $20,000 et même $22,000 par année. Est-ce que c'est satisfaisant, suffisant? Pensez-vous que ce soit suffisant? Quel coût additionnel croyez-vous ...combien coûtera en soins additionnels aux personnes frappées d'invalidités multiples, en soins supplémentaires et pour l'aide additionnelle et le reste qu'ils devraient payer?

Mlle Reynolds: Je ne sais pas véritablement. Nous vous donnons notre opinion. Nous ne sommes pas prêtes à déclarer si c'est approprié ou non. Notre point de vue est plus humanitaire. Nous connaissons la question au point de vue psychologique mais nous ne sommes pas des experts sur cette question d'argent. Seuls des experts dans ce domaine pourraient vous renseigner. Cependant il est évident qu'un homme a meilleur moral s'il a quelques dollars dans sa poche.

M. Howard (Okanagan-Boundary): Les pensionnés qui doivent être hospitalisés, qui ont des cas d'amputations multiples ont besoin de soins suppémentaires. Est-ce que cela est fourni par l'hôpital lui-même ou s'ils ont besoin de soins à l'extérieur de l'hôpital? Est-ce qu'ils devront payer pour cela? Est-ce qu'on prévoit des soins supplémentaires, une aide supplémentaire?

Mlle Reynolds: Oui, il se peut qu'ils aient besoin de soins additionnels.

M. Howard (Okanagan-Boundary): Alors, vous dites bien qu'ils peuvent avoir besoin de soins additionnels même s'ils sont à l'hôpital? Ils doivent, à ce moment-là, quitter l'hôpital pour aller subir des soins à l'extérieur et est-ce qu'il faut qu'une infirmière les accompagne, par exemple? Est-ce que c'est à eux de se procurer une aide ou est-ce que c'est l'hôpital qui fournit une infirmière?

Mlle Nancy Kennedy-Reid: S'ils ont besoin d'une infirmière pour les accompagner je me demande si on les laissera sortir même. Lorsque les paraplégiques doivent sortir ils doivent avoir des membres du personnel qui les accompagnent.

M. Howard (Okanagan-Boundary): Et ces services sont fournis par l'hôpital?

Mlle Kennedy-Reid: Oui c'est fourni par l'hôpital. Je ne puis parler qu'au nom des pensionnés dans des hôpitaux où nous leur fournissons le personnel dont ils ont besoin.

[*Text*]

should have an attendant after regular hours. In the evenings people are on their own, they are having their own social life, and a person who is dependent on anybody might be left behind, so I should imagine they would really need someone in the evenings. They may not need them after 10 or 11 o'clock at night, but certainly for the whole 14 or 15 hours a day think they do need someone if they are living out. However, many paraplegics are so well rehabilitated that they really manage very, very well, and their homes are well equipped.

[*Interpretation*]

Quand il s'agit du cas d'un paraplégique qui habite à l'extérieur, s'il a besoin d'aide après les heures régulières, par exemple le soir, ils sont seuls et c'est à eux de se débrouiller, d'avoir des activités sociales s'ils le veulent. A ce moment-là, s'ils ont besoin d'aide, je suppose que ce doit être à leurs frais. Ils n'en auront peut-être pas besoin durant la nuit ou tard le soir, à 10 ou 11 heures du soir mais il se peut qu'ils aient besoin d'aide pendant 10 à 15 heures par jour, disons, la majeure partie de la journée. Il y a les paraplégiques qui se sont si bien réadaptés qu'ils peuvent presque se débrouiller seuls aujourd'hui. Leurs maisons sont équipées en conséquence et ils peuvent presque se débrouiller seuls.

Mr. Howard (Okanagan Boundary): Do you feel that the financial compensation that is being suggested is for a purpose other than the specific requirements of care?

M. Howard (Okanagan-Boundary): Croyez-vous que l'indemnisation financière qui est proposée aurait un autre but que celui de venir en aide à la personne pour lui permettre de se payer les soins dont elle a besoin.

Miss Kennedy-Reid: They may have someone who is dependent on them.

Mlle Kennedy-Reid: Il faut aussi tenir compte de leurs personnes à charge.

Mr. Howard (Okanagan Boundary): The suggestion is that there should be some financial compensation for the psychological disadvantage, for loss of enjoyment.

M. Howard (Okanagan-Boundary): Est-ce qu'il y a une indemnisation prévue pour les effets psychologiques, pour la perte de leurs moyens?

Miss Kennedy-Reid: Yes, I think so. Even in the hospital they need to be independent. They need to have some means of being able to spend money somewhere else other than just in the hospital canteen, if they can get about.

Mlle Kennedy-Reid: Oui, je crois. Même à l'hôpital ils doivent être en mesure de se sentir indépendants, de jouir un peu de la vie, de dépenser de l'argent ailleurs qu'à la cantine de l'hôpital.

Mr. Howard (Okanagan Boundary): On page 10 of your brief income tax exemption is suggested. Do you believe there should be income tax exemption for a pensioner who might be drawing a pension as high as $20,000 or $22,000 a year? Do you feel this should all be tax-free, the whole thing?

M. Howard (Okanagan-Boundary): A la page 10 du texte du mémoire, on parle d'exemptions d'impôt. Est-ce qu'il devrait y avoir des exemptions d'impôt sur le revenu pour les pensionnés, même si celui-ci reçoit une pension de 20 à 22 mille dollars par année? Est-ce que cette pension devrait être exempte d'impôt complètement?

Miss Beardmore: Yes, very much so. I think this is a matter of right. Income tax should not affect the pension that a person gets because of a war disability. You speak about $22,000 a year as a possible amount that one pensioner might be getting. I feel there are very few people in this category living today who receive this amount of money. After all, this type of person has a very short life expectancy but he does have dependents.

Mlle Beardmore: Oui, exactement. La pension est fondée sur l'invalidité et devrait donc être versée en entier à la personne. On ne devrait pas soumettre cela à l'impôt. Vous parlez de $22,000 par année mais n'oubliez pas que leur espérance de vie est réduite et qu'il n'y aurait que peu de pensionnés de cette catégorie alors ne leur enlevez pas leur argent pendant qu'ils peuvent encore en profiter, et ils ont aussi des personnes à leur charge.

Mr. Howard (Okanagan Boundary): What about . . .

M. Howard (Okanagan-Boundary): Et au sujet . . .

[*Texte*]

The Chairman: Mr. Howard, if I may just point out one thing. There will be a White Paper on Taxation and an opportunity will be

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given to all organizations, including the Nursing Sisters' Association of Canada, to present a brief on the taxation aspects.

Mr. Howard (Okanagan Boundary): Yes. I think that is a very interesting point, Mr. Chairman, and it should be noted. However, our attention was drawn to it in this brief and I thought it was worth bringing up at this time.

You say there would not be very many people in this category who would draw the maximum of $20,000 to $22,000 a year and they perhaps have a short life expectancy, but there would be a descending scale which would perhaps reach fairly large numbers of people who would be drawing pensions of what we would now consider to be fairly large amounts, say in the $15,000 to $20,000 range, somewhere in there, and you feel that all of these pensions should be tax-free?

Mrs. Reynolds: Yes, we do feel that way.

Mr. Howard (Okanagan Boundary): Thank you very much.

The Chairman: Thank you, Mr. Howard. Mr. Peters.

Mr. Peters: It is my opinion that this number would be very, very small, but is it not a fact that anyone who will be getting that kind of money will be receiving it because of our hospital policy and the fact that we have now decided to put these people into the outside world rather than keeping them in a hospital, where we were fairly competent in operating with a minimum pension and a fairly large staff operating within the hospital.

I had the opportunity of spending some time in Christie Street Hospital early in the war and that was really the old people's home for the First World War veterans. I know that most of them were not interested in ever leaving there and if they left it was only for an excursion into the world and they came back to Christie Street Hospital which was home really. It seems to me that the expenses that we had as a nation—I remember in particular one quadriplegic case who had spent certainly half his adult life or more in that hospital. If you had put him out of the hospi-

[*Interprétation*]

Le président: Je voudrais signaler une chose. Il y aura un Livre blanc sur la fiscalité qui nous permettra, à ce moment-là, d'étudier cette question à fond. A ce moment-là, chacune des organisations pourra venir soumettre un nouveau mémoire sur la question des exemptions fiscales. En effet, c'est une question très importante, on devrait en tenir compte dès maintenant.

M. Howard (Okanagan-Boundary): On a attiré mon attention à ce sujet dans le présent mémoire, et c'est pourquoi j'ai voulu poser la question. En plus de cette question j'aimerais savoir s'il y en a qui reçoivent des pensions. Il n'y en a pas beaucoup, d'après ce que vous dites, qui reçoivent le maximum de 20 à 22 mille dollars. Il n'y en a pas beaucoup qui sont dans cette catégorie. Enfin, à ce moment-là, il faut tenir compte que leur espérance de vie est réduite. Est-ce qu'il y a un taux progressif de pensionnés à ce moment-là? Il y en a qui peuvent recevoir des pensions qui semblent assez considérables, par exemple de 15 à 20 mille dollars. Est-ce que vous croyez que tous ces pensionnés devraient bénéficier d'exemptions d'impôt?

Mlle Reynolds: Oui, nous croyons qu'ils devraient bénéficier d'une exemption totale d'impôt.

M. Howard (Okanagan-Boundary): Merci beaucoup.

Le président: Merci, M. Howard, monsieur Peters.

M. Peters: Je crois que le nombre de ces gens est très, très réduit. Mais n'est-il pas vrai que toute personne qui reçoit ce genre d'indemnisation la reçoit à cause de notre politique en matière d'hospitalisation et à cause du fait que nous avons décidé de renvoyer ces gens dans le monde extérieur plutôt que de les garder dans les hôpitaux où, évidemment, il y aurait des gens compétents qui pourraient en prendr soin? Leur pension était peut-être réduite, mais ils bénéficiaient de soins payés à l'hôpital.

J'ai eu l'occasion de passer quelque temps à la *Christie Street Hospital* au début de la guerre. C'était vraiment le foyer des vieillards pour les anciens combattants de la Première Guerre mondiale. Je sais que la plupart d'entre eux n'étaient pas intéressés à laisser cet endroit et s'ils le quittaient, c'était simplement pour faire une visite dans le monde et ils revenaient à l'hôpital qui était vraiment leur foyer. Il me semble que nos dépenses en tant que nation; je me souviens, entre autres, d'un quadriplégique qui avait passé au moins la moitié de sa vie dans cet hôpital. Si vous

[*Text*]

tal the maintenance cost would have been fantastic. He would have needed the care of a nurse for three shifts and yet in the hospital he operated very well. He got around to see most everybody and visited his friends and so on. On Civoy Street to allow him to visit his friends and so on you would have had to supply him with almost ambulance transportation. It would have been almost impossible.

I think that with regard to what we are talking about, we kind of confuse two things. We have made the decision to do this; we should not make the suggestion of penalizing the pensioner for a decision that we have already made in relation to care that we, as parliamentarians, must have assumed would be cheaper and more advantageous than another way. I just want to make the point that this was a decision we made some time ago and because we made it we should not now give the impression that there are a large number of these people receiving that kind of money as a pension because it really is not. It is in lieu of hospital care; is this not so?

Mrs. Reynolds: This is, I believe, true.

The Chairman: Mr. Peters, I am thinking again of the time element and the Canadian Corps Association will be presenting a brief this afternoon. I wonder if there are any further comments to be made on the question of multiple disabilities?

Mr. Howard (Okanagan Boundary): Mr. Chairman, I am concerned. I do not want to appear opposed to this situation or granting of pensions of this kind. I merely feel that when we are discussing the thing we should discuss all aspects of it and measure the extent to which we are prepared to go. I think we should all have a clear understanding of how far we are prepared to go. I just want to make it very clear that I am not opposed to this in any way.

The Chairman: Thank you, Mr. Howard. Are there any further comments on "Stabilization of Pension", page 7? There is a recommendation in the White Paper which goes some distance towards meeting what you are asking for here. "Retroactive Awards"—I

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think a similar situation applies there. Not everything that is asked for is met, but there is some improvement in the situation. "Continuation of Pension to Dependents of Person with Single Status"—are there any comments here?

[*Interpretation*]

l'aviez voulu renvoyé de l'hôpital, le coût de son entretien aurait été fantastique. Il aurait eu constamment besoin d'une infirmière. A l'hôpital, il se débrouillait fort bien. Il pouvait circuler, rencontrer des personnes, visiter ses amis. Pour aller visiter ses amis, en dehors de l'hôpital, on aurait dû lui fournir une ambulance pour le transporter. Cela aurait été presque impossible.

Je crois que nous confondons deux choses. En prenant la décision de faire ce changement, il ne faudrait quand même pas pénaliser le pensionné pour une décision que nous avons déjà prise en rapport avec les soins qui, croyons-nous, seraient plus économiques. C'est une décision que nous avons prise il y a quelque temps, et, par conséquent, nous ne devons pas maintenant donner l'impression qu'il y a un grand nombre de personnes qui touchent cet argent à titre de pension, parce qu'en fait cela n'en est pas. Cela servira surtout à payer les frais d'hospitalisation, n'est-ce pas?

Mme Reynolds: Je crois que c'est exact.

Le président: Monsieur Peters, je pense encore au temps qui nous reste et à l'Association du corps canadien qui doit présenter un mémoire cet après-midi. Je me demande s'il n'y a pas d'autres commentaires à faire au sujet des infirmités multiples?

M. Howard (Okanagan Boundary): Monsieur le président, je ne voudrais pas sembler m'opposer à cette situation ou au consentement des pensions de ce genre. J'ai surtout l'impression que lorsqu'on discute de toute cette question, on devrait en examiner les aspects et déterminer jusqu'où nous sommes prêts à aller. Je crois qu'il faut le savoir. Je voudrais signaler que je ne suis pas du tout opposé à ces mesures et à l'octroi de telles pensions.

Le président: Y a-t-il d'autres commentaires sur la «Stabilisation des pensions» qui figure à la page 7? Il y a une recommandation dans le Livre blanc qui répond à ce que vous demandez. Pour les «Indemnités rétroactives», la même situation se produit. On ne répond pas à ce que l'on demande, il y a une certaine amélioration. Pour la rubrique «Maintien de l'allocation de pension avec personnes à charge d'un pensionné célibataire», y a-t-il d'autres commentaires à ce sujet?

[*Texte*]

Mr. MacRae: I have a very brief comment perhaps, Mr. Chairman. This does not seem to have appeared in any of the other briefs we have had. Do you recall?

The Chairman: This is the first time, as I recall.

Mr. MacRae: I think the ladies are to be complimented on bringing this to our attention and to the attention of the Department and the authorities. It seems to have much merit.

The Chairman: I think we we will note this and look at it when we come to further studies of the committee. "Reinstatement of Widows Pension"—I think again there is some improvement in the proposals of the White Paper which I am sure will meet with your satisfaction.

Mr. MacRae: Mr. Chairman, I have in mind the time, of course, but I would like to ask just one question on the second last line of this particular submission in regard to "Reinstatement of Widows Pension" which is, perhaps, the cause of this group of ladies appearing here. Might they give us the benefit of their advice? The line reads:

> ...and suggests the additional circumstances that, if the second marriage fails, ...

I was wondering perhaps if the ladies might like to clarify ...

The Chairman: What is a failure?

Mr. MacRae: As a matter of fact that is just exactly what I intended to ask. For example, if a widow marries a no-good bum the second time and he leaves her and that kind of thing, then you see the position that she is in. We know it only too well because we see so much of this and we have heard so much about this in some cases. I have personal knowledge of some cases. Perhaps I could ask the President of the delegation how would she suggest a failure be defined in this particular case? Should it require the legality of an official separation, or divorce or just the matter of desertion where said bum cannot be found.

Mrs. Reynolds: Speaking as a married woman and I am not divorced or widowed, we feel that—and as I say this again is only an opinion—that this should be a matter of a legal separation, or divorce, or death.

Mr. MacRae: Thank you, that answers my question.

[*Interprétation*]

M. MacRae: J'aimerais faire un bref commentaire, monsieur le président. Cela ne semble pas avoir figuré dans aucun des mémoires précédents. Vous en rappelez-vous?

Le président: Je crois que c'est la première fois qu'on le mentionne.

M. MacRae: A mon avis, il faudrait féliciter ces dames d'avoir porté ces faits à l'attention du Ministère et des compétences. Cela semble très intéressant.

Le président: Oui, nous allons en tenir compte lors des études subséquentes du comité. Pour le «Rétablissement de la pension aux veuves», je crois aussi que dans les propositions du Livre blanc, il y a indice d'amélioration qui j'en suis certain vous réjouira.

M. MacRae: Monsieur le président, je sais fort bien que notre temps est compté, mais j'aimerais poser une question sur l'avant-dernière ligne de la proposition au chapitre du «Rétablissement de la pension aux veuves», qui explique peut-être la présence de ce groupe de femmes dans cette enceinte. Pourraient-elles nous faire profiter de leur expérience?

On y lit: «... et propose comme autres circonstances que si le second mariage n'a pas lieu, ...»

Je me demandais si vous n'aimeriez pas préciser ...

Le président: Qu'est-ce qu'un échec?

M. MacRae: Voilà justement ce que j'avais l'intention de demander. Si une veuve marie en secondes noces un vaurien qui la quitte, vous voyez dans quelle position elle se trouve. Nous le savons que trop, car nous l'avons vu et entendu trop souvent. J'en connais même quelques cas de ce genre. Puis-je demander au président de la délégation comment l'on devrait définir l'échec du mariage dans ce cas? Est-ce qu'il faudrait parler d'une séparation légale, d'un divorce ou est-ce qu'on devrait tenir compte aussi de l'abandon quand on ne peut retrouver le mari.

Mme Reynolds: En tant que femme mariée qui n'est ni divorcée, ni veuve, je crois, et ce n'est qu'une opinion, que cela devrait être une question de séparation devant la loi, ou d'un divorce ou de la mort.

M. MacRae: Je crois que cela répond à ma question. Je vous remercie.

[*Text*]

The Chairman: "Security of the Pensioner's File"—are there any comments here? Mr. Bigg.

Mr. Bigg: Just on that last point I would just like to say that as a pensioner and as a married man, I would like to have that very liberally interpreted to the benefit of the wife. If she was trying to replace me I would hope she would have some . . .

An hon. Member: Better luck.

Mr. Bigg: —difficulty. I would expect her to have some difficulty and if it did not work out I would like the Pension Commission to reinstate her at will.

The Chairman: I think I know what you are saying, Mr. Bigg, but I want to read the transcript and I suggest you may want to do the same.

Are there any other comments on this section? Mr. Peters.

Mr. Peters: Could I ask the delegation if in the past there has been to their knowledge any hardship or any cases they know of that would indicate some adverse effect of the pensioner suggesting that insurance companies have a look at the files?

Mrs. Reynolds: I think this is always coming up in the medical profession where there are people who are really interested or nosy or this type of thing. I think this is something of which we as nurses are very conscious, of what is personal. I think we have a very strong feeling as a nursing group that this should not be open to the public.

Mr. Peters: Thank you.

The Chairman: I think there has been some discussion on the question of "Income Tax Exemption". As I noted before, there will be an opportunity at the tax hearings following the White Paper on Taxation to make a representation and you may wish to consider doing so at that time. "Pension Coverage for

• 1200

Regular Forces"—are there any comments here? Mr. Bigg.

Mr. Bigg: I would just like to know—I do not know the answer to this one—what your association thinks about the present payment for nurses? Are they comparable to the outside trade, shall we say? This definitely would have a bearing on their pensionability because they are *pro rata*? Are your nurses well paid compared to civilian nurses?

The Chairman: I think that is a little outside our terms of reference, Mr. Bigg.

[*Interpretation*]

Le président: Y a-t-il des commentaires à faire sur la «Sécurité du dossier d'un pensionné»? Monsieur Bigg.

M. Bigg: En tant que pensionné et homme marié, je voudrais que ce chapitre soit interprétée librement au bénéfice de l'épouse. Si elle essayait de me remplacer, j'espère qu'elle aurait quelques . . .

Une voix: Meilleure chance.

M. Bigg: . . . difficultés. Je crois qu'elle aurait quelques difficultés et si elle ne réussissait pas, j'aimerais que la Commission canadienne des pensions la rétablirait à souhait.

Le président: Je crois connaître ce que vous dites, mais je veux lire le texte transcript, tout comme vous, je présume.

Y a-t-il d'autres commentaires à faire sur cette question? Monsieur Peters.

M. Peters: Est-ce qu'une déléguée peut nous dire si dans le passé, à sa connaissance, il y aurait eu des difficultés ou si elle connaît des cas qui indiqueraient les méfaits sur le pensionné, attribuables au fait que les sociétés d'assurances aient consulté le dossier?

Mme Reynolds: Je crois que cela se produit souvent dans la profession médicale où il y a des gens vraiment intéressés ou curieux. En tant qu'infirmières, nous sommes très conscientes de ce genre de chose et à titre de groupe d'infirmières, nous sommes convaincues que cela ne devrait pas être accessible au public.

M. Peters: Merci.

Le président: Je crois qu'on a déjà discuté de la question de l'«Exemption d'impôt sur le revenu.» Comme je l'ai fait remarquer, nous aurons l'occasion lors des audiences sur l'impôt, qui font suite au Livre blanc sur la fiscalité, de vous présenter à ce moment-là. Pour l'«Allocation de pension dans le cas de l'année régulière», y a-t-il d'autres commentaires à faire? Monsieur Bigg.

M. Bigg: Je n'en connais pas la réponse, mais j'aimerais savoir ce que votre association, pense des versements aux infirmières? Sont-ils comparables à ceux qui sont versés à l'extérieur si on peut dire? Cela aurait une portée sur leur pension, car elle est établie au *pro rata*. Certaines infirmières sont-elles bien payées par rapport aux infirmières civiles?

Le président: Je crois que cela ne ressort pas de notre mandat, monsieur Bigg.

[*Texte*]

Mr. Bigg: Mr. Chairman, we will never have a better opportunity of knowing this.

The Chairman: Mr. Bigg, again I am sure that it is a subject on which whole briefs should be submitted and again in the time at the disposal of the group I question how far they can answer that kind of question. I have serious doubts about it.

Mrs. Reynolds: We have with us today Major Urquhart. I do not know whether she would like to comment on that.

Major Jessie Urquhart (Regular Force): At the present time the salary for nurses in the service are very good. They are certainly equal to civilian nurses pay.

The Chairman: Thank you. That was commendable testimony, very short and to the point.

Mr. Peters: Mr. Chairman, is the Association of the opinion that the insurance principle relative to the type of pension granted for wartime service should apply to the Regular Forces now?

Mrs. Reynolds: Miss Johusan, would you like to answer that?

Miss Johusan: I am going to speak on that. Are you asking if we think that pensions paid in respect of disabilities to the Regular Forces are comparable to what was given to people who were in active service? Is that what you are asking?

Mr. Peters: Should be comparable.

Miss Johusan: Should be?

The Chairman: I think that is a very good rephrasing of Mr. Peters' question. It gives him the benefit of a doubt or two, but go ahead.

Miss Johusan: I understood from Mr. Anderson this morning that this is a matter of legislation, that there are two sections in the Act that control this area, one referring to the regular forces and the other to those in active service or in designated areas during time of war. They do not correspond, was an example, if somebody in the Regular Forces is on leave. Such a person is not covered if they become injured in an accident or something happens, but during time of war you are covered.

The Chairman: There are some problems in this area. We have had testimony from other groups dealing with exactly the same situation. It is not only nurses; all military personnel have the same problem.

[*Interprétation*]

M. Bigg: Monsieur le président, c'est la meilleure occasion pour le savoir.

Le président: Une fois de plus, je suis certain que tous les mémoires devraient traiter de cette question, mais avec le temps dont dispose chaque groupe, je me demande dans quelle mesure on peut répondre à une question semblable. J'en doute vraiment.

Mme Reynolds: Je me demande si le major Urquhart qui nous accompagne, aimerait répondre à cette question.

Major Jessie Urquhart (Forces régulières): A l'heure actuelle, le salaire des infirmières militaires est très bon. Il égale certainement celui des autres infirmières.

Le président: Merci. C'était une excellente déposition, très courte, très claire.

M. Peters: Est-ce que l'Association estime que le principe de l'assurance devrait s'appliquer aux forces armées régulières, quant au genre de pension accordé pour les années du service durant la guerre?

Mme Reynolds: M^lle^ Johnson, voulez-vous répondre à cette question?

Mlle Johusan: Nous demandez-vous si les pensions d'incapacité versées aux forces régulières sont comparables à celles qui sont versées aux forces actives? Est-ce là votre question?

M. Peters: Devraient être comparables.

Mlle Johusan: Devraient être?

Le président: Je crois que c'est une excellente façon de poser à nouveau la question de M. Peters.

Mlle Johusan: M. Anderson ce matin nous a laissé entendre qu'il s'agit de mesures législatives, qu'il existe à l'égard de ce point deux articles dans la Loi, l'un se rapporte aux forces régulières et l'autre au service actif ou commandé en temps de guerre dans des endroits désignés. Ils ne correspondent pas. Par exemple, si quelqu'un des forces régulières est en congé, il n'est pas protégé s'il est blessé dans un accident, ou qu'il lui arrive quelque chose, tandis qu'il le serait en temps de guerre.

Le président: Il y a des problèmes qui se posent à ce sujet. Nous avons eu des témoignages d'autres groupes parlant de la même situation. Il n'y a pas que les infirmières qui ont des problèmes à ce sujet. Tout le personnel militaire en a.

[*Text*]

Mr. Peters: Service in the Armed Forces today involves activities which, seemingly, are more industrial than military in nature, which I agree with, but I personally do not see a direct relationship between the type of compensation that we provide to Relular Force service personnel and wartime service personnel. This is why I asked if the nursing sisters are suggesting in this section that pension coverage should equate wartime pension for service with military service during peacetime.

Miss Johusan: I think this is what we were thinking of at this time—that the Act should refer to both in the same manner, which is a matter of legislation.

The Chairman: I think that is a very good and specific answer to the question.

Mr. Bigg: I think the White Paper will help the Sisters to clarify this. There are suggested improvements in this area, a very important one that you may or may not have heard of being that no longer will pensions be stopped, because of misconduct, for dependents or widows. I think you will be glad to hear that.

Mrs. Reynolds: Yes. We will.

Mr. Bigg: We are anticipating a change in that connection.

Mrs. Reynolds: Thank you.

Mr. Marshall: Major Urquhart, do you have many nursing sisters in the Reserve Forces?

Major Urquhart: We do have nurses in the Reserve Forces but I am afraid I cannot tell you how many there are. At the present time we have about 420 nurses in the Regular Force.

Mr. Marshall: Mrs. Reynolds, when you say Regular Forces are you including Reserve Forces also, or should you include it in this section? They are eligible for pensions.

The Chairman: I think that is a technical kind of question. I think a departmental official could answer that for you, Mr. Marshall.

Are there other questions?

Mr. Howard (Okanagan Boundary): Am I correct that what is really being asked for here is something equivalent to what the Workmen's Compensation Board provides for industry. . .

Mrs. Reynolds: Yes.

[*Interpretation*]

M. Peters: Les forces armées s'occupent aujourd'hui d'activités qui relèvent apparemment plus du domaine industriel que militaire, j'en conviens, mais je ne vois pas de rapport direct entre le genre d'indemnité versé au personnel des forces régulières et celui du personnel armé en temps de guerre. Voilà pourquoi j'ai demandé si les sœurs infirmières proposent dans cette partie de leur mémoire de verser une pension égale à celles octroyées aux titulaires de pensions qui ont fait du service militaire en temps de paix.

Mlle Johusan: Oui, c'est ce que nous voulions. La loi devrait s'appliquer aux deux catégories.

Le président: Ceci est une réponse très précise à cette question.

M. Bigg: Je crois que le Livre blanc apportera toutes les précisions voulues aux soeurs infirmières. On y trouve sur ce point des suggestions, entre autre une, qui est très importante, à l'effet que les pensions ne seront plus suspendues par suite de mauvaise conduite des personnes à charge ou des veuves. Vous serez, je crois, heureuses, de connaître cette modification.

Mme Reynolds: Oui, nous le serons.

M. Bigg: Nous prévoyons un changement dans ce domaine.

Mme Reynolds: Merci.

M. Marshall: Major Urquhart, les sœurs infirmières sont-elles nombreuses dans les unités de réserve.

Major Jessie Urquhart: Nous en avons, mais je crains de ne pouvoir vous dire combien. Nous avons présentement 420 infirmières environ dans les forces régulières.

M. Marshall: M^me^ Reynolds, quand vous dites forces régulières, entendez-vous aussi les unités de réserve? Devraient-elles être incluses. Car elles ont droit à une pension.

Le président: C'est une question plutôt technique. Un fonctionnaire du ministère pourrait je crois y répondre M. Marshall.

Avez-vous d'autres questions?

M. Howard (Okanagan Boundary): Ce qu'on demande vraiment ici, c'est quelque chose de semblable à ce que prévoit la Commission des accidents, pour le secteur industriel, n'est ce pas?

Mme Reynolds: Oui.

[*Texte*]

Mr. Howard (Okanagan Boundary): ...with perhaps special consideration in the case of overseas service in peacekeeping force or something of that kind, where it would apply in the same manner as if it were wartime service. Is that about what you are asking for?

Mrs. Reynolds: That is correct. Mr. Howard.

Mr. Bigg: And recreational coverage as well, as I read between the lines here?

Mrs. Reynolds: Yes, that is right.

Mr. Howard (Okanagan Boundary): Yes, there is a question of recreational coverage there in the line of duty. But is it correct that when a man is out on his own and off duty you are not asking for coverage in such cases? You are talking about organized sports and things like that conducted by the service.

Mrs. Reynolds: Where they are compulsory or by special order, yes.

The Chairman: Are there further questions? Next is the Prisoners of War section and, on Page 13, the final section on personnel in which you make some suggestions.

Mr. Peters: Could I ask the lady who was a Hong Kong prisoner of war whether she was confined with other prisoners, whether she was treated the same or given a preferred position because she was a woman?

Miss Christie: The Japanese made no difference. We were confined. There was one other nursing sister and myself who went with Canadian troops to Hong Kong, we were on duty in the British military hospital there and when the Japanese took over on Christmas day of 1941 we were just herded in with the patients and army personnel who were on duty and treated in the same manner. We had no more liberties, no more food—no privileges. We were just treated as inmates at Prisoner of War Camp A and that is where we remained for eight months.

Mr. Peters: Are you a pensioner?

Miss Christie: Yes, I am, sir.

Mr. Peters: We are looking for the eight Hong Kong veterans who are not pensioners.

The Chairman: Thank you.

[*Interprétation*]

M. Howard (Okanagan Boundary): Avec, en outre, des dispositions spéciales pour les services outre-mer, dans une unité chargée de maintenir la paix ou quelque chose de semblable où ces avantages vaudraient comme s'il s'agissait de service en temps de guerre. Est-ce là ce que vous demandez?

Mme Reynolds: Oui, M. Howard.

M. Bigg: Et de la protection durant les loisirs, si je lis bien entre les lignes.

Mme Reynolds: Oui, c'est exact.

M. Howard (Okanagan Boundary): Oui, il y a ici une question de protection durant les loisirs organisés dans le cadre du service. Mais est-il exact que vous ne réclamez pas de protection pour l'individu qui n'est pas en service. Vous parlez de sports organisés au cours du service.

Mme Reynold: Lorsque l'individu est en service commandé, oui.

Le président: Avez-vous d'autres questions? Vient ensuite la section sur les Prisonniers de guerre, page 13, la dernière section qui se rapporte au personnel sur laquelle vous présentez quelques suggestions.

M. Peters: Puis-je demander, à la dame qui a été prisonnière de guerre à Hong Kong, si elle était avec les autres prisonniers, traitée de la même façon? ou si elle a eu droit à certains égards à cause de son sexe?

Mlle Christie: Les Japonais ne faisaient aucune différence. Nous étions prisonniers. Il y avait avec moi une autre infirmière quand nous avnos été avec les troupes canadiennes à Hong Kong et nous avons été en service à l'Hôpital militaire britannique quand les Japonais ont fait invasion le jour de Noël 1941. Nous avons tout simplement été réunies avec le reste des prisonniers et traitées de la même façon. Nous n'avions pas plus de libertés, de nourriture, ou de privilèges. Nous étions exactement comme des prisonniers de guerre du Camp A et c'est là que nous sommes restées durant huit mois.

M. Peters: Est-ce que vous êtes pensionnées?

Mlle Christie: Oui monsieur.

M. Peters: Nous essayons de retracer huit prisonniers de guerre de Hong Kong qui n'ont pas de pension...

Le président: Merci.

[*Text*]

Mr. Bigg: Is it not true that you were subjected to sort of horror treatment, that you were forced to witness the execution of your officer commanding and that sort of thing?

Miss Christie: No, but we did witness all manner of torture and murder because the Japanese guards had their guardhouse just down beneath our balcony and there was never a day or a night that they did not have at least one or more Chinese tied up down there. You can believe anything you read in the literature about their methods of torture, and we saw this.

Mr. Bigg: And heard it.

Miss Christie: Well, the Chinese are very stalwart people: they moan, they do not scream. We witnessed that and then, later, when we were out in a civilian internment camp for 13 months, we saw—we were not supposed to look in that direction but we still did—what happened to civilians who were brought in by the Japanese. I do not think it made any difference whether you were a man, a woman or what nationality you were.

The Chairman: Are there any further questions? If not, I would like to thank the delegation for coming before us and for presenting a well-prepared brief. There has been an exchange of views and I know that members of the Committee have enjoyed being able to discuss with you the points you have raised. Thank you very much.

Mrs. Reynold: Thank you.

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The Chairman: We will have the Canadian Corps Association at 2 o'clock this afternoon.

[*Interpretation*]

M. Bigg: N'est-il pas vrai que vous avez reçu des traitement horribles et été forcées d'assister aux exécutions de votre commandant, etc.?

Mlle Christie: Non. Nous avons assisté à toutes sortes de tortures et de meurtres, car le poste de garde des Japonais se trouvait juste sous notre balcon et il ne se passait pas un jour, pas une nuit qu'il ne s'y trouve un chinois de garotté. Vous pouvez croire tout ce que vous lisez sur leurs méthodes de torture: nous l'avons vu.

M. Bigg: Et entendu.

Mlle Christie: Ces Chinois sont très résistants. Ils gémissent, mais ne crient pas. Nous avons été témoins de cela alors, puis plus tard, dans le camp civil où nous avons été internées pendant treize mois. Nous avons vu ce que nous n'étions pas censées voir: ce qui est arrivé aux civils internés par les Japonais. Que vous soyez homme ou femme, ou quelle que soit votre nationalité, celà n'avait pas, je crois, grande importance.

Le président: Avez-vous d'autres questions à poser? Sinon, je remercie la délégation d'avoir comparu devant le comité et d'avoir présenté un mémoire bien préparé. Je sais que les membres du comité ont eu beaucoup de plaisir à discuter avec vous et à entendre votre point de vue. Merci mesdames.

Mme Reynolds: Merci.

Le président: A 2 h. cet après-midi, nous entendrons l'Association du Corps canadien.

AFTERNOON SITTING

The Chairman: I think we can call the meeting to order. We have this afternoon with us the Canadian Corps Association who will present a brief. The officers who are with the delegation include Mr. Crooks who is Dominion First Vice President, Mrs. Shirley Wood Heesaker who is the Dominion Honourary Secretary, Mr. E. J. Parsons, Dominion Pensions Advocate, Mr. John Stroud, Dominion Resolutions Chairman, and Mr. Cliff Chadderton whom I think all members of the Committee know well at this point.

I think the brief is fairly short. With the permission of the Committee, I invite the Chairman, and those whom he wishes to ask to participate, to read the brief. Following this, we will review it section by section for questioning. Thank you.

SÉANCE DE L'APRÈS-MIDI

Le président: La séance est ouverte. Cet après-midi, nous avons les représentants de l'Association du Corps canadien qui nous présenteront un mémoire. Les administrateurs qui accompagnent la délégation comprennent M. Crooks, premier vice-président national, M^me^ Shirley Wood Heesaker, secrétaire honoraire national, M. E. J. Parsons, avocat national des pensions et M. John Stroud, président national du comité des résolutions et M. Cliff Chadderton qui est bien connu de tous les membres du Comité.

Je crois que le mémoire est assez court. Alors, avec la permission du Comité, j'invite donc le président à en donner lecture, après quoi nous l'étudierons article par article.

[*Texte*]

Mr. Leslie Crooks (Dominion First Vice President, Canadian Corps Association): Do you want us to read the brief right through?

The Chairman: If that suits you. I invite you to follow this procedure. If you want to follow another one, that is up to you.

Mr. Crooks: Section by section.

The Chairman: All right. We have followed them too and it depends on the party and the length of the brief. But the difficulty when you go section by section is that sometimes members would like an opportunity when they are seeing it for the first time, to sort of get a perspective on the brief and then their questioning reflects that. But if it is your preference to do it this way, we will certainly do it your way.

Mr. Guay (St. Boniface): I have noticed, Mr. Chairman, that in going section by section there has been much more discussion taking place.

The Chairman: All right, fine.

Mr. Crooks: Mr. Chairman and members of the Standing Committee, it is my pleasure to extend to you the greetings of our Dominion President, Mr. E. V. Heesaker. He requested me to express his regret that he could not personally join in this presentation today due to urgent business commitments, and our President has asked me to act in his stead.

Therefore, seeing that Mr. Francis has introduced our Committee, I will now request the Dominion Honourary Secretary to commence reading our brief.

Mrs. Shirley Wood Heesaker (Dominion Honourary Secretary): I want to mention, ladies and gentlemen, before I begin, that although Mr. Francis introduced each of us and our various titles, he did neglect to introduce Mr. Chadderton in the capacity in which he is here today. He is the Dominion Honourary Vice President of the Canadian Corps Association and has been for several years.

The Chairman: I am sorry, I did not mean any slight in any respect.

Mrs. Heesaker: No, that is all right, sir. In respect to Mr. Chadderton, as Honourary Secretary I am used to bringing certain things to people's attention, and you will have to forgive me. I must be sure that his title is well known to those here and that he speaks for the Canadian Corps Association today.

[*Interprétation*]

M. Leslie Crooks (premier vice-président national de l'Association du Corps canadien): Voulez-vous que nous lisions le mémoire tout d'un trait?

Le président: Si la chose vous va, vous êtes libre de le faire. Si vous voulez procéder autrement, vous le pouvez.

M. Crooks: Article par article?

Le président: Très bien. La chose s'est déjà faite. Tout dépend de l'organisation qui présente le mémoire et de la longueur de ce dernier. Le problème qui se pose quand on procède à l'examen des articles chacun séparément, c'est que certains membres préfèrent avoir une vue globale d'abord et être ainsi en mesure de poser des questions dans cette perspective d'ensemble. Si vous voulez présenter votre mémoire, article par article, nous nous conformerons à cette procédure.

M. Guay (Saint-Boniface): Monsieur le président, j'ai noté que, lorsqu'on procède à l'examen d'un mémoire, article par article, il y a beaucoup plus de discussion.

Le président: Oui, c'est vrai.

M. Crooks: Monsieur le président et membres du Comité permanent, j'ai le plaisir de vous présenter les félicitations de notre président national, M. E. V. Heesaker. Il m'a demandé de vous exprimer ses regrets de ne pouvoir être présent cet après-midi, à cause d'autres engagements et il m'a prié de le remplacer.

M. Francis a présenté les membres de notre Comité. Je vais demander au secrétaire honoraire national de commencer la lecture du mémoire.

Mme Shirley Wood Heesaker (secrétaire honoraire nationale): Mesdames, messieurs, je crois que M. Francis, en présentant chacun des membres avec le poste qu'il occupe, a oublié de dire à quel titre M. Chadderton était ici aujourd'hui. M. Chadderton est vice-président honoraire national du Corps Canadien et cela, depuis plusieurs années.

Le président: Je m'excuse de cet oubli.

Mme Heesaker: Très bien! En ce qui a trait à M. Chadderton, je vous prie de m'excuser de vous avoir rappelé son titre de secrétaire honoraire, c'est une habitude chez moi. Je suis sûre que son titre vous était connu. Il parle au nom de l'Association.

[*Text*]

The Canadian Corps Association, Dominion Command, welcomes this opportunity to present to the Standing Committee on Veterans Affairs this brief, which will outline in general terms our position with relation to the Woods Committee Report. The Canadian Corps Association wish to go on record that with only minor exceptions, we heartily approve the findings of the Woods Committee Report and commend them for an excellent survey. The Woods Committee delved deeply into the problems with which the Canadian Corps Association has been confronted for over thirty years, since the previous survey, and the Woods Committee has brought forward 148 recommendations which, with only two exceptions, Nos. 82 and 148, we endorse, and in fact, urge the Standing Committee to expedite their approval of said report.

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Mr. Chairman, we wish to state that we take exception to the lateness of the issuance of the government's White Paper. This has left veterans organizations only a few days to compare the government's recommendations as laid down in the White Paper, as against the recommendations of the Woods Report, in order to prepare our briefs for the Standing Committee. Further, we understand that the Minister of Veterans Affairs possibly has other proposals in mind, *not included in the White Paper,* which you will realize, gentlemen, further complicates our presentations here today. The Canadian Corps Association feels that with the amount of time spent by the government in writing their White Paper, we had a right to expect that it should have included *all* the Minister's proposed recommendations and comments, in order that our brief to you would, today be complete, rather than our having to submit supplements at a later date.

The Canadian Corps Association wish to go on record this date, September 29, 1969, that if the Minister of Veterans Affairs later issues supplementary statements to the White Paper, against any recommendations contained in the Woods' Report, the veteran organizations in Canada be granted additional appearances before this Standing Committee.

The Canadian Corps Association, gentlemen, would like to refer you to a portion of the White Paper's introductory remarks, which states, and I quote:

[*Interpretation*]

Le bureau fédéral de l'Association du Corps canadien est heureux de profiter de l'occasion qui lui est offerte de présenter au Comité permanent des Affaires des anciens combattants son mémoire dans lequel il expose en termes généraux son attitude relativement au rapport du Comité Woods. A part certains points de détail, nous appuyons chaleureusement les conclusions de ce Comité et nous le félicitons de l'excellente étude qu'il a faite. Le Comité Woods a étudié à fond les problèmes avec lesquels l'Association du Corps canadien a été en butte pendant plus de trente ans, depuis l'étude faite antérieurement et il a formulé des propositions que, sauf dans deux cas, soit les propositions n°s 82 et 148, nous appuyons; en fait, *nous prions fortement* le Comité permanent d'adopter sans retard le rapport en question.

Monsieur le président, nous tenons à exprimer notre mécontentement quant au retard apporté à la publication du Livre blanc du Gouvernement. Conséquemment, les organisations d'anciens combattants n'ont eu que quelques jours pour comparer, d'une part, les recommandations que formule le Gouvernement dans son Livre blanc, et d'autre part, celles que renferme le rapport Woods, en vue de rédiger leurs mémoires destinés au Comité permanent. Il appert, en outre, que le ministre des Affaires des anciens combattants aurait d'autres propositions à l'esprit, *lesquelles ne figurent pas dans le Livre blanc.* Vous concevrez facilement, messieurs, que cela complique davantage notre tâche aujourd'hui. Étant donné le délai que le Gouvernement s'est accordé pour rédiger le Livre blanc, l'Association du Corps canadien estime qu'elle pouvait s'attendre, à juste titre, que ce document renferme *toutes* les propositions et observations du Ministre, pour que le mémoire qu'elle nous présente aujourd'hui soit complet, sans qu'il lui soit nécessaire d'y prévoir un supplément à une date ultérieure.

Aujourd'hui, 29 septembre 1969, l'Association du Corps canadien tient à prendre position officiellement: advenant que le ministre des Affaires des anciens combattants émette plus tard des déclarations en supplément au Livre blanc et à l'encontre de toute recommandation formulée dans le rapport Woods, les organisations canadiennes d'anciens combattants devraient être autorisées à témoigner de nouveau devant le Comité permanent.

Messieurs, l'Association du Corps canadien appelle votre attention sur un passage tiré de l'introduction du Livre blanc, et je cite:

[*Texte*]

It is in fact, a statement of how this government proposes to improve the Pension Act to enable it to fulfill its purpose in terms of present-day thinking and *modern social justice.*

These numerous plans have evolved individually over the years, and the government considers that the time has come to examine the entire fabric in order to achieve greater consistency between the various elements, and to eliminate unintended gaps or duplications.

At this point, Mr. Chiarman, the Canadian Corps Association wish to *emphasize* the meaning of the final paragraph of the White Paper's introduction and I quote:

This overall assessment is a large and complex undertaking, but when it is completed the government may propose changes in the pension program or in its administration.

Our Organization feels, with the above statements of the White Paper in mind, as issued by the Hon. Mr. Dubé, that confusion exists. In the first instance he indicates that the government is proposing to improve the Pension Act. In his final paragraph, the Minister leads us to believe that the government may, in the future, change the pension program and its administration.

We wish to respectfully point out to the Standing Committee and to the government as a whole, that the 945,200 veterans and their dependants in Canada will *never accept* our pensions' rights being included in the social development programs. *Disability pensions are an earned right* of the men and women who served their country in war and stress. The very thought of this or any Canadian government doing away with veterans' legislation and the Department of Veterans Affairs is abominating. We wish to point out, gentlemen, that initial steps towards this end have already been taken by the government's appointment of a special Senate committee on poverty whose duty it is to study social legislation of the federal government over the next two years. We were astounded to see that the Pension Act was mentioned specifically as one of the pieces of federal government legislation to come under the scrutiny of this poverty committee.

[*Interprétation*]

Il s'agit en effet d'un exposé de ce que le Gouvernement se propose en vue d'améliorer la Loi sur les pensions et de la rendre plus apte à remplir son rôle en tenant compte de l'*optique moderne en matière de justice sociale.*

Ces nombreux programmes ont évolué séparément au cours des années, et le Gouvernement estime que le moment est venu d'en examiner toute la structure afin de réaliser une meilleure cohérence des divers éléments, de combler les lacunes et d'éliminer les doubles emplois involontaires.

En l'occurrence, monsieur le président, l'Association du Corps canadien tient à faire ressortir l'esprit du dernier paragraphe de l'introduction du Livre blanc, et je cite:

«Cette évaluation générale est une tâche considérable et compliquée, mais lorsqu'elle sera terminée, le Gouvernement pourra peut-être proposer des changements au programme même ou à l'administration du programme de pensions.»

Après mûre réflexion, notre organisation estime que les passages précités du Livre blanc, émis par l'honorable M. Dubé, font naître une certaine confusion. D'une part, le ministre laisse entendre que le Gouvernement se propose d'améliorer la Loi sur les pensions; d'autre part, dans le dernier paragraphe, il donne à croire que le Gouvernement pourrait, à une date ultérieure, modifier le contenu et l'administration du programme des pensions.

Qu'il nous soit permis de signaler respectueusement au Comité permanent et au Gouvernement en général que les 945,200 anciens combattants et les personnes à leur charge au Canada *ne consentiront jamais* à ce que le droit à la pension soit compris dans les programmes de progrès social. *La pension d'invalidité* est un droit acquis aux hommes et aux femmes qui ont servi leur pays en temps de guerre et de tension. Il est exécrable même de penser que le gouvernement actuel ou l'un de ses successeurs veuille abroger les lois visant les anciens combattants et abolir le ministère qui administre leurs affaires. Nous tenons à dire, messieurs, que le Gouvernement a déjà fait un premier pas dans cette direction en instituant un comité spécial du Sénat sur la pauvreté, dont le mandat pour les deux prochaines années consiste à étudier la législation sociale du gouvernement fédéral. Quel ne fut pas notre étonnement d'apprendre que la Loi sur les pensions est mentionnée explicitement comme l'une des mesures législatives fédérales devant faire l'objet de l'étude du Comité en question.

[*Text*]

This is one of the main reasons why the Canadian Corps Association is here today, to see that the disability pensioners' legislation never comes under the heading of poverty or welfare.

We wish to point out at this time, Mr. Chairman and Members of the Standing Committee, that the English transcript of our brief

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here before you has been modified considerably, since the government's White Paper was presented on September 9. Due to the lateness of the White Paper's presentation, we apologize to our French-speaking members of the Standing Committee, that time did not permit this revised brief to be completed in both English and French.

The Canadian Corps Association appreciates those members of the Standing Committee who have sacrificed a portion of their recess period, to return to the house to receive the briefs of the various veterans' organizations.

Basic Rate

The Woods' Committee informed our organization that there was some doubt as to whether its terms of reference included consideration of the basic rate of pension. However, the Committee did consider the basis on which pensions are paid as part of their necessary reference and we presented our recommendation that the 100 per cent pension be based on the earnings of the unskilled labourer in the federal civil service. The Canadian Corps Association has recommended this in previous appearances before the Standing Committee on Veterans Affairs. This rate represents a balance throughout Canada. The Canadian Corps Association has always felt that this is the best possible basis upon which to estimate earnings in the unskilled labour market. The Canadian Corps Association is extremely disappointed that the government's White Paper did not include study of the basic rate which was submitted to them by the Woods Committee in special report form as well as in the Woods Committee report proper.

Mr. Chairman, do the members have any questions on what has been read to them to date?

The Chairman: Mr. Badanai.

Mr. Badanai: Mr. Chairman, first of all I wish to commend the Canadian Corps Association for their comprehensive brief which I had an opportunity to peruse. How-

[*Interpretation*]

Voilà l'une des principales raisons pour lesquelles l'Association du Corps canadien témoigne devant vous aujourd'hui, c'est-à-dire pour s'assurer que la loi relative aux pensionnés invalides ne figure jamais dans la catégorie «pauvreté ou bien-être social».

Nous tenons à vous faire remarquer, monsieur le président et messieurs les membres du Comité permanent, que la version anglaise du mémoire que vous avez entre les mains a été sensiblement modifiée depuis le 9 septembre, jour de la publication du Livre blanc du Gouvernement. Vu le retard apporté à l'émission de ce document, nous nous excusons auprès des membres francophones du Comité permanent de ne pouvoir leur fournir, faute de temps, la version française du mémoire revisé. L'Association du Corps canadien désire remercier les membres du Comité permanent qui ont tenu volontiers à revenir sur la colline pendant l'intersession afin d'entendre les mémoires des diverses organisations d'anciens combattants.

Taux de base

Le comité Woods a informé notre organisation qu'il doutait que son mandat comporte l'étude du taux de base de la pension. Néanmoins, le Comité a jugé nécessaire, pour sa propre gouverne, d'examiner sur quoi se fonde le versement des pensions. Nous avons fait valoir notre proposition portant que la pension complète soit établie d'après les gains du travailleur non spécialisé à l'emploi de la Fonction publique fédérale. C'est ce que l'Association du Corps canadien a préconisé, d'ailleurs, lors de ses comparutions antérieures devant le Comité permanent des Affaires des anciens combattants. Ce taux représente une moyenne pour tout le Canada. L'Association du Corps canadien a toujours été d'avis que c'est là la meilleurs façon d'estimer les gains sur le marché du travail non spécialisé. Elle est donc extrêmement désappointée que le Livre blanc du Gouvernement ne fasse pas état du taux de base que le comité Woods propose dans un rapport particulier. Monsieur le président, si les députés ont des questions, je crois que j'en ai lu suffisamment.

Le président: M. Badanai.

M. Badanai: Je voudrais d'abord féliciter le Corps canadien pour son mémoire exhaustif concernant cette question. J'ai pu le lire en entier et en avoir une excellente idée.

[*Texte*]

ever, on page 2 there is one point referring to the White Paper's final paragraph which reads as follows...

Mrs. Heesaker: Correction, sir, it was not the White Paper's final paragraph, it was the Introductory Remarks' final paragraph, sir.

Mr. Badanai: I see.

Mrs. Heesaker: It was the final paragraph, sir, of the Introductory Remarks.

Mr. Badanai: Then I will amend my question. It reads:

> This over-all assessment is a large and complex undertaking, but when it is completed the government may propose changes in the pension program or in its administration.

That is what you mean here, is it not?

Mrs. Heesaker: It say this on page 7.

Mr. Badanai: Yes, but you mention it here on page 2.

Mrs. Heesaker: No, we were discussing, sir, if you will read our brief, the White Paper's Introductory Remarks and we were speaking of emphasizing the final paragraph in the Introductory Remarks.

Mr. Badanai: Yes, but in any event you are taking issue with the statement.

Mrs. Heesaker: We said that the statement at the conclusion of the Introductory Remarks is confusing. It states two different points of view.

Mr. Badanai: Yes, well this is my question...

The Chairman: Mr. Badanai has a question for you, Mrs. Heesaker.

Mr. Badanai: I want to make sure, Mr. Chairman, that if the government proposes changes, as suggested in the White Paper, that the changes will improve the benefits and certainly not take away what has been promised in the White Paper. But you suggest that they would not do this.

Mrs. Heesaker: I am not suggesting anything. I am suggesting that the White Paper most certainly does not improve everything that we wish improved, nor does the Woods Committee.

[*Interprétation*]

A la page 2, il y a un point sur lequel j'aimerais revenir, qui traite justement du paragraphe final du Livre blanc.

Mme Heesaker: Ce n'est pas le paragraphe final du Livre blanc, mais plutôt le paragraphe final de l'introduction au Livre blanc.

M. Badanai: Je vois.

Mme Heesaker: Ce sont les remarques préliminaires du Rapport que nous avons citées; le paragraphe final à la page 7 du texte français du Livre blanc.

M. Badanai: Je vais modifier ma question.

> Cette évaluation générale est une tâche considérable et compliquée, mais lorsqu'elle sera terminée, le gouvernement pourra peut-être proposer des changements au programme même ou à l'administration du programme des pensions.

Mme Heesaker: Vous trouverez cela à la page 7 du texte français du Livre blanc.

M. Badanai: Oui, mais vous le mentionnez à la page 2.

Mme Heesaker: Nous traitions des remarques préliminaires de l'introduction du Livre blanc, de ce qui est nommé «Introduction au Livre blanc.» Nous disions que cette déclaration à la fin de l'introduction est assez confuse et trompeuse.

M. Badanai: Oui, mais nous posez une question avec la déclaration.

Mme Heesaker: Nous avons dit que la déclaration à la fin de la présentation est confuse. Elle mentionne deux différents points de vue.

M. Badanai: Voici ma question.

Le président: M. Badanai a une question à vous poser, M^me^ Heesaker.

M. Badanai: J'aimerais m'assurer, monsieur le président, que si le gouvernement propose un changement, comme il est dit dans le Livre blanc, les changements amélioreront les avantages. Alors, il n'enlèvera certainement rien à ce qui a été promis dans le Livre blanc. Vous prétendez qu'ils ne le feront pas.

Mme Heesaker: Je ne prétends rien du tout. Je déclare que le Livre blanc n'améliore pas tout ce que nous voudrions voir amélioré ni le Comité Woods non plus d'ailleurs.

[*Text*]

Mr. Badanai: No, but the suggestion is made, however, that the government may propose changes to the promises made in the White Paper. I suggest to you, Mr. Chairman, that if the government proposes changes then I assume, and I would certainly expect, that it would be to better the promises they have made, and not to be detrimental.

Mrs. Heesaker: You assume, sir, and we hope, but we also feel that the government had sufficient time to have given us all their proposals in the White Paper so that we could have seen whether it was for the betterment

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or whether it was not for the betterment. We cannot express our opinion on that which we have not had an opportunity to review.

Mr. Badanai: My understanding, Mr. Chairman, is that the government acted as quickly as was feasible under the circumstances.

The Chairman: Mrs. Heesaker, would you have preferred that the government take a full firm position and not have a Committee? The purpose of the Committee is to hear from people and to give some flexibility in the government position. Do you feel this is wrong?

Mrs. Heesaker: To which committee are you referring, sir?

The Chairman: To this Committee.

Mrs. Heesaker: Oh, we were not talking about this Committee, we were talking about the White Paper, sir.

The Chairman: I know, but the point is that the program of the Committee is to look at certain recommendations and the Committee has a certain amount of discretion and some scope within which it can make recommendations. Do you feel that this is an error on the government's part?

Mrs. Heesaker: No, I think it is excellent. I only wish that you had before you the complete thoughts of the...

The Chairman: Well, how can there be complete thoughts until they have heard a series of recommendations and gone through this kind of hearing?

Mrs. Heesaker: Well, we will look forward to the future submissions and our request that we will be given subsequent hearings, sir.

The Chairman: I am sorry to have interrupted, but at this point the Committee has

[*Interpretation*]

M. Badanai: Moi, ce que je soutiens c'est que le gouvernement dit qu'il peut proposer des changements qui viseront, d'après moi, à améliorer la situation et que ce ne seront pas des mesures inopportunes.

Mme Heesaker: Enfin, vous présumez et nous espérons... Le gouvernement a eu suffisamment de temps pour tout présenter dans son Livre blanc. Nous aurions eu un exposé complet à ce moment-là sur lequel nous fonder. Nous ne pouvons nous prononcer sur des questions que nous n'avons pas eu l'occasion d'examiner.

M. Badanai: A mon avis, monsieur le président, le gouvernement a agi le plus rapidement possible dans les circonstances.

Le président: M^me^ Heesaker, auriez-vous préférer que le gouvernement prenne une position ferme sans créer un comité? Enfin, le but du Comité est d'entendre l'opinion de différentes personnes et de permettre au gouvernement d'être un peu plus souple dans sa position. Avez-vous des objections à cela?

Mme Heesaker: De quel comité parlez-vous, monsieur?

Le président: Du présent comité.

Mme Heesaker: Oh, nous ne parlions pas de ce comité, nous parlions du Livre blanc.

Le président: Enfin, le but du Comité est d'étudier les recommandations. Le comité jouit d'une certaine discrétion et peut aussi faire des recommandations. Est-ce une erreur d'après vous?

Mme Heesaker: Non, c'est une excellente chose. J'aurais aimé que vous ayez l'ensemble de nos suggestions.

Le président: Comment pourrions entendre vos opinions avant que vous ayez entendu toutes les recommandations et assister aux séances du comité.

Mme Heesaker: Nous entendrons les prochaines recommandations et nous espérons qu'on nous donnera l'occasion de donner notre opinion.

Le président: Le Comité n'a jamais refusé à un groupe de se faire entendre.

[*Texte*]

certainly not denied any veterans organization the right to appear nor has the door been closed on any of the organizations. I am sorry, Mr. Knowles.

Mr. Knowles (Winnipeg North Centre): Mrs. Heesaker can correct me if I am wrong, but my impression is that the Canadian Corps Association feels a bit sorry that what we have before us is not just the Woods Report but the limitations that have been imposed upon that report by the White Paper.

Mrs. Heesaker: That is correct.

The Chairman: As I understand it, the terms of reference of the Committee are the Woods report and the recommendations. One of the documents of which we are taking note is the White Papers.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, surely the delegation has a right to object to the fact that they did not appear before the Committee when all we had was the Woods Report. You may disagree with them and other members of the Committee may disagree with them.

The Chairman: If that is the point they are making then it is perfectly legitimate. I assumed that another point was being made to the effect...

Mr. Knowles (Winnipeg North Centre): I could be corrected, but I...

The Chairman: ...that there was not a complete list of government comments on every point in the Woods Report.

Mr. Knowles (Winnipeg North Centre): The point I got was that there is objection to the fact that the wide scope of the Woods Report has been limited by the White Paper. I would be glad to be corrected if I am wrong.

Mr. Guay (St. Boniface): Mr. Chairman, I think probably, somewhat, we are not all of the same understanding. If I had felt that the White Paper was inflexible, and those were the words used by the Minister, I would not have been sitting on the Committee for the last two weeks.

The Chairman: Nor would any of the rest of us, Mr. Guay.

Mr. Guay (St. Boniface): Bear with me for a moment. This is one point. The Minister said that the purpose of his White Paper was flexible so that this Committee could make recommendations to him and make changes.

[*Interprétation*]

M. Stanley Knowles (Winnipeg-Nord-Centre): Reprenez-moi si je me trompe, mais j'ai l'impression que l'Association du Corps canadien est désolée parce que le Rapport Woods est limité par le Livre blanc.

Mme Heesaker: C'est exact.

Le président: Les attributions du comité concernent le rapport Woods et les recommandations. L'un des documents dont nous tenons compte, est le Livre blanc.

M. Stanley Knowles (Winnipeg-Nord-Centre): Enfin, la délégation pose des objections parce qu'elle n'a pas paru devant le Comité alors qu'il n'y avait que le Rapport Woods.

Le président: Ils en ont le droit.

M. Knowles (Winnipeg-Nord-Centre): Je peux me tromper mais...

Le président: Qu'il n'y avait pas une liste complète des commentaires du gouvernement sur tous les points du rapport Woods.

M. Knowles (Winnipeg-Nord-Centre): Ce que j'ai compris, c'est qu'il y a des objections parce que le Rapport Woods dans son étendue a été limité par le Livre blanc.

M. Guay (St-Boniface): Je crois que nous ne sommes pas tous sur la même longueur d'ondes. Si je croyais que le Livre blanc est inflexible, je ne siègerais pas au Comité depuis deux semaines.

Le président: Personne d'autres, non plus, M. Guay.

M. Guay (St-Boniface): Enfin, voici l'une des questions que le ministre dit. Il dit que le but du Livre blanc était d'apporter une certaine flexibilité, une certaine souplesse. Alors, le Comité pourra faire des recommandations au ministre en vertu desquelles il pourra faire des changements.

[*Text*]

The Chairman: Right.

Mr. Guay (St. Boniface): That is exactly the word, and he was questioned by me. I questioned you at a subsequent meeting, if you recall . . .

The Chairman: That is right.

Mr. Guay (St. Boniface): . . . because I said that if it was not so then it was no use our sitting here. In fact, I think Mr. Chadderton was here when I made the statement that if it was not so then it was no use our hearing your briefs. So I agree with Mr. Knowles that this Committee is to hear briefs and to make recommendations to the Minister. What he may come up with after that we have no knowledge of, but at least this Committee can go on record as either agreeing in principle with some things and make recommendations accordingly, or else turn some things down. The odds are that the Committee that has been sitting to hear briefs here rather looked with a good eye at some of the briefs we have had presented to us. I think we want to listen to your brief in the same light that we have listened to others.

The Chairman: Right.

Mr. Guay (St. Boniface): Then, finally, sit and make recommendations to the Minister. If he had not used this whereby he could make changes in his White Paper or he was inflexible, then I think I would be out of it; I would not want to sit on it.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, are you of the opinion that our flexibility includes our right as a Committee, should it wish to recommend to the government that they go beyond the White Paper so long as it stays within the Woods Report?

The Chairman: There has never been any question in my mind that the terms of reference that Parliament set out for the Committee are precisely the terms which will govern the Committee, and they refer to the Woods Committee and its recommendations.

Mr. Knowles (Winnipeg North Centre): Period.

The Chairman: Mr. Marshall.

Mr. Marshall: Mr. Chairman, on page 1 they refer to two recommendations, numbers 82 and 148, as two recommendations that they do not endorse. As we were told that number 148 would be accepted unchanged by the government, what is your objection to that particular recommendation.

[*Interpretation*]

Le président: Parfait.

M. Guay (St-Boniface): C'est exactement ce que le ministre m'a répondu lorsque je l'ai questionné.

Le président: C'est exact.

M. Guay (St-Boniface): J'ai dit que s'il n'en était pas ainsi, alors, il ne servait pas à rien que le Comité se réunisse et perde deux semaines ici. M. Chadderton était présent. Le présent Comité doit écouter les mémoires et ensuite faire ses recommandations au ministre. Enfin, ce qu'il fera ensuite, nous ne le savons pas. Cela n'est plus de notre ressort, mais enfin, nous, ici, nous pouvons étudier le rapport et faire des recommandations au ministre ou laisser tomber ce qui ne nous convient pas. Enfin, notre Comité se réunit pour étudier des mémoires, des mémoires qui nous sont présentés. Nous allons écouter votre mémoire comme nous avons écouté ceux des autres associations.

Le président: Très bien.

M. Guay (St-Boniface): Ensuite, nous nous réunirons ensemble pour faire des recommandations au ministre. Il nous a laissé entendre qu'il pourrait vraiment faire des changements à son Livre blanc, sinon, je ne voudrais pas perdre mon temps à venir travailler ici.

M. Knowles (Winnipeg-Nord-Centre): Je crois que notre Comité à la souplesse d'aller recommander au gouvernement qu'ils aillent au-delà du Livre blanc en tenant compte du Rapport Wood.

Le président: Eh bien! je suis certain que le mandat qui a été fixé par le gouvernement pour notre Comité avait trait au Rapport Wood et ses recommandations.

M. Knowles (Winnipeg-Nord-Centre): Voilà tout!

Le président: M. Marshall.

M. Marshall: A la page 1 on parle de deux recommandations: la recommandation numéro 82 et la recommandation numéro 148 qu'ils n'appuient pas. Vous avez dit que la recommandation 148 avait été acceptée par le gouvernement sans modification. Est-ce que vous seriez opposé à cette recommandation?

[*Texte*]

Mrs. Heesaker: Mr. Chadderton, would you answer that, please?

Mr. Marshall: It refers to the period of time during which a member of the armed forces...

An hon. Member: You are quite right on that.

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Mr. Chadderton: Did you want me to answer?

Mrs. Heesaker: Yes, please, Mr. Chadderton.

Mr. C. H. Chadderton (Dominion Honorary Vice-President, Canadian Corps Association): Mr. Chairman, recommendation number 148 would, in effect, establish the present definition used by the Canadian Pension Commission with regard to the limitation of the time meant by "theatre of actual war" to the time when there was shooting going on. I do not recall any other organizations making similar representations, but the representations of the Royal Canadian Legion to the Woods Committee were to the effect that "theatre of actual war" should span that period of time from when the war began by Act of Parliament which was September 1939 through until the war finished by Act of Parliament which, I believe, was April 1946 or 1947 or thereabouts. So what the Canadian Corps Association delegation is saying here is that they do not agree with the recommendation of the Woods Committee.

Mr. Marshall: I see.

Mr. Chadderton: One further point is that probably why this is raising a question is that most of the recommendations of the Woods Committee would have extended certain benefits and there were only two or three which would have restricted benefits and this was one of them.

Mr. Marshall: Thank you.

The Chairman: Thank you, Mr. Chadderton. Your comment was very helpful, because I must confess I was a little puzzled.

Mr. Guay (St. Boniface): I was going to ask if the delegation had any further comments to make on 82. Why was it not acceptable? I will ask you the question then.

Mr. E. J. Parsons (Dominion Pensions Advocate, Canadian Corps Association): Because it would restrict attendance allowance that is already available to pensioned

[*Interprétation*]

Mme Heesaker: Voulez-vous répondre M. Chadderton, s'il vous plaît?

M. Marshall: Il se réfère à une période de temps ou un membre des forces armées.

Une voix: Vous avez tout à fait raison.

M. Chadderton: Vouliez-vous que je vous réponde?

Mme Heesaker: Oui, je vous en prie M. Chadderton.

M. C. H. Chadderton (vice-président honoraire de l'Association du Corps canadien): La recommandation 148, monsieur le président aurait pour effet d'établir la définition actuelle utilisée par la Commission des pensions du Canada concernant la limitation du temps passé sur un «théâtre réel de guerre» au cours d'une bataille. Cela a été fait par suite de demandes de la Légion canadienne au Comité Wood. Je ne me rappelle pas que d'autres organisations aient fait des instances semblables. La Légion demandait que le «théâtre réel de la guerre» s'étende sur la période de la guerre à laquelle la guerre a été déclarée, de 1939 jusqu'au moment où elle a fini, par acte du Parlement, en avril 1946 ou 1947 environ. L'Association du corps canadien dit qu'elle n'est pas d'accord avec la recommandation du Comité Woods.

M. Marshall: Je vois.

M. Chadderton: Le Comité Woods aurait voulu étendre les prestations et il n'y en aurait eu que deux ou trois recommandations qui auraient été limitatives et celle-ci en serait une.

M. Marshall: Merci.

Le président: Merci, monsieur Chadderton, merci de vos remarques, car j'étais un peu perplexe.

M. Guay (St-Boniface): Ce que j'allais vous demander c'est si la délégation a d'autres remarques à formuler à propos de la partie 82. Pourquoi n'était-ce pas acceptable? Je pose la question.

M. E. J. Parsons (avocat national des pensions, Association du Corps canadien): Parce qu'elle était restrictive. Ce sont des allocations qui sont déjà mises à la disposition des

[*Text*]

veterans. We did not want to take away anything that they already had. In fact, we found it both convenient and less expensive to the government to pay a small attendance allowance than hospitalize, it is better for the veteran.

The Chairman: Has 82 come up specifically at this stage of the brief?

Mr. Marshall: There were two they did not endorse.

The Chairman: I see.

Mr. Bigg: Mr. Chairman, I understand that where the government has said they do not accept in full does not necessarily mean that they have turned it down. Where they have not accepted it they merely have not made a firm decision on accepting; is that not correct?

The Chairman: Well, we have had some precise testimony from Mr. Ward on many sections. It was quite a challenge to any one man to be expected to be an expert on the broad range of 148 recommendations, but I think that the transcript of these proceedings will be of great interest to those appearing because it will give you a good deal more information than has been available up to this point. No doubt there will continue to be developments.

Mr. Guay (St. Boniface): Another point that was mentioned which I believe is very important is in regard to another part in the section which you have read, that if by any chance there is further change being made that you would like to be heard again. I think that is a point very well taken, Mr. Chairman. Could we not give them assurance that if this is the case that they will be heard again.

The Chairman: Mr. Guay, I think the point has arisen with one or two other groups and what we said was that the door is open. There will certainly be developments and no doubt we may hear from the Canadian Corps Association. I do not know how often we can say that we will have interviews, but certainly the door is not closed by any means at this point.

Mr. Guay (St. Boniface): Right.

Mrs. Heesaker: If I may, Mr. Chairman, I would like to correct any false impression that may have been left in any way that we, of the Canadian Corps Association, are not cognizant and appreciative of the wonderful work done by the Standing Committee on Veterans Affairs through the many years. We

[*Interpretation*]

anciens combattants et nous ne voulons rien leur enlever. En fait, il serait plus commode et avantageux pour le gouvernement de leur payer une petite allocation que de les hospitaliser.

Le président: Est-ce que ceci s'applique à cette partie du mémoire?

M. Marshall: Il y avait deux points avec lesquels ils n'étaient pas d'accord.

Le président: Je vois.

M. Bigg: Ceci ne veut pas nécessairement dire que le gouvernement les a rejetées s'il ne se prononce pas sur certaines recommandations. Le gouvernement n'a pas encore pris de décision. N'est-ce pas exact?

Le président: Nous avons déjà parlé de ceci à plusieurs reprises. C'est beaucoup d'exiger d'un homme qu'il connaisse à fond 184 recommandations. Les comptes rendus des délibérations présenteront beaucoup d'intérêt pour ceux qui ont comparu. Ils contiendront beaucoup de renseignements.

M. Guay (St-Boniface): Un autre point qui est très important se rapportait à une autre partie que vous avez lue, à savoir qui si d'autres changements survenaient, vous aimeriez être reconvoqués. C'est très bien, monsieur le président, on en prend note et est-ce qu'on peut donner à la délégation l'assurance qu'on les reconvoquera.

Le président: La question a été soulevée par un ou deux autres groupes et nous avons dit que la porte était ouverte. Il y aura des événements et naturellement la porte sera ouverte à l'Association du Corps canadien. Combien de fois ils pourront se représenter, je n'en sais rien.

M. Guay (St-Boniface): Très bien.

Mlle Heesaker: Notre association apprécie le magnifique travail du Comité permanent des affaires des anciens combattants depuis plusieurs années. Nous ne serions pas ici si nous n'approuvions pas votre existence et le rôle que vous jouez dans les aflaires concernant les anciens combattants. Je voudrais dire

[*Texte*]

would not be here if we did not approve of your existence and the part that you play in veterans work and veterans administration. Our Association was helpful in getting this

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Committee started many years ago. I would like to mention, too, that we have not had the benefit, sir, as you know of seeing any of the transcripts of the. . . .

The Chairman: This is one of the difficulties, and I apologize for this.

Mrs. Heesaker: Yes, I would like to make that perfectly clear. We have seen no transcripts of what the Minister's statements have been to you; the fact that he said the door was open, or this was only partial or anything. We have not seen any of the transcripts.

The Chairman: This was available through the usual distribution channels last week. I regret the delay.

Mrs. Heesaker: We are not in any way criticizing, we just want it clarified to the members that we cannot expect to know or to comment on that which we have not received copies of. So please understand that I cannot comment on what the Minister has said when I have not seen the transcript as yet.

May I have your permission to proceed, Mr. Chairman, with the reading?

The Chairman: By all means.

Mrs. Heesaker: We are on page 4 now gentlemen.

Re Multiple Disabilities, The Blind, Paraplegics, Etc. Woods Committee Reference No. 64 and No. 65

The Canadian Corps Association is of the opinion that in the case of multiple disabilities, the 100 per cent ceiling should be exceeded to the same extent, and in the same manner as recommended by the Woods Committee. In fact, it has been the feeling of this organization for years that the 100 per cent ceiling was never intended to apply in these cases. We recommend that in the case of multiple disabilities, which, in themselves, when assessed according to the scale exceed 100 per cent—blindness, paraplegia, etc.—be permitted to exceed the 100 per cent ceiling in accordance with the scale as recommended by the War Amputations of Canada, which is precisely the scale adopted and recommended by the Woods Committee.

We urge prompt acceptance of this principle in full. The Canadian Corps Association

[*Interprétation*]

également que nous n'avons pas vu les comptes rendus des délibérations.

Le président: C'est une des difficultés et je m'en excuse.

Mme Heesaker: Nous n'avons pas lu le compte rendu de ce que le Ministre vous a dit. En fait, vous dites que la porte est ouverte, c'est vrai, mais . . .

Le président: Ceci était disponible par les voies normales de distribution la semaine dernière. Je regrette le retard.

Mme Keesaker: Nous ne critiquons pas, nous voulons simplement dire que vous ne pouvez pas vous attendre à ce que nous nous prononcions en connaissance de cause. Je ne puis commenter ce que le ministre a dit puisque je n'ai pas lu son texte.

Puis-je continuer la lecture, monsieur le président?

Le président: Je vous en prie.

Mme Heesaker: Nous sommes rendus à la page 4, messieurs.

Les infirmités multiples, les aveugles, les paraplégiques, etc., renvoi aux recommandations nos 64 et 65 du Comité Woods

L'Association du Corps canadien est d'avis que, dans le cas des infirmités multiples, le maximum de 100 p. 100 devrait être dépassé dans la mesure et de la façon que recommande le Comité Woods. A la vérité, notre association pense depuis des années que le plafond de 100 p. 100 n'a jamais été prévu comme devant s'appliquer à ces cas. Nous proposons que, dans le cas des infirmités multiples qui, en soi, si elles sont évaluées selon l'échelle, dépassent 100 p. 100 (la cécité, la paraplégie, etc.), devraient dépasser ce maximum de 100 p. 100 d'après l'échelle qu'a proposée l'Association canadienne des amputés de guerre, c'est-à-dire l'échelle que, à son tour, le Comité Woods a adoptée et précisément proposée.

Nous préconisons fortement l'adoption sans retard de ce principe. L'Association du Corps

[*Text*]

cannot agree with the White Paper's proposal on Page 11, that subject to a means test these disabled veterans may apply for

> ...an annual allowance or lump sum grants of not less than $400 and not more than $1,200 per annum for specified amenities to relieve pain and discomfort.

Once again, the government is planning to deprive multiple disabled veterans of that which should be theirs by right, and instead plans to ask them to beg for an allowance! The Minister of Veterans Affairs in recent statements has announced that these allowances can be used for the purchase of electrically operated wheel chairs, building of ramps, etc., where needed. We understand that this type of assistance is already available through the Department of Veterans Affairs upon application.

The Canadian Corps Association and the Woods' Report asked not for allowances or hand-outs to be applied for, we asked for the 100 per cent ceiling to be exceeded for multiple disability pensioners of which there are approximately only 425 in Canada, and if the government waits another couple of years to do something for this multiple disability group, there might only be 200 left,—their death-rate is so accelerated.

Do they have any questions, Mr. Chairman?

The Chairman: Any questions from the Committee?

May I ask, Mrs. Heesaker, where you saw the reference to a means test?

Mrs. Heesaker: Anything that has to be applied for is usually a means test. I did not see anywhere where it was an automatic...

The Chairman: There is certainly no reference in the White Paper to a means test in connection with this, none whatever.

Mrs. Heesaker: Can you assure us that there is no means test applicable to this in any way?

The Chairman: Mrs. Heesaker, all I can say is that in the White Paper before us I cannot read any reference to a means test.

Mrs. Heesaker: Similarly, Mr. Chairman, respectfully, we cannot see anywhere that it assures us that there is not a means test.

Mr. Lambert (Edmonton West): It is between the lines.

[*Interpretation*]

canadien ne peut souscrire à la proposition faite à la page 11 du Livre blanc, soit que, sous réserve d'une appréciation des ressources, les pensionnés invalides pourront réclamer «une allocation annuelle, ou une indemnité globale, d'au moins $400 et d'au plus $1,200 l'an», pour qu'ils aient les moyens de soulager leurs souffrances. Le gouvernement projette, encore une fois, de priver les anciens combattants affligés d'infirmités multiples, de ce qui leur revient à juste titre; il entend les contraindre à mendier une indemnité. Le ministre des Affaires des anciens combattants, dans ses récentes déclarations, a affirmé que pareilles prestations pourront s'employer, le cas échéant, pour l'achat de voitures de malade électriques, pour l'aménagement de rampes, etc. Nous croyons que le ministère des Affaires des anciens combattants fournit déjà ce genre d'aide à ceux qui en font la demande.

L'Association du Corps canadien et le rapport Woods ne veulent pas d'allocations ou d'aumônes qu'il faut demander; ils voudraient que le plafond de 100 p. 100 soit dépassé dans le cas des pensionnés souffrant d'infirmités multiples, dont le nombre atteint environ 425 au Canada. Mais si le gouvernement attend encore quelques années pour agir au profit de ce groupe, peut-être n'en restera-t-il que 200 à ce moment-là, à cause de la mortalité élevée chez ces pensionnés.

Y a-t-il des questions, monsieur le président?

Le président: Je me demande d'où vient votre expression de l'évaluation des moyens.

Mme Heesaker: Toute demande se fait ordinairement en fonction de l'évaluation des moyens. Je n'ai vu nulle part que c'était automatique.....

Le président: Il n'est pas fait mention d'une évaluation possible des moyens, pas du tout.

Mme Heesaker: Pouvez-vous nous assurer qu'il n'y aura pas d'évaluation des moyens?

Le président: Je puis dire tout simplement que, dans le Livre blanc, je ne vois aucune allusion à une évaluation des moyens.

Mme Heesaker: De même, nous ne voyons nulle part qu'il n'y en aura pas.

M. Lambert (Edmonton-Ouest): Ce serait entre les lignes?

[*Texte*]

Mrs. Heesaker: It most certainly seems to us that way, sir.

Mr. Legault: But it is specified that they are subject to a means test?

Mrs. Heesaker: It says in the White Paper that it will be "applied for" and when that terminology is usually used in the Department of Veterans Affairs it means that the

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applicant has to pass a certain number of provisions. Usually it has to do with his financial standing, his money in the bank and so forth whenever those words are used.

We, of the Canadian Corps Association, do not feel this small group of approximately 420 or 425 people should have to disclose the little money they have been able to save out of their pension which is theirs by right of the afflications they have suffered in order to request $400 to $1,200 a year. We are asking that the disability pension rate be raised and that this 100 per cent be exceeded for this very special group of people whose deaths are occurring daily and who will soon, perhaps, all be gone.

Mr. Legault: Then forget, Mr. Chairman, the allowance of $400 to $1,200 as well.

Mrs. Heesaker: Most certainly, and exceed it. There is not any dollar value that you can put on sacrifice such as these men have made; no dollar value, no means test, no compensation or lump sum I am sure that the people who are so afflicted and the organizations which specifically represent them could very capably discuss this. I understand the disability groups to which we referred are to appear here tomorrow and I am sure that in addition to those who have supported us they will have some very, very concrete proposals for you to consider. We certainly think there is no dollar value on their compensation and most certainly they should not be embarrassed by further applications for assistance. We do point out that these ramps and the other things that the White Paper indicated were to be provided are already being provided. We know of some people who have made applications for ramps, Mr. Chairman, and who received the assistance.

The Chairman: Mrs. Heesaker, I am sure you are very anxious to be careful and precise in what you say. The paragraph in question on page 11 of the White Paper says:

> Provision will be made for an annual allowance or lump-sum grants, of not less than $400 and not more than $1,200 per annum, for specified amenities to relieve

[*Interprétation*]

Mme Heesaker: Apparemment, oui.

M. Legault: Précise-t-on qu'il y aura une évaluation des moyens?

Mme Heesaker: Il n'est pas dit dans le Livre blanc qu'il y aura une évaluation des moyens mais il est dit qu'il faudra demander une allocation et généralement les requérants doivent prouver au ministère des Affaires des anciens combattants qu'ils remplissent certaines exigences qui tiennent ordinairement compte de sa situation financière, de son argent en banque et ainsi de suite.

Nous ne pensons pas que ce petit groupe de 420 ou 425 personnes devrait révéler les quelques économies ou épargnes qu'ils ont pu faire pour demander de $400 à $1,200 par année. Nous demandons que le taux de l'allocation d'invalidité soit augmenté et dépasse le 100 p. 100 pour ce groupe spécial de personnes, dont le nombre diminue de jour en jour.

M. Legault: Oublions alors l'allocation de $400 à $1,200.

Mme Heesaker: On ne peut pas évaluer monétairement le sacrifice que ces hommes ont fait, ni monétairement, ni par une évaluation des moyens, ni par une compensation ou un montant global. Je suis sûre que les personnes affligées par ces invalidités et les organismes qui les représentent pourraient discuter de la chose avec beaucoup de compétence. Je sais que d'autres associations se présenteront demain devant le Comité et je suis sûre qu'elles formuleront des propositions très concrètes comme l'on fait ceux qui nous ont aidé. Il n'y a aucune valeur monétaire qui puisse compenser leurs invalidités et ils ne devraient pas être importunés par ces demandes d'allocation supplémentaires. Nous soulignons également que les subventions, pour des rampes et autres objets dont parle le Livre blanc sont déjà fournies. Nous savons que certaines personnes ont demandé des allocations pour ce genre de choses et qu'elles les ont reçues.

Le président: Madame Heesaker, je suis certain que vous voulez être absolument sûre de ce que vous dites. Le paragraphe de la page 11 du Livre blanc se lit ainsi:

> «Une allocation annuelle ou une indemnité globale, d'au moins 400 dollars et d'au plus 1,200 dollars par année, pourra être versée au pensionné pour lui procu-

[*Text*]

pain and discomfort, and to increase as far as possible the enjoyment of life for the pensioner and to provide for him the essential will to live.

I cannot read into that paragraph any reference to the application or the kinds of thing that you have assumed nor is it my understanding that it would be means tested. Mrs. Heesaker, I am sure we are all anxious to have the record set straight on this matter, but I am aware of any statement that would lead to the interpretation that I believe you have placed before us today.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, just to set the record straight, I am sure the Departmental witnesses who appeared before us made it clear that these grants were to be at the discretion of certain officials and I remind members of the specific reference to a ramp that could be built. Incidentally, I produced that this morning as evidence that these are not necessarily annual payments, they could be in the form of a lump sum.

The Chairman: I remember that. It says lump sum or annual.

Mr. Knowles (Winnipeg North Centre): But in both cases it would be at the discretion of the officials who examine the case and I do not think you have the right to castigate Mrs. Heesaker for thinking that that is a form of a means test. The rest of us do see it that way.

The Chairman: This is a point the Committee will have to clarify in its recommendations. I certainly never thought of it as a means test in the terms in which I understood a means test.

Mr. Crooks: Could I ask a question, Mr. Chairman? If it is not intended to be a means test on what would they base this lump sum of not less than $400 and not more than $1,200?

The Chairman: I think it would be related to the specific requirements in terms of physical needs or other matters which would relieve pain and discomfort of the case that is involved, but I was not aware that there would be the type of thing which is done with war veterans' allowances which is a means-tested program.

Mr. Badanai: Mr. Chairman, I would like to refer you to the Minutes of Proceedings and Evidence of the Standing Committee on Veterans Affairs, Issue No. 12, page 221. In reply to my question, the Minister stated:

[*Interpretation*]

rer les moyens de soulager ses souffrances, afin qu'il puisse jouir plus pleinement de la vie et qu'il retrouve le désir de vivre.

Je ne vois rien dans ce paragraphe qui nous permette de déduire à une évaluation des revenus. Madame Heesaker, nous voulons tous que les choses soient bien claires et précises, mais je ne retrouve rien qui me pousse à croire et qui vous permette de croire à cette interprétation que vous nous soumettez aujourd'hui.

M. Knowles (Winnipeg-Nord-Centre): Le ministère a précisè que cette subvention serait versée en fonction du pouvoir discrétionnaire du ministre ou des fonctionnaires et je me souviens que le fonctionnaire parlait d'une rampe pour une chaise roulante qui pourrait être construite. Incidemment, j'ai produit ce matin la preuve qu'il ne s'agira pas forcément d'allocations annuelles. Il pourrait s'agir d'un paiement global.

Le président: Je me souviens de cela. On disait paiement annuel ou global.

M. Knowles (Winnipeg-Nord-Centre): Mais dans les deux cas tout cela est laissé au pouvoir discrétionnaire des fonctionnaires, qui examinent le cas, et je ne pense pas que vous puissiez vous en prendre à Madame Heesaker qui pense qu'il peut s'agir dans ce cas d'un contrôle du revenu sous une forme ou une autre. Car la plupart d'entre nous le voient ainsi.

Le président: C'est un point que le Comité aura à éclaircir dans ses recommandations. Je n'ai vraiment jamais pensé qu'il s'agissait là d'un contrôle du revenu sons la forme dont je l'entends.

M. Leslie Crooks: Puis-je poser une question, monsieur le président? S'il ne s'agit pas là d'un contrôle du revenu, sur quoi les fonctionnaires se baseront-ils pour fixer un paiement global entre $400 et $1,200?

Le président: Je pense qu'on se rapportera aux besoins particuliers de l'état physique de l'invalide ou de la façon dont on peut soulager sa douleur ou son inconfort, mais je ne crois pas qu'on applique la même évaluation des revenus que celle qu'on applique lors du versement de l'allocation aux anciens combattants.

M. Badanai: J'aimerais me référer au compte rendu des délibérations du Comité permanent des affaires des anciens combattants, fascicule 12 page 221. En réponse à ma question, le ministre a déclaré:

[*Texte*]

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Perhaps the committee can assist me on that. Broadly speaking, it is the purpose of the White Paper to be flexible, and we intend to be flexible in these guidelines as well. We have not yet come up with definite yardsticks on how this will be measured. For instance, in my imagination I visualize a lump sum for the purchase of a ramp, let us say, in the home of a wheelchair veteran so he can wheel himself up and down in his home. That would be an example of the type of lump sum that could be granted.

Following that I asked:

Would that also mean the pitching of a house, or the repairing of a house, or the enlarging of a dwelling?

In reply, Mr. Dube said:

I do not know—perhaps there are other agencies that could deal with that type of assistance. I visualize a type of assistance that would be very close to the veteran himself.

In other words, he would have to apply and make a specific demand. If the Minister is not aware of what the applicant wishes to have or what the veterans who can qualify want, then how in the name of heaven can the government know what kind of assistance should be given to the man. I said:

He would have to apply and make a specific demand? Is that it?

The Minister said:

That is right. He would have to apply. I said, there are 5,000 100 per cent pensioners, but relative to how many of those will qualify I think we will need a bit of experience to find out exactly what is the best way of doing it. But you must not forget that above the amounts that you have just mentioned some of these 100 per cent pensioners also receive an attendance allowance, which can go up to $3,000 a year; and which they are receiving now.

In other words, the Minister has an open mind on the question and if a pensioner claimed that he should have additional assistance, well, I tell you that he will get it by applying.

Mr. Bigg: Mr. Chairman, that is the very point, I think, about which the Corps is worried. They do not like the idea of these things being either begged for or at the discretion of some person who might say, "We think this is a good case...

[*Interprétation*]

«Le Comité pourra peut-être m'aider. En général, le but du Livre blanc est d'assurer une certaine latitude envers les lignes directrices, et nous allons respecter cette latitude. Nous n'avons pas encore établi définitivement quels seront les jalons sur lesquels nous nous baserons. Je m'imagine très bien en ce moment, une allocation pour l'achat d'une rampe afin que l'invalide puisse entrer et sortir de sa maison en chaise roulante. Voilà un exemple du genre de paiement global que nous pourrions accorder.»

Après cela je lui ai demandé:

«Est-ce que cela comprendrait également la mise en chantier, les réparations ou l'agrandissement d'une maison?»

En réponse, monsieur Dubé a déclaré:

«Je ne le sais pas. Peut-être qu'un autre organisme pourrait se charger de ce genre d'assistance. Je songe à un genre d'assistance qui toucherait de près les anciens combattants.»

En d'autres mots, l'ancien combattant devra présenter une demande pertinente. Si le ministre ne connaît pas les désirs des anciens combattants ayant droit à cette allocation comment pourrait-il savoir quel montant lui donner? Et j'ai dit au ministre:

Ils devront présenter une demande spéciale? N'est-ce pas?

Et le ministre a répondu:

«C'est exact. Ils devront présenter une demande. Je répète qu'il y a 5,000 pensionnés à 100 p. 100, mais pour ce qui est du nombre d'entre eux qui seront admissibles, je crois qu'il nous faudra attendre d'avoir un peu d'expérience avant de décider quelle sera la meilleure procédure à suivre. Il ne faut pas oublier qu'en plus des montants que vous venez de mentionner, certains de ces pensionnés à 100 p. 100 touchent également une allocation de soins, qui peut aller jusqu'à 3,000 dollars par année; certains touchent déjà cette allocation.»

Autrement dit le même ministre n'a pas pris de position à ce sujet, et je vous dis que si un ancien combattant estime qu'il a besoin d'une aide supplémentaire il l'obtiendra s'il en fait la demande.

M. Bigg: Monsieur le président, voilà le point critique qui inquiète l'Association du Corps canadien. L'Association n'aime pas l'idée qu'on doive quémander, quêter pour une aide semblable auprès d'une personne qui a le pouvoir discrétionnaire de dire: «ce cas est valable».

[*Text*]

Mr. Badanai: I am not suggesting that the veteran should beg for it. I am suggesting that they should ask for it.

Mr. Bigg: This is a question of semantics. Some people think it is begging to ask. Some people prefer to say, "I have a pension as of right under the Act and there can be no argument with the officials of any kind."

Mr. Badanai: He has to make his need known, has he not?

Mr. Peters: Not under a pension as of right.

Mr. Badanai: I know, but this is a mixture. This is a supplement. It is not the pension, it is a supplement to the pension.

Mr. Peters: Mr. Chairman, the Corps is saying that rather than ask for these specific hand-outs the pensioner who has these additional multi-disabilities has the right to exceed the 100 per cent pension. I do not think there is any question that in the one case it becomes a right and in the other case it becomes an allowance and an allowance always has a means test attached to it. You can cut it how you like. It can be generous or it can be niggardly, but it always has a means test attached to it. Whether or not we want the Committee to argue about the merits of it, I think we are splitting hairs when we cannot see the difference between what the Corps is asking, that is for more than the 100 per cent pension as a right and additional assistance that could be provided over the 100 per cent pension that could be given as a discretionary grant. I do not think there is much doubt that there is considerable fundamental difference in the two methods and, as I understand it, the Corps is suggesting as the War Amps mentioned that the multi-disabilities fall into a different category than our normal 100 per cent pensioners and that this should be part of the pension structure rather than an allowance structure.

Mrs. Heesaker: Mr. Chairman, that is perfectly correct. We in national veteran organizations, also have to think of the fact that the most modest man among the veterans in Canada is this type of person and if he is given something that is his as a right which is

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spelled out in the legislation, then he will accept it with pride, but there are many dis-

[*Interpretation*]

M. Badanai: Je ne veux pas dire que l'ancien combattant doit quêter, je suggère simplement qu'il doit en faire la demande.

M. Bigg: Alors la discussion tourne sur des mots, certains trouvent que demander c'est quêter et d'autres disent qu'ils en ont le droit aux termes de la Loi sur les pensions, par conséquent, qu'il n'y a pas de discussions à avoir avec quelque fonctionnaire que ce soit.

M. Badanai: Il doit faire valoir ses besoins, oui ou non?

M. Peters: Non en vertu du droit à la pension.

M. Badanai: Je sais, mais il s'agit d'une allocation supplémentaire. Ce n'est pas la pension c'est un montant qui doit compléter la pension.

M. Peters: Monsieur le président, ce que l'association essaye de vous dire c'est qu'au lieu de demander ces aumônes le pensionné qui souffre de cette invalidité multiple ait le droit de dépasser le taux de 100 p. 100 de sa pension. Je ne vois pas pourquoi il peut être question que dans un cas il s'agisse d'un droit et que dans un autre cas on parle d'une allocation et qu'une allocation est versée en fonction de l'évaluation des moyens quel que soit le terme qu'on emploie pour désigner la chose. Si le Comité veut ou non discuter des mérites de la chose, c'est bien, mais il me semble que l'on coupe les cheveux en quatre lorsque nous ne voyons pas la différence que le Corps canadien demande. C'est-à-dire entre un montant supérieur au taux de pension de 100 p. 100 établi comme droit et une assistance supplémentaire versée après le taux de 100 p. 100, sous forme d'allocation laissée à la discrétion du sous-ministre. Il y a une différence fondamentale entre les deux méthodes. Et je pense que le Corps canadien, comme les amputés de guerre, suggère que les cas d'invalidités multiples tombent sous une catégorie différente que nos pensionnés ordinaires à 100 p. 100, et que cette catégorie devrait faire partie intégrante de la structure des pensions plutôt que de la structure des allocations.

Mme Heesaker: C'est parfaitement exact. Nos associations nationales d'anciens combattants ne désirent pas oublier que l'ancien combattant dont les revenus sont les plus modestes sont généralement les invalides et si le gouvernement lui donne quelque chose en

vertu d'un droit, il l'acceptera avec fierté, mais il y a beaucoup d'anciens combattants

[*Texte*]

abled veterans who, if they have to make application for $400 or $1,200, will stay at home because this would embarrass them. They should not be put in the position with the disabilities they have and the afflictions they were subjected to in time of war of having to ask for allowances or be subjected to anything that even appears like a means test. It should be theirs by right and that is all we are requesting, sir.

May I continue if the Committee has no further questions, sir?

The Chairman: Yes, go ahead.

Mrs. Heesaker:

Final Appeal—Appointment of Appeal Board, "Outside' 'of the Pension Commission Structure, an excellent Woods' Committee Recommendation, Numbers 17 through to 22.

The Canadian Corps Association strongly supports the recommendation of the Woods Committee, regarding the method of application and processing claims for pension entitlement, and again strongly supports the final recommendation of the majority judgement that an Appeal Board be appointed as a final judicial body, over and above, with no connection directly to the Pension Commission as such.

The Canadian Corps Association does not feel that the government's White Paper proposal on this subject is acceptable. We reiterate our stand, voiced before this committee on Thursday, September 18 when all the national veterans organizations emphasized in their joint statement:

> We are convinced that the ends of justice in this matter can only be served if the government were to recognize the requirements to establish an independent Appeal Board, instead of a reorganization of the existing facilities.

The Canadian Corps Association are concerned not necessarily with the initial decision, but with the final decision. The White Paper's proposal to establish a Director of Pensions within the Department of Veterans Affairs is a step in the right direction, but does not go far enough.

I wish to digress for a moment, Mr. Chairman, and advise you that our association has had second thoughts on this proposal since we prepared our revised brief that we have before you, and we are now very much against such proposals and have prepared, Mr. Chairman, a supplementary five pages which you have before you and which I will read a little later in this brief.

[*Interprétation*]

qui préfèrent ne pas faire une demande pour un supplément de $400 ou de $1,200, ils préféreront rester chez-eux car cette demande les embarrasse, et ceux-ci ne devraient pas être mis dans la position, avec les invalidités dont ils souffrent, où l'on exige d'eux qu'ils présentent une demande ou qu'ils soient soumis à quelque chose qui ait l'allure d'une évaluation des moyens. Il doit s'agir d'un droit, c'est tout ce que nous demandons.

Puis-je continuer la lecture, si le Comité n'a pas d'autres questions.

Le président: Oui, allez-y.

Mme Heesaker:

Appel final. Nomination d'un bureau d'appel séparé de la structure de la Commission canadienne des pensions. Les recommandations 17 à 22 du Comité Woods sont excellentes.

L'Association du Corps canadien appuie fermement la proposition du Comité Woods au sujet de la méthode relative à la demande et au traitement des demandes de pension; elle appuie aussi fortement la proposition finale contenue dans la décision majoritaire, savoir que soit désigné un Bureau d'appel ou un tribunal qui serait l'organisme judiciaire de dernier ressort au-dessus de la Commission des pensions en tant que telle, et san lien avec elle.

L'Association du Corps canadien juge inacceptable la proposition gouvernementale à ce propos dans le Livre blanc. Nous réitérons la position que nous avons prise devant le présent comité, jeudi le 18 septembre, lorsque toutes les organisations nationales d'anciens combattants ont fait remarquer dans leur déclaration commune que «nous sommes convaincues que les fins de la justice ne seront services en la matière que si le gouvernement convient de l'opportunité d'établir un bureau d'appel autonome, plutôt que de réorganiser les cadres actuels.» L'Association du Corps canadien se soucie non pas nécessairement de la décision initiale, mais de la décision finale. Dans le Livre blanc, la proposition visant à nommer un directeur des pensions constitue un pas dans la bonne voie, mais elle ne va pas assez loin.

Monsieur le président, je désire vous informer ici que notre association a repensé à cette idée depuis qu'elle a préparé le mémoire revisé que vous avez devant vous et qu'elle s'y oppose fermement. Nous avons préparé un supplément de cinq pages pour étayer notre prise de position. Je vous le lirai un peu plus tard.

[*Text*]

The Canadian Corps Association recommends to the government the adoption of the Wood's Committee recommendation which was to establish a completely separate or independent Appeal Board which would have no connection with the Pension Commission itself.

The Canadian Corps Association is not questioning the integrity or honesty of any of the present Commissioners, but the idea of the White Paper to place 5 of the 15 Commissioners on an Appeal Division would not result in the independent ruling veterans have a right to expect. Being Commissioners, they have been schooled to think along the same lines as their associates. We recommend that this Appeal Board be composed of 5 persons, who are *not now, nor ever have been* pension commissioners.

Are there any questions, Mr. Chairman?

Mr. Lambert (Edmonton West): Mr. Chairman, I am going to ask: has the Canadian Corps Association ever considered the cost of this independent Appeal Board in the light of the salaries of the present Commissioners and that the Appeal Commissioners would be at a higher salary level and the attendant train and the travelling because you are not going to say that the board is going to sit in Ottawa but will have to meet the veterans in order to do justice to their claims.

I want to put it to the witnesses: have they considered the additional, and I estimated between, $400,000 and $500,000 a year which would be the total outside expense for an appeal board? Will it be that much better at

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that cost than a re-organized Pension Commission? Now that is question number one to ponder.

Second, with every sympathy for veterans, of which I happen to be one, I wonder is the case of the pensioned veteran any greater than the ordinary citizen in a court of law? Our supreme courts are composed of judges. The appeal courts from these courts of first instance are lawyers, too, and in many instances they are lawyers or judges who have come from the court of first instance, that is the trial division. There is no arms length relationship and as a matter of fact an appeal court can consist of a judge of the court of first instance who may be seconded to the Appeal Court. Yet there is no travesty of justice and there is no suggestion that this is improper. Why, again, do we consider that the Appeal Board in this instance should not be composed of men who at any time have

[*Interpretation*]

L'Association du Corps canadien se permet de conseiller au gouvernement d'adopter la recommandation du comité Woods, soit de prévoir un bureau d'appel complètement distinct ou autonome, qui n'aurait aucun lien avec la Commission des pensions.

Ce n'est pas que l'Association du Corps canadien mette en doute l'intégrité ou l'honnêteté de l'un ou l'autre des commissaires actuels, mais l'idée du Livre blanc, c'est-à-dire que cinq des quinze commissaires siègent au bureau d'appel, n'assurerait pas aux anciens combattants l'autonomie de décision à laquelle ils ont le droit de s'attendre. Les commissaires, en raison de leurs fonctions, sont conditionnés à penser comme leurs associés.

Y a-t-il des questions, monsieur le président?

M. Lambert (Edmonton-Ouest): Monsieur le président, je me demande si l'Association du Corps canadien a pensé aux frais de ce tribunal indépendant d'appel, aux traitements des commissaires actuels et à ceux des membres du tribunal d'appel qui seraient encore plus élevés; il faudrait payer les frais du personnel de soutien et de déplacement. Comme le tribunal ne siégera pas ici à Ottawa, il lui faudra aller rencontrer les anciens combattants. J'estime que les frais pourraient monter à $400,000 ou $500,000 par année. A ce prix-là, ne vaudrait-il pas mieux réorganiser la Commission des pensions. C'est une question à se poser.

Deuxièmement, j'ai beaucoup de sympathie pour les anciens combattants, j'en suis un, mais je me demande si un ancien combattant pensionné a plus de droits devant un tribunal qu'un simple citoyen. Nos cours suprêmes sont composées de juges. Les tribunaux d'appel sont composés d'avocats aussi et dans bien des cas, ce sont des avocats ou des juges qui sont venus de la cour de première instance, c'est-à-dire des tribunaux d'instruction. Ils sont complètement indépendants les uns des autres et en fait, un tribunal d'appel peut être composé d'un juge en provenance d'un tribunal de première instance, qui peut être détaché auprès du Tribunal d'appel. Ce n'est pas là un travesti de la justice et rien ne laisse supposer que ce n'est pas convenable. Une fois de plus, pourquoi penser que le Tribunal d'appel

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been Commissioners or that you could not reorganize your present Commissioners into a panel who might be the Appeal Board as against Commissioners of the first instance.

These are the two points, the two main questions that I would like to put for consideration by the witnesses.

The Chairman: Mr. Lambert has placed two questions; now Messrs. Bigg, Guay and Marshall have indicated their interest.

Mr. Guay (St. Boniface): I just want to bring a point to the attention of Mr. Lambert. When the Minister was questioned by Mr. Peters in regard to the Appeal Board—I am not speaking of the Entitlement Board, I am speaking of the Appeal Board—it was definite that the Appeal Board would remain in Ottawa and would not travel across the country at all. I thought I would bring that point to the attention of Mr. Lambert.

Mr. Lambert (Edmonton West): That is why I think the government proposal in regard to that is much more nonsensical because I do not think you will do justice to pensioners if you are going to have a board that will sit only in Ottawa.

Mr. Guay (St. Boniface): Of course, I am not giving Mr. Lambert the full explanation. I am only bringing that answer to his attention.

Mrs. Heesaker: Mr. Chairman, we have prepared certain facts and statistics that we would like to give to the honourable member. Could our Dominion Honorary Vice-President now proceed to answer the questions you have asked, sir?

Mr. Chadderton: Mr. Chairman, the first figure that puzzles me very, very greatly is this figure of $400,000 for the proposed Appeal Board. As I understand Mr. Justice Woods recommendation, it suggested an appeal board of five people, it suggested they should have a salary level higher than that of the present Pension Commissioners which at that time was $18,500 a year. So if you took this at $22,000 you would end up with a figure of something like $130,000 for salaries. On top of that Mr. Justice Woods recommendation, as I understand it, was that this independent Appeal Board would be able to seek independent legal and medical advice on a panel basis. This again, as I understood it, would have been a situation where the Appeal Board would pay for this advice through some type of fee and I would think $25,000 or even $50,000 a year would buy an awful lot of independent medical and legal advice.

[*Interprétation*]

ne devrait pas être composé d'hommes qui ont déjà été commissaires ou que la Commission actuelle ne pourrait pas être réorganisée de façon à former le Tribunal d'appel en plus de la Cour de première instance.

Le président: M. Lambert a posé deux questions et MM. Bigg, Guay et Marshall s'y intéressent.

M. Guay (Saint-Boniface): Je reviens sur ce qu'a dit M. Lambert. Lorsque le ministre a été questionné par M. Peters à propos du Tribunal d'appel—je ne parle pas du Bureau d'admissibilité—il était entendu que le Tribunal d'appel siégerait à Ottawa et ne se déplacerait pas.

M. Lambert (Edmonton-Ouest): Alors, la proposition du gouvernement est d'autant plus incensée que le gouvernement ne pourra pas rendre justice aux anciens combattants si le Tribunal d'appel siège uniquement à Ottawa.

M. Guay (Saint-Boniface): Evidemment, je ne donne pas une longue explication à M. Lambert. Je ne fais que lui signaler la réponse.

Mme Heesaker: Nous avons préparé quelques statistiques que nous voudrions donner aux membres du comité. Notre vice-président honoraire peut-il maintenant répondre aux questions que vous avez posées, Monsieur le Président?

M. Chadderton: Monsieur le président, le premier chiffre, celui de $400,000, pour le projet de tribunal d'appel me stupéfie. M. Woods a recommandé l'établissement d'un tribunal d'appel composé de cinq personnes dont les traitements seraient plus élevés que ceux des commissaires qui, à ce moment-là, était de $18,500 par année. De sorte que si on prend le chiffre de $22,000, le total des traitements atteindrait environ $130,000; de plus, le juge Woods recommande que cette commission d'appel indépendante puisse demander des avis médicaux et juridiques de sources indépendantes. La Commission paierait alors ses conseillers médicaux ou juridiques au moyen d'honoraires fixes et je pense que $25,000 ou $50,000 représenteraient énormément pour ces honoraires médicaux et juridiques. D'après la recommandation du juge Woods au sujet des frais de transport, le tribunal «pourrait» siéger à Ottawa ou ailleurs à la discrétion du Président. Toutefois, parce qu'il seraient cinq,

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Mr. Justice Woods recommendation on travel was that this board "may" sit in Ottawa or elsewhere at the direction of the Chairman. However, with five people covering the whole Dominion of Canada there will not be an awful lot of travelling so the travel bill will not be too high. If you take a total figure for salaries, travel and the independent medical and legal advice of something like, say, $200,000 then surely you must deduct from that the cost of what the government is proposing to set up as an alternative, that is, this appeal section within the Commission. If you deduct that from it, I am sure you must not be looking at the figure of more than a $125,000. I submit this figure of $400,000 is a way out of line bearing in mind that the housekeeping would cost approximately the same if one had a five-man board.

It does not matter today whether it is in the Veterans Affairs Building or whether it is in Tower "A" as I understand it the Department of Public Works charges so much a square foot, et cetera, et cetera. You have so many

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stenographers and their level would be set by the Public Service Commission and nobody could argue with that. So the only thing you are looking at which would bear a price tag over and above the proposed appeal board section—mind you we are only going on the information we have which is a pretty skimpy White Paper—but if you look at the Woods proposals and try to put a dollar sign on them I cannot see where you are coming to more than $125,000.

Now the second question put by Mr. Lambert was this recommendation of the Canadian Corps Association to the effect that no member of the present Commission should sit on the Appeal Board. I think as we all know that is going a little beyond the recommendation of Mr. Justice Woods and his Committee because they felt there would be nothing wrong with some of the present Commissioners sitting on a new Appeal Board so long as they did not form a majority. However, I think with all due respect it should be brought out that what the veterans have to contend with here is not that they are necessarily critical of any individuals on the present Commission, but what they have to contend with is that there is an atmosphere among veterans' organizations that the people who have sat there for so many years and dictated the policy of this thing, laid it down, kept it within themselves, and failed to publish regulations—all this type of thing has created suspicion.

[*Interpretation*]

ils n'auraient pas à voyager beaucoup d'une extrémité à l'autre du Canada. Par conséquent, les frais de transport ne seraient pas très élevés. Si vous prenez $200,000 comme chiffre global des traitements, des frais de transport et des services juridiques et médicaux indépendants et que vous déduisiez ensuite le coût de la solution de rechange que propose le gouvernement, je suis sûr que le chiffre ne devrait pas dépasser de beaucoup $125,000. Je pense que le chiffre de $400,000 est excessif, compte tenu du fait que les frais de bureau seraient à peu près les mêmes que ceux d'un tribunal composé de cinq membres.

Il importe peu que l'organisme soit logé dans l'immeuble du ministère des Affaires des anciens combattants ou dans la tour «A», puisque le ministère des Travaux publics demande un prix fixe par pied carré, ainsi de suite. Quant aux sténographes, leur traitement serait établi par la Fonction publique. Nous avons peu de renseignements, le Livre blanc étant plutôt succinct, mais je ne vois pas comment les propositions du rapport Woods pourraient coûter plus de $125,000.

La deuxième question posée par M. Lambert porte sur la recommandation de l'Association du Corps canadien demandant qu'aucun commissaire actuel ne fasse partie du tribunal d'appel. Je crois que cela dépasse la portée de la recommandation Woods qui estime qu'il n'y aurait rien de mal à ce que les commissaires actuels siègent dans un nouveau tribunal d'appel à condition qu'ils ne s'y trouvent pas en majorité. Je crois toutefois qu'il faut souligner que les anciens combattants ne s'en prennent pas nécessairement à un tel ou tel membre de la Commission. Ce dont ils se plaignent c'est de cette atmosphère de suspicion qui existe dans les associations d'anciens combattants et qui vient de ce que les personnes qui ont siégé au sein de cette commission durant nombre d'années ont établi des politiques, et n'ont pas rendu publics les règlements nécessaires, tout cela a créé une certaine suspicion.

[*Texte*]

Whether that is justifiable or not I cannot say, but it has created suspicion, and I think it is only right that veterans' organizations should say that in effect we do not really want any of the present people on any new appeal board, and if they do go on, the government is only letting itself in for additional criticism.

So I think, as best as I can judge, this would be the feeling of the Canadian Corps. But bear in mind that it is not a personal thing at all. It is more the establishment that they are getting at rather than the persons. The establishment of this present Commission has run this thing since 1919, with changes of personnel through attrition, but they have run it, and I would submit that 148 recommendations of the Woods Committee in three volumes is sufficient evidence that the veterans are not satisfied with it. So they say, "Why should it now be turned over to the same people?" I think this is the basis of the objection, Mr. Chairman. Was there another question?

Mr. Lambert (Edmonton West): Obviously the witness is not too aware of the effect of Parkinson's law in government service. This is why I am going to the figure of $400,000, as the result of the experience of seeing small bodies—from small acorns, great oaks grow. It is the same thing in government service.

An hon. Member: Not at the moment, anyway.

Mr. Chadderton: I would have to say to Mr. Lambert that I am well aware of Parkinson's law and I have seen it operate, but I am also going by an announcement of the present government that if they can plug the dike in many other places, maybe they can plug the dike here. But I still say it is unfair for anybody to turn down the Woods proposals on the basis of drawing the figure of $400,000 out of the air, because if you want to put it down in black and white and show me where this $400,000 is coming, and you can back that up with what was said in the Woods Report, I am going to shut up. But until somebody can do that I just do not want to see figures of $400,000 because I think it is a great dis-service to Mr. Justice Woods and his Committee and to the veterans of this country to turn down or suggest that this appeal board be turned down on a block figure like that.

Mr. Parsons: It is my understanding that the final appeal board would not necessarily call the veteran in as a witness. They will render their judgments entirely on evidence that has been heard in the junior boards. Therefore, they could quite conceivably

[*Interprétation*]

Je ne saurais dire si elle est justifiée ou non, mais elle existe, et il n'est que juste que les Associations d'anciens combattants disent que, de fait, elles ne veulent pas réellement que les mêmes personnes forment la nouvelle commission des appels, et s'il en était ainsi, le gouvernement se prêtera davantage à des critiques. C'est là, à mon avis, l'opinion de l'Association du Corps canadien. Il n'y a là rien de personnel; on s'attaque plutôt à l'organisme de la Commission actuelle qui, depuis 1919, a dirigé cette affaire. Et je prétends que les 148 recommandations du Comité Woods établissent sans l'ombre d'un doute le mécontentement des anciens combattants à cet égard. Voilà pourquoi ils disent: «Pourquoi devrait-elle être remise entre les mêmes mains?» Y avait-il une autre question, monsieur le président.

M. Lambert (Edmonton-Ouest): Le témoin ne connaît pas très bien l'effet de la Loi de Parkinson dans la fonction publique. C'est pourquoi je cite le chiffre de $400,000 au sujet de cette expérience—l'établissement de petits organismes—le chêne vient du gland. Ainsi en est-il dans la fonction publique.

Un membre: Pas en ce moment, en tout cas.

M. Chadderton: Je dois dire à M. Lambert, que je connais fort bien la Loi de Parkinson pour l'avoir vu en opération, mais pour reprendre les mots même d'une déclaration du gouvernement; s'il va «obturer le barrage» en plusieurs autres endroits, il peut le faire ici même. Mais, d'après moi, c'est injuste que quelqu'un refuse les propositions du rapport Woods en alléguant le chiffre de $400,000; si vous voulez, noir sur blanc, me montrer d'où provient ce $400,000 et citer à l'appui le rapport Woods, je me tairai. Mais en attendant, je n'ai que faire des montants de $400,000, car c'est, je crois, rendre un mauvais service au juge Woods, à son comité et aux anciens combattants de notre pays de rejetter, ou de suggérer que soit rejettée cette Commission d'appel sur la foi seule d'un chiffre arbitraire comme celui-là.

M. Parsons: Si je comprends bien, la Commission d'appel finale n'appellera pas nécessairement l'ancien combattant comme témoin. Sa décision se fondera sur la preuve établie par les autres commissions. Alors, il est possible qu'un tel Tribunal d'appel demeure à

[*Text*]

remain in Ottawa. It is not a case of appearing all over the country to hear witnesses as is done at the present time. That system would be abolished. I understand that the final appeal board would render judgment on evidence submitted to the junior boards, and it would not be possible to introduce new evidence or anything like that at that time.

This is only a final hearing on the legal aspects of the case, as it has been brought forward before the junior bodies, the entitlement bodies. If I am wrong in that assumption, I would like to be corrected. But that is the way I understand it and if that is so, then they could remain right here in Ottawa. They would not need to travel at all.

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Mr. Lambert (Edmonton West): I would like to point out, from experience on the immigration appeal board, that unless the applicant or the appellant is represented by counsel, or somebody who is going to speak on his behalf, the chance of gaining an appeal on the basis of the paper record is mighty, mighty thin. This is the point; whether the applicant for a pension is able to hire somebody or get somebody to come down here and properly present his case.

Mr. Guay (St. Boniface): Mr. Chairman, I understand that there will be somebody he can get to represent him. We were told that again at that same particular meeting, that this would be available. There would be somebody who would represent him on the appeal board at no cost to the veteran.

Mr. Parsons: Mr. Chairman, the advocates of the veterans' bureau, I believe, will be instructed to work exclusively for the veteran. He has the veterans' organizations who all have personnel who qualify to present a case.

Mrs. Heesaker: All free of charge, too.

Mr. Parsons: All free of charge, with no cost to the veteran.

The Chairman: You do a tremendous job in that respect; no question on that Mr. Bigg.

Mr. Bigg: Concerning this recommendation about not having the personnel sit, we have gone over this with several other witnesses, and as this is not only the hearing but an exchange of ideas, I would like to know what your group thinks of this. I suggest that what we are looking for on this appeal board, no matter how it is set up, is the quality of

[*Interpretation*]

Ottawa. Il n'est pas question de parcourir le pays pour entendre des témoins comme l'on fait présentement. Ce système serait aboli. Si j'ai bien compris, le tribunal d'appel final fondera son jugement sur les témoignages recueillis par les tribunaux inférieurs, refusant tout nouveau témoignage, toute nouvelle preuve.

Il s'agirait d'une audience finale portant sur les aspects juridiques de la cause portée devant les tribunaux inférieurs. Si j'ai mal compris, j'aimerais le savoir. Sinon, ce tribunal pourrait fort bien demeurer ici même à Ottawa. Il n'aurait pas à se déplacer du tout.

M. Lambert (Edmonton-Ouest): Je voudrais citer l'expérience de la Commission d'appel de l'immigration, où, à moins que le requérant ne soit représenté par un avocat ou quelqu'un qui peut parler en son nom, les chances d'obtenir gain de cause sont bien faibles. Et c'est précisément là la difficulté: le témoin qui soumet une demande de pension peut-il retenir les services de quelqu'un qui le représente devant le tribunal?

M. Guay (Saint-Boniface): Monsieur le président, on nous a laissé entendre qu'il y aura quelqu'un dont il pourra retenir les services pour le représenter, sans déboursés de sa part.

M. Parsons: Les services des avocats du bureau des Anciens combattants seront uniquement retenus, je crois, pour les Anciens combattants. Ils ont à leur disposition le personnel des associations d'anciens combattants qui a la compétence nécessaire pour les représenter.

Mme Heesaker: Gratuitement, également.

M. Parsons: Gratuitement, sans que l'ancien combattant ait à débourser quoi que ce soit.

Le président: Vous faites sur ce point un excellent travail, il n'y a là-dessus aucun doute. M. Bigg.

M. Bigg: Quant à la recommandation qui vise à ne pas faire siéger le personnel, nous avons, sur ce point, entendu et vu que nous sommes ici pour entendre divers points de vue, j'aimerais connaître l'opinion de votre association. Ce que nous recherchons avant tout dans ce tribunal d'appel, c'est la qualité du personnel, plutôt que le nom que nous lui

[*Texte*]

personnel rather than what you call them, and as I am always thinking of classical references to back myself up, I will say that "a rose by any other name would smell as sweet".

You are looking for people on this final appeal board who are going to give justice to the veterans and to the taxpayer, I presume, and therefore cost is not, of course, necessarily the deciding factor either. I would suggest that if we want the right personnel on this board, we cannot always trust the politicians of any political stamp. Therefore I would suggest that the answer might be.....

The Chairman: I do not understand that reference, Mr. Bigg.

Mr. Bigg: I said of any political stamp. I am now 60 years of age and have seen them all. I suggest that the answer might be that we have a panel from which to choose. Although you cannot ask the impossible, and you cannot expect any political party in power to give the veterans groups the right to choose the panel of five, I would suggest that if you are allowed to choose two of the five, or have any say in choosing two of the five, this would be the safety margin of hearings. So, rather than leave the choice of these five personnel in the hands of any one group, if there was a panel from which to choose, and the veterans people themselves were consulted or had the actual power of naming two of the five on the board, then you would get at least a quality of personnel with some decision in the hands of people involved. That is number one.

The second would be that once any panel is chosen, with right of nondismissal for life or for a long period of time, they could become stale. So you need another safety valve and that is this, that we must know in some degree what they are doing. And I would suggest that in the legislation which sets them up, or in the order in council which sets them up, that they give the power to this very Committee itself, the right to be told what final appeals are coming, up before they are heard. Give us a month, or some reasonable time, and if we even knew the names of the people, the veterans who are having their final decision made, that this small wedge into the secret vault would put these people on their guard to see that justice was done.

If we wanted to, in the final analysis, we could say that before the final thing is set down, the judgment should be at least tabled before us. Whether we have any final right to say that they should be undone or not, I leave it in the hands of people who know more about law than I do.

[*Interprétation*]

donnerons. «Qu'importe, dit le proverbe, le nom qu'on donne à la rose, elle n'en sentira pas moins bon.»

Vous recherchez, pour ce tribunal d'appel, des personnes qui rendrons justice à l'ancien combattant et au contribuable, et le coût ne doit donc pas être un facteur nécessairement décisif. A mon avis, si nous voulons un personnel qualifié pour ce tribunal, nous ne pouvons pas toujours nous en remettre, aux politiciens, quel que soit leur parti.

Le président: Je ne vois pas où vous voulez en venir, M. Bigg.

M. Bigg: J'ai dit quel que soit leur parti. J'ai maintenant soixante ans et je les ai tous vus. Peut-être pourrions-nous constituer un groupe où l'on pourrait choisir. Bien qu'il ne faille point s'attendre à l'impossible et espérer que les associations d'Anciens combattants aient le droit de choisir les cinq membres, il serait, je crois, satisfaisant de leur donner le droit d'en choisir deux sur cinq. Alors, au lieu de laisser ce choix à un groupe unique, s'il y avait un groupe à choisir et si les associations d'anciens combattants pouvaient consulter ou nommer effectivement deux des cinq membres du tribunal, le personnel serait tel qu'une part des décisions reposerait entre les mains des intéressés. Et voilà pour le premier point.

Deuxièmement, lorsque les membres d'un tribunal sont ainsi nommés irrévocablement ou pour un long mandat, ils ont tendance à perdre intérêt. Il faut donc parer à cette éventualité et c'est pourquoi nous devons jusqu'à un certain point savoir ce que nous faisons. Et je suggérais qu'il soit prévu dans les mesures législatives instituant ce tribunal, qu'il aura le droit de savoir à l'avance quelles sont les causes qui seront portées en appel final. Qu'on nous prévienne à l'avance, un mois ou un délai raisonnable. Ei si nous connaissions de plus le nom des anciens combattants qui doivent comparaître, nous pourrions prendre les dispositions pour nous assurer que justice soit faite. Il faudrait que nous puissions faire entendre notre voix avant que la décision finale soit rendue. Je laisse à ceux qui connaissent mieux que moi les lois le soin de décider si nous aurions le droit de renverser ou non les décisions.

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But still by the very fact that they had to print their finding and have it in the open to the scrutiny of a responsible body like the present Veterans Committee, I think that these two safety valves would do far more than to say where these five people were going to sit, what building they were going to sit in, and whether you call them from a previous sitting on the board or not. I think, as a matter of fact, it is dangerous to say that a man should not be put on the board if he sat on the previous committee, because there are some men who have sat on these previous commissions who have been of infinite value to veterans, and if they have done signal service for the veterans, I would not like to see them restrained down to the $5,000 less a year, merely because they have done good jobs in one branch, in one level. If they were acceptable, having done a few years there, then they should be the two nominees of the panel.

The Chairman: Have you any comments, Mrs. Heesaker?

• 1510

Mrs. Heesaker: No, but I was sitting here hoping that someone would ask me what I thought of the Nursing Sisters' Association of Canada suggestion this morning of a woman veteran as a Commissioner, and nobody desires to know what I think. I think it would be an excellent idea, and I am sure that all servicewomen would agree. I think that those of us who served in the CWAC, the WRENS and the RCAF WDs would most certainly agree that the most qualified servicewoman would be a nursing sister. I say this because of their medical experience and the fact that they are a comforting persons to have around. Also, they would be of great help because they have nursed so many ex-servicemen and have helped them to understand their problems.

I would like to point out on behalf of the exservicewomen, Mr. Chairman, that servicewomen who have pensions often find it difficult to face a complete panel of men in that you have to tell them very personal things which sometimes prove embarrassing. Just the fact of having a lady seated among the gentlemen would allow the servicewoman more or less to direct her comments to the lady, which in itself would be of benefit to the many servicewomen pensioners. Many aspects of these cases can prove quite embarrassing to a girl. We do refer to ourselves as girls. As there are only two sexes we must be

[*Interpretation*]

Mais le fait même qu'il leur faudrait rédiger leurs conclusions et les livrer à l'étude d'un organisme responsable tel le Comité des anciens combattants actuel. Ces deux mesures, à mon avis, seraient plus efficaces que de savoir où les cinq membres vont se réunir, où le tribunal va siéger ou si les membres proviennent d'un tribunal antérieur. En fait, il serait dangereux d'interdire à un membre de faire partie du tribunal pour l'unique raison qu'il en a déjà fait partie, car il se trouve parmi eux des membres qui ont été précieux pour les anciens combattants. Et s'ils rendent des services signalés aux anciens combattants, je ne voudrais pas les voir restreints par année de la réduction annuelle de $5000 parce qu'ils ont fait du travail dans un domaine. S'il y ont été acceptables durant quelques années, ils pourraient alors devenir les deux membres choisis par l'Association d'anciens combattants.

Le président: Avez-vous des commentaires? M^me^ Heesaker.

Mme Heesaker: Non. J'espérais que quelqu'un me demande ce que je pense de la suggestion faites ce matin par la *Nursing Sisters' Association* et selon laquelle une femme devrait être membre de cette Commission, mais personne ne semble vouloir savoir ce que j'en pense. Je crois qu'il s'agit d'une excellente idée et je suis convaincue, que toutes les femmes membres des forces armées seraient du même avis. Je crois que celles d'entre nous qui ont servi dans les Forces Armées, que ce soit dans l'une ou l'autre branche seront d'accord pour dire que les femmes des Forces les plus qualifiées sont certainement les sœurs infirmières. Elles connaissent mieux la situation; et leur présence est réconfortante. Elles se sont occupées d'un très grand nombre d'anciens combattants qu'elles ont aidé à comprendre leurs problèmes.

J'aimerais souligner, monsieur le président, que les femmes qui ont servi et qui reçoivent une pension trouvent souvent difficile de se présenter devant un groupe d'hommes et de devoir leur expliquer leur situation qui est souvent très personnelle et embarrassante. Alors, simplement le fait d'avoir une femme parmi ce groupe d'hommes permettrait à la femme pensionnée de se sentir plus à l'aise. Elle peut, à ce moment-là, adresser ses propos à la femme qui ferait partie de la commission. Cela peut être utile aux femmes pensionnées parce qu'il y a plusieurs choses et plusieurs aspects qui peuvent embarrasser une femme

[*Texte*]

girls, even though we are becoming a little older.

The Chairman: We are getting a little older too.

Mrs. Heesaker: We do point out that it especially would be of benefit to the ex-servicewomen of Canada to have one lady on the board. I am sure that when all service girls become aware of what the nursing sisters have requested they will support this proposal.

The Chairman: The Committee has listened with a great deal of interest and they are happy to hear your comments.

Mr. MacRae: I just wanted to raise a point in connection with what Mr. Chadderton and my colleague, Mr. Lambert, said. It is in reference to the cost of a separate appeal board. I think this is a matter that is completely irrelevant. I say that for this reason: At this moment there are roughly one million veterans in this country. Everyone, the witnesses here, members of this Committee and everyone else, wants to do the right thing. I do not think that cost is that important, especially for this reason—that if there are one million veterans and it costs, let us put the high figure on it, $400,000 that is 40 cents for every man and woman who has served his country, and that is damned little. For $200,000 it would mean 20 cents each. I do not think this matter of cost should enter into it at all.

The Chairman: Thank you, Mr. MacRae.

Mr. Bigg: While we are on the question of having a lady on the Commission—the point is very well taken—I was just wondering if the witness would be satisfied with having a woman on the board whenever a woman's case was before it. The question of delicacy can work both ways. It might well be that a man is seeking attention and he might feel that with a woman on the board he could not be as frank about things as he would like to be.

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The Chairman: Mr. Bigg, I think the modern generation is a little less inhibited in these respects than our generation.

Mrs. Heesaker: I would like to respectfully ask since when has any man been delicate with a nurse? Or has any man who has been

[*Interprétation*]

ou une fille qui doit les exprimer (je dis fille, même si nous devenons de plus en plus âgées).

Le président: Nous aussi, nous vieillissons un peu.

Mme Heesaker: D'après moi, il serait utile pour les femmes qui ont servi le Canada de savoir qu'une femme est membre de la commission. Je suis sûre que si le personnel féminin de l'armée avait connaissance du mémoire présenté par les sœurs infirmières il lui donnerait son approbation.

Le président: Le Comité écoute avec très grand intérêt ce que vous venez de dire et nous en tiendrons parti.

M. MacRae: Je voudrais quand même soulever un point en rapport avec ce que M. Chadderton et M. Lambert on dit. Cela a trait au coût d'une commission d'appel distincte. Je crois que c'est une question qui ne devrait pas s'appliquer. Il y a à peu près un million d'anciens combattants au pays, et tous ici présents, membres du Comité, témoins ou autres, nous voulons rendre leur dû aux anciens combattants. Le coût importe peu s'il y a un million d'anciens combattants. Et mettons le plus haut chiffre, 400 mille dollars, même cela veut dire 40 cents par personne qui a servi son pays au risque de sa vie, ce qui est bien peu, n'est-ce pas. Alors, même 200 mille dollars revient à peu près à 20 sous par personne. C'est à mon avis fort peu les récompenser pour les services qu'ils ont rendus à leur pays.

Le président: Je vous remercie, monsieur MacRae.

M. Bigg: Comme nous traitons de la question des femmes comme membres de la Commission, je crois que ce qu'on a dit est fort juste. Le témoin serait-il satisfait si une femme devenait membre de la commission quand une femme présente sa cause? Quand le témoin a mentionné qu'une femme devrait siéger pour que toute femme qui subit une entrevue soit à l'aise, je ne crois pas que ce serait bien, par contre, pour un homme qui devrait passer une entrevue.

Le président: Eh bien, je crois que la génération moderne est beaucoup moins puritaine.

Mme Heesaker: Je voudrais vous demander ceci: depuis quand un homme est-il gêné en présence d'une infirmière? Il s'est fait soigner,

[*Text*]

washed, bathed and so on by nurses ever found this feeling prevalent.

The Chairman: I do not think you will find that the views you have expressed in this regard will meet with much argument in this Committee. They listened to the nursing sisters, they have listened to you, and this is an interesting point that had not previously arisen in our discussions.

Mr. Guay (St. Boniface): Or a lady doctor.

Mrs. Heesaker: It is the same thing.

Mr. Peters: Mr. Chairman, I think that we can safely assume that women will be emancipated and that one of the recommendations will be that a woman will sit on one of the boards anyway.

I am concerned with the contention of the Woods Commission appeal in that this is going to be a paper appeal. It seems to me that any time an appeal really has worked is where medical evidence is produced to your appeal board from records. But the other section of the file is deducted from the presentation to the appeal board for the very simple reason that if they read a number of decisions over a period of time this will create considerable influence on whatever decision they make. I am wondering if you would not feel, no matter what type of an appeal is allowed, whether it be in the stratum of the Department or before an impartial board, that impartiality can really be arrived at, not by having the evidence presented by the petitioner or his advocate but in terms of presenting it as an open medical problem—rather than having it confused by decisions made over a period of time by a number of other adjudicators.

Does it strike you people representing the Association as being possible to really arrive at a new decision when you are using the old evidence? It seems to me, with my limited knowledge of law, that seldom is there a change made in the decision of lower courts where the only thing in question is the competence of the judge to have made the proper decision with the given facts, and where no new appeal procedure is allowed the decision is almost always an endorsement of what the other courts have decided because the evidence has not changed and there has been nothing new except the legal terminology and the legal interpretation. It

[*Interprétation*]

donner le bain, etc. par elle; il ne devrait pas être gêné devant une femme membre de Comité.

Le président: Je ne crois pas que le Comité contestera la situation que vous avez exposée ici. Il a entendu les sœurs infirmières, il vous a entendu et la question que vous avez soulevée est fort intéressante et nouvelle.

M. Guay (Saint-Boniface): C'est la même chose pour une femme médecin.

Mme Heesaker: Oui.

M. Peters: Monsieur le président, je crois que nous pouvons dire que les femmes seront bientôt émancipées et qu'on recommandera qu'elles siègent aux comités. Je m'inquiète du débat concernant l'appel recommandé par le Comité Woods. Le seul moment où l'on a vu un système d'appel fonctionner est lorsqu'on a des preuves médicales à soumettre contenues dans des dossiers au Bureau d'appel. Mais on déduit le reste du dossier de la présentation faite devant le Bureau d'appel car quand les membres lisent toujours des décisions du même genre pendant un certain temps, il sont en fait influencés. Ne croyez-vous pas qu'on pourrait arriver à une objectivité parfaite de la part des membres du Ministère ou d'un comité impartial en demandant que les preuves ne soient pas présentées par le réclamant ou son avocat? Il faudrait qu'on présente le cas sous forme de problème médical et qu'il ne soit pas toujours lié aux décisions prises pendant tout un temps par d'autres commissaires chargés des décisions.

Ne croyez-vous pas qu'il serait possible d'en arriver à une nouvelle décision lorsque vous vous fondez sur les anciennes décisions. D'après moi, qui connais fort peu les questions juridiques, il y a fort peu de possibilités qu'un examinateur modifie la décision des tribunaux inférieurs où on permet aucune nouvelle procédure d'appel ou où on se base seulement sur la compétence du juge. En fait la décision consiste presque toujours à confirmer la décision des tribunaux antérieurs, car les preuves sont les mêmes et il n'y a rien de nouveau, sauf les termes et l'interprétation du juge. Peut-être frappons-nous à la mauvaise porte quand nous demandons aux examina-

[*Texte*]

seems to me we may be barking up the wrong tree in demanding impartiality on the part of people reviewing a file, and this is all that appears to be happening, with all the given decisions and facts.

Would it not be more favourable to have a final presentation of the case before this appeal board using only the medical evidence, treatment and other things connected to the medical side?

Mrs. Heesaker: Mr. Chairman, we would like Mr. Chadderton and then Mr. Parsons to speak on this subject.

The Chairman: Fine.

Mr. Chadderton: Mr. Chairman, this particular issue, so far as I am aware, has not been explored by this Committee before. But I would refer you to the Woods Committee, Volume 1, page 79, recommendation 14(I) which states there are really three methods by which the proposed appeal board could deal with the case. The first one is: "(i) Review of the written record." But there is also the proposal that there would be:

> (ii) A review of the written record, supported by an appearance of those representing the appelant; or
> (iii) A hearing de novo by leave of the Board.

Therefore Mr. Justice Woods and his colleagues did envisage that in certain cases it would be necessary to have the applicant in or to visit wherever the applicant was and take the evidence right from the start—a complete hearing de novo in the presence of the applicant. So that was envisaged in Mr. Justice Woods' recommendations.

Mr. Peters: Could I ask the Association if they have an opinion on the merits of the various types of appeal as opposed to the composition of your Appeal Board. It seems to me that in a legal situation where a lower court has made a decision on the presentation of evidence, whether it be by inquiry or otherwise, this is then appealed only on the basis of the legal decision and that is a fairly specific legal appeal. There was the case that came up the other day of Borrman—I do not know his other name. He was tried in Missouri a number of years ago and they have found, in reviewing the legal terminology, that the case was thrown out. They have now instituted a new trial. That seems to me to be a different ball game altogether.

Has the Canadian Corps Association an opinion on this? It seems to me that the Com-

[*Interprétation*]

teurs qui réétudient un dossier d'être impartiaux.

Ne serait-ce pas préférable de présenter le cas devant la Division d'appel en se basant seulement sur les preuves médicales, le traitement subi et tout ce qui se rattache au problème médical?

Mme Heesaker: Monsieur le président, nous aimerions que MM. Chadderton et Parsons nous entretiennent de ce sujet.

Le président: Bien.

M. Chadderton: Monsieur le président, cette question n'a pas été à ma connaissance étudiée à fond par ce Comité, mais j'aimerais mentionner que dans le Volume 1, page 79 du rapport du Comité Woods, la recommandation (14) I détermine les trois méthodes par lesquelles le bureau d'appel proposé pourrait statuer sur le cas:

> (i) Un examen du dossier;
> (ii) Un examen du dossier accompagné de dépositions des représentants de l'appelant; ou
> (iii) Une audition *de novo* moyennant l'autorisation du Bureau.

Le juge Woods et ses collègues ont donc pensé que dans certains cas, la présence du requérant serait nécessaire—qu'il vienne lui-même ou qu'on se rende chez lui—afin de consigner à nouveau les preuves depuis le début et de faire en quelque sorte une nouvelle audition en présence du requérant. C'est cela que les recommandations du rapport du Comité Woods préconisent.

M. Peters: Alors, quelle est l'opinion de l'association sur les avantages des différents genres d'appel par rapport à la composition du bureau d'appel? Il me semble que dans une situation juridique où l'on veut rendre justice, lorsqu'un tribunal inférieur a pris une décision après avoir étudié les preuves et les témoignages lors d'enquêtes ou autrement, on ne peut pas en appeler de la décision qu'en se basant sur la décision juridique et il s'agit là d'un appel fondé uniquement sur les questions juridiques. On demande à réentendre la cause. On a eu l'autre jour la cause d'un M. Borman, dont j'ignore le prénom. Il a subi un procès dans le Missouri, il y a quelques années, et en étudiant le compte rendu on a renvoyé la cause hors de cour. On a maintenant institué un nouveau procès. C'est toute une autre affaire, à mon sens.

Est-ce que l'Association du Corps canadien a une opinion à ce sujet-là? Il me semble que

[*Text*]

mittee has faced the argument of whether or not there should be an appeal board independent from the Department, but they really have not faced up to what grounds the appeal board is going to accept and what the appeal is really going to be. It seems to me that from the veteran's point of view that is much more important than who is hearing it.

Mr. Chadderton: Mr. Chairman, I think the Woods Committee comment dealing with appeal boards is quite broad and quite comprehensive. As I see it the thread running through it is that this appeal board should be careful to avoid legal concepts and legal procedures; that its rules of procedure should be sufficiently broad that it would have discretion to call for and hear any evidence that it might wish. It was envisaged that this appeal board would work in pretty close conjunction with the Veterans' Bureau and with the service bureaus and pensions advocates of the veterans organizations to try to establish some rapport on how it was best going to proceed.

I know it was quite specific in saying that firm ground rules, as such, would be a mistake at this stage because Mr. Justice Woods and his colleagues saw the putting into effect of something fairly loose as an appeal board. They did say—and it is specific—that there are three ways in which a case could get before that board, but that the board would have leave to say how the case would be heard. That is quite true. They have to have a check rein. I mean, every veteran might say, "I want to go right to the top." The Board has to lay down the rule somewhere and say "No; you have had a hearing and on the basis of the evidence we feel that that is it. You cannot go any further." But presumably if they were still in doubt they could let him into the second stage and into the third stage.

I think the only answer to your question, Mr. Peters, as we interpret the Woods Committee recommendations here, is that Mr. Justice Woods foresaw the very problem that you are raising now, and he said, "Let us not tie this down to where it is so tight and so stringent that you have got to dot all the "i's" and cross all the "t's" before anybody can get in." He said: "Let us leave it open, and let us get a basis of experience behind us on how we are going to operate." I think that is the answer.

Mr. Parsons: I might point out, Mr. Peters, that the applicant under this system will have had at least three prior hearings, two in writing and one by personal appearance before an

[*Interpretation*]

le comité a étudié les arguments quant à l'indépendance de la commission d'appel, distincte du Ministère mais qu'il n'a pas étudié les motifs que la Commission d'appel acceptera ni en quoi les appels consisteront. Il me semble que pour l'ancien combattant, c'est beaucoup plus important que celui qui entendra l'appel.

M. Chadderton: Je crois que les observations de la Commission Woods au sujet des appels sont assez étendues et très complètes. Il me semble que la commission d'appel devrait éviter consciencieusement les embûches juridiques. Ses règlements intérieurs devraient être assez souple pour lui permettre de voir, d'entendre toute la preuve qu'elle peut désirer. On prévoit que la Commission d'appel collaborera étroitement avec le bureau des anciens combattants, les services ou des organisations des anciens combattants pour tenter d'en arriver à établir la façon la plus appropriée de fonctionner.

D'après moi, ce serait une erreur de fixer des règles inflexibles car le juge Woods et ses collègues souhaitaient assez de souplesse dans cette commission d'appel. La commission a affirmé qu'il y avait trois façons de soumettre des causes à la Commission mais que cette dernière doit être libre de déterminer la façon de les entendre. C'est vrai. N'importe quel ancien combattant peut demander d'aller devant un tribunal supérieur. Mais la commission d'appel doit pouvoir se fonder sur quelque chose. Elle doit pouvoir refuser l'appel à un demandeur déjà entendu et l'empêcher d'aller plus loin à la lumière de la preuve déjà faite. Mais s'il y a des doutes, on pourrait permettre à un ancien combattant de procéder à la deuxième étape et à la troisième.

La seule réponse à votre question, monsieur Peters, d'après notre interprétation des recommandations du rapport Woods, c'est que M. Woods a prévu le problème que vous soulevez. Il a décidé de ne pas procéder selon des règles assez strictes pour fermer toutes les portes avant qu'on y pénètre. Il propose que nous accumulions un peu d'expérience dans le domaine pour déterminer la meilleure façon de procéder. C'est là, à mon sens, la réponse.

M. Parsons: J'aimerais signaler, monsieur Peters, que le requérant, si j'ai bien compris serait entendu trois fois, deux fois par écrit, une fois personnellement.

[*Texte*]

entitlement board, with a transcript of the evidence.

I envisage that the cases that will go to the final appeal board will probably be cases with some legal entanglements, such as third party

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involvement, or matters of that kind, that have apparently not been judged correctly by the junior board, and the advocates see a good reason for taking them to a final board for judgment.

A large percentage of the applications for pensions will stop at the entitlement level; they will not get beyond that; I am quite satisfied of that; but there will be some cases—perhaps quite a number, or there may be not so many—that it will be judged are such that they should go for judgment to the final board, which should be made up of people who can make that final decision in a manner satisfactory to the veteran applicants and be so constituted that they do not feel that they are getting anything but honest justice in these final appeals.

I do not feel like tying them down, or hamstringing them, by too many rules and regulations. These have to be broad in cases of this nature. Section 70 of the Act makes it that way; you cannot get around that. That is the way we want it. But no matter what type of personnel you put on the final board it will be charged with making the final decision on a case.

I imagine that a very large number of the cases will be handled by the advocates without the applicant being present. If they want to see the applicant, I believe they would have the power to call him. But he has already had a hearing and a transcript of all that evidence. In other words, their judgment would probably be based more on error of the junior boards than on anything else. That is my feeling.

Mr. Peters: Mr. Chairman, this is very important, because whatever decision we make on how the appeal board should be established is going to hinge to a considerable extent on the evidence we receive from the various veterans organizations that handle cases. I am not able to pick any out of the air—but I am sure they can—that would indicate the type of abuse, or oversight, or neglect, that has become apparent in some of the lower decisions.

I am not really convinced in my own mind about what type of presentation would be desirable on this final appeal; and whatever it is would have considerable bearing on where

[*Interprétation*]

Alors, je crois que les cas qui iraient au tribunal final d'appel seraient des cas qui présentent des embûches juridiques comme l'intérêt d'un tiers ou des aspects qui auraient prêté à des décisions fautives des tribunaux de première instance que les avocats jugent utiles de présenter au tribunal final.

Une grande partie des demandes d'appels cesserait rapidement et serait réglée au premier niveau sans aller plus loin. J'en suis convaincu. Il y en a d'autres, peut-être en grand nombre, ou peut-être moins, qui seront jugées suffisantes pour motiver une audience au tribunal final qui sera lui-même composé de gens aptes à rendre un jugement satisfaisant pour l'ancien combattant, et le convaincre qu'il obtient pleine justice.

Il ne faut pas, à mon avis, les contraindre par des règles étroites. Il faut leur donner leurs coudées franches. L'article 70 de la loi le stipule. C'est ce que nous voulons. Mais le tribunal final, quelle que soit sa composition, devra rendre le jugement final. Je suppose qu'un grand nombre de cas seront réglés par les avocats sans la présence du requérant. Si sa présence est requise, on doit pouvoir le faire comparaître. Mais il a déjà été entendu, et toute la preuve est au compte rendu. Autrement dit, le jugement s'appuierait plutôt sûr, de négligences ou d'erreurs dans les pretance que sur autre chose. C'est ma conviction.

M. Peters: C'est très important car quelle que soit la décision que nous prendrons sur l'établissement de la commission d'appel, il faut tenir compte surtout des preuves que l'on reçoit des différents groupes qui s'occupent des anciens combattants. Je n'ai pas d'exemples à la mémoire, mais eux en ont, j'en suis sûr, de négligences ou d'erreurs dans les premières décisions qui ont été rendues.

Je ne suis pas vraiment convaincu du genre de présentation qui serait souhaitable au tribunal supérieur mais quelle qu'elle soit, elle influera sur les séances du tribunal et sur sa

[*Text*]

the appeal board would sit and what kind of appeal board it would have to be. Because if it is going to be only a review of the files in terms of an error, or an omission, somewhere in the process that we now use, then that could be done by a reviewing board of probably three people sitting in Ottawa handling the files with legal counsel, and in no case with the veteran present.

If it is going to be a re-hearing of the case, at which additional evidence is presented, then it would be a different kind of board and I think it should travel.

I think it is going to hinge on the kind of information that you people can provide us. I am not clear in my own mind what kinds of cases should be appealed beyond the appeal structure we now have. I am not familiar with what kinds of cases should be appealed further than that. For this reason I am rather confused about the type of board I would favour. I am not really sure what they are going to do. I think it is up to the veterans organizations to tell us what types of cases should go to this kind of appeal board. You must know some of them, and you must know why they are not being passed now.

For example, if we pass this change in entitlement the Department is going to have an obligation that will arise from the fact that a veteran was A-1 when he went into the service. This will necessitate a review of all those cases where, within six months, a disability that was of a pre-enlistment nature did not show up. All pre-enlistment problems will disappear by this change in the regulations. They will all have to be reviewed, I presume, and they may be solved long before they reach the appeal board. These would not be the kinds of cases I would envision going to an appeal board.

Mr. Parsons: Speaking from my own experience now, I feel that if the applicant appears with this advocate and witnesses before an entitlement board and after that hearing those who are hearing the case reject it, but those whose business it is to look after him—and who have been trained to do this work—feel that there has been an error, that is the type of case that will go to the board. That is, if you come to the entitlement board with a case, and get a good, clear-cut hearing, with witnesses and all the evidence that the advocate can produce—medical evidence and everything else up to date—and you are rejected—particularly if it is a unanimous rejection—I would say stop there. However, if you lose that on a split decision, by all means go to the Appeal Board.

[*Interpretation*]

composition même. S'il s'agit simplement d'une revision de dossiers pour dépister les erreurs ou les omissions du processus actuel, il suffirait d'un bureau de revision de trois personnes à Ottawa, pour examiner les dossiers avec un avocat sans la présence de l'ancien combattant.

S'il faut réentendre la cause, entendre de nouvelles preuves etc., il faudrait constituer un tribunal d'un genre différent qui pourrait se déplacer.

Tout dépend du genre de preuves et de témoignages que vous pourrez nous fournir. Enfin, moi, je ne suis pas encore certain du genre de causes qui devraient donner lieu à un appel plus loin que la structure que nous avons actuellement. Je ne suis pas très familier avec les causes qui pourraient motiver un appel. C'est pourquoi je me sens un peu empêtré dans ces questions. J'ignore quel sorte de commission je préfère.

Je crois qu'il incombe aux organisations d'anciens combattants de nous dire quel genre d'appel il faudrait interjeter. Vous devez en connaître, et savoir pourquoi on ne les autorise pas. Enfin, vous pouvez nous donner plus de renseignements. Par exemple, si nous adoptons ce changement, le ministère, doit-il avoir une obligation quant aux anciens combattants du fait qu'ils étaient en parfaite santé au moment où ils sont entrés en service? Il s'ensuivrait un examen de tous les cas où l'invalidité ne s'est pas manifestée dans les six mois. Tous les problèmes antérieurs à l'engagement disparaîtront par cette modification. Il faudra tout revoir, je suppose, et tout pourrait se régler avant d'arriver devant la Commission d'appel. Ce ne sont pas des causes que je verrais à la Commission d'Appel.

M. Parsons: Monsieur le président, en fonction de mon expérience, si le requérant se présente avec ses avocats et ses témoins devant une commission d'admissibilité et si après l'audience, cet appel est rejeté, et que ceux qui ont la formation nécessaire pour examiner ces cas estiment qu'une erreur a été commise, ces cas-là doivent être transmis à la commission d'enquête. C'est-à-dire que si on se présente à la commission d'admissibilité, si on obtient un procès en bonne et due forme, avec tous les témoins et les faits présentés par les avocats—état médical, et le reste et s'il y a rejet unanime, je vous dirais: Mais, si on rejette votre demande, sans qu'il y ait unanimité, adressez-vous sans hésiter au Bureau d'appel.

[*Texte*]

Mr. Peters: What do you envisage going to the appeal board on?

Mr. Parsons: On cases of errors.

Mr. Peters: On the medical evidence?

Mr. Parsons: I think that depends on where the error was made. It could be anything. It is mostly legal error.

Mr. Peters: What would you be referring to the Board? Would it be the transcript in the case?

Mr. Parsons: Usually you put the entire evidence in and then point out where you feel errors were made.

Mr. Peters: But not necessarily the witness?

Mr. Parsons: No, you would not need the witness. You might be better off without the witness.

Mr. Peters: So in your opinion the Board could sit in Ottawa without any...

Mr. Parsons: To be quite honest with you, very often I have found it quite convenient and better to attend an appeal board without the witness. Some witnesses are no good at all in an appeal.

Mr. Peters: It has been my experience in a couple of cases that went to...

Mr. Parsons: I could sit here, sir, as my friend Mr. Anderson knows, and name you case after case after case where we have gone from one appeal board to another appeal board—perhaps one, two or three times—and finally won on the basis of an error in the lower courts. I am not prepared to name names or bring any of the evidence out that I do not feel should be mentioned here. In those cases where an error has been indicated to those who are trained to look for it, I would take them to the appeal board. If you come before the Entitlement Board and you get a good hearing, and you know that was the case, I would certainly advise the man to go no further and to forget about it and try some other type of coverage.

Mr. Bigg: Is it not true that in general appeal boards—and I realize this is not an exact parallel—deal with points of law and that ordinary adjudications such as pension hearings are on points of fact?

Mr. Parsons: Yes.

Mr. Bigg: As a rule there is very little argument about whether or not a man has a

[*Interprétation*]

M. Peters: Pourquoi s'adresser au Bureau d'appel?

M. Parsons: Pour les cas où il y a eu erreur.

M. Peters: Sans la preuve médicale?

M. Parsons: Cela dépend où l'erreur a été commise. Cela pourrait être n'importe quoi. Il s'agit surtout d'une erreur juridique.

M. Peters: Que porteriez-vous devant le Bureau? S'agirait-il du texte transcrit dans ce cas?

M. Parsons: Habituellement, vous y insérez tout le témoignage et vous indiquez l'endroit où les erreurs ont, semble-t-il, été commises.

M. Peters: Mais pas nécessairement le témoin?

M. Parsons: Vous n'auriez pas besoin du témoin. Il vaudrait mieux ne pas faire appel au témoin.

M. Peters: Ainsi, à votre avis, le Bureau pourrait siéger à Ottawa sans...

M. Parsons: En toute franchise, j'ai constaté qu'il valait mieux se présenter devant le Bureau d'appel sans témoin, car certains témoins embrouillent alors les choses.

M. Peters: C'est ce que j'ai pu constater dans une couple de cas...

M. Parsons: Monsieur, je pourrais m'asseoir et mon ami monsieur Anderson peut vous le dire, et vous nommer un nombre incalculable de cas où nous sommes allés d'un Bureau d'appel à un autre, une, deux ou trois fois, pour finalement gagner notre cause en dénonçant une erreur commise aux tribunaux inférieurs. Je ne suis pas prêt à citer des noms, ou à nommer des témoignages qui, à mon avis, ne devraient pas être mentionnés. Je pourrais présenter au Bureau d'appel les cas où une erreur a été soulignée aux personnes qui sont préparées à les examiner. Si vous vous présentez devant le Bureau d'admissibilité, qu'on vous écoute et que vous savez que tel était le cas, je conseillerais à cet homme de s'en tenir là, d'oublier ses revendications et d'essayer autre chose.

M. Bigg: Est-ce qu'on ne peut pas dire que les Bureaux d'appel, en général, examinent des points de loi et que les décisions ordinaires comme les audiences de pension s'adressent à des questions de fait?

M. Parsons: Oui.

M. Bigg: En général, on ne peut discuter beaucoup pour savoir si un homme est inva-

[*Text*]

physical disability. It is on whether or not an interpretation of the regulations will allow him such compensation. What they are arguing about—or it used to be—is misconduct. There is a word that can be batted around.

Mr. Parsons: I still feel that the final board run into it is where there is third party involvement, or things of that nature.

Mr. Bigg: Yes, legal liability on the part of third persons and the Crown says, "It was not our responsibility, it was somebody else's", so you should go to a private outfit to get compensated, and so on.

Mr. Parsons: I still feel that the final board should be a group which is entirely divorced from the Commission proper. Under that set-up I believe they could hear 90 per cent of the cases right here in Ottawa. I honestly believe they could.

Mr. Bigg: But they should have power to travel if . . .

Mr. Parsons: If they saw fit.

Mr. Bigg: . . . it was necessary to go to Vancouver to see the airport and see what actually happened, and so on.

Mr. Parsons: I would say leave it open to them, but I am quite sure that 90 per cent of the cases could be heard right here.

• 1535

The Chairman: We are very interested in hearing your comments, Mr. Parsons. Are there any other questions at this point in the proceedings?

Mrs. Heesaker: Very well, Mr. Chairman. We are now at the bottom of page 6, gentlemen.

Reference Stabilization of Pensions, Woods' Report Recommendation No. 123.

We unconditionally support the recommendations of the Woods' Committee in respect to the stabilization of all disability pensions—and would further recommend that consideration be given to the stabilization of pensions awarded to members of the permanent force that have been in effect for three years or more, provided that ten years have elapsed since the date of discharge from the forces.

The Canadian Corps Association considers that the government's recommendation in the White Paper on the subject of stabilization of disability pensions is inadequate.

[*Interpretation*]

lide ou non. Il s'agit de savoir si les règlements lui permettent de toucher une telle indemnité. L'objet de la discussion est ou du moins, l'était, la mauvaise conduite. Voilà un mot que l'on peut débattre.

M. Parsons: En une occasion, lorsqu'il y aura une troisième personne impliquée ou quelque chose du genre.

M. Bigg: Oui, la responsabilité juridique de la couronne dit que cela ne relève pas d'une troisième personne, et qu'il s'agissait de quelqu'un d'autre. Vous devriez donc vous adresser au secteur privé pour être indemnisé, et ainsi de suite.

M. Parsons: J'estime encore que le bureau ultime devrait être composé de personnes indépendantes de la commission même. Elles pourraient ainsi entendre 90 p. 100 des cas à Ottawa. Je crois vraiment qu'elles le pourraient.

M. Bigg: Mais ses commissaires devraient avoir la permission de se déplacer, si . . .

M. Parsons: S'ils le jugent nécessaire.

M. Bigg: . . . il était nécessaire d'aller à Vancouver pour voir l'aéroport et voir ce qui s'est passé en réalité.

M. Parsons: Je leur laisserais le loisir de décider, mais je suis bien certain que dans 90 p. 100 des cas, on pourrait tenir l'audience à Ottawa.

Le président: Nous sommes très intéressés à entendre vos commentaires monsieur Parsons. Y a-t-il d'autres questions à poser?

Mme Heesaker: Très bien, monsieur le président. Nous en sommes maintenant au bas de la page 6, messieurs. Stabilisation des pensions, recommandation du rapport Woods n° 123. Nous appuyons sans réserve la recommandation du Comité Woods concernant la stabilisation de toutes les pensions d'invalidité et recommandons de plus qu'on envisage la stabilisation des pensions accordées aux membres des forces permanentes depuis trois ans et plus, à condition que 10 ans se soient écoulés depuis qu'ils ont quitté les forces armées.

L'association du corps canadien estime que la recommandation du gouvernement dans le Livre blanc sur la stabilisation des pensions d'invalidité est inappropriée. Je tiens à dire que lorsqu'ils ont stabilisé les pensions de la Première Guerre mondiale en 1936, l'âge

[*Texte*]

We would like to point out, sir, that when they stabilized the World War I pensions in 1936 the average age of the World War I veteran was the early forties and now you are asking those of us who are World War II veterans to wait until we are around 60 or 65 years of age, and only then if we have had a pension for 10 years. There simply does not seem to be consistency between that which was given to World War I veterans and that which you are asking the World War II veterans to wait for. Are there any questions, Mr. Chairman?

The Chairman: Mr. Peters.

Mr. Peters: May I ask if there are no categories in which a pension is now declared permanent for World War II veterans? Is there now a stabilized and a non-stabilized category?

Mrs. Heesaker: Perhaps Mr. Stroud, our Dominion Resolutions Chairman, will answer that, or Mr. Parsons.

Mr. John Stroud (Dominion Resolutions Chairman, Canadian Corps Association): Tuberculosis is one classification in particular that we know about, where a man comes back and he has a positive reaction and he finds out that he had this illness during his service. He goes into hospital and then when he is considered after hospitalization his pension is gradually reduced to 50 per cent. It is only in that category that there is a permanency of pension.

Mr. Peters: What about a person who has lost a member? Is this not a permanent disability in terms of stabilization?

Mr. Stroud: We would consider it permanent and, as a matter of fact, we have experienced this among our Hong Kong boys were it was considered they had some mental disorders and a pension was given, and then when it came up later under another examiner there was a reduction in pension. This person may have been on pension for a number of years and if stabilization had been in effect he would not have had the reduction.

Mr. Peters: What about obvious things such as a leg amputation; is that not stabilized?

Mr. Stroud: They are stabilized, and gunshot wounds are stabilized.

[*Interprétation*]

moyen des anciens combattants se situait dans la quarantaine.

Maintenant, vous nous demandez à nous, des anciens combattants de la Seconde Guerre mondiale, d'attendre d'avoir 60 ou 65 ans et c'est seulement à ce moment-là, après avoir eu une pension pendant dix ans. Il me semble que ce n'est pas conforme à ce qui a été donné aux anciens combattants de la Première Guerre mondiale et à l'attente que vous exigez des anciens combattants de la Seconde Guerre mondiale. Y a-t-il d'autres questions, monsieur le président?

Le président: Monsieur Peters.

M. Peters: Y a-t-il des catégories dans lesquelles la pension est déclarée permanente pour les anciens combattants de la Seconde Guerre mondiale? Y a-t-il une catégorie stabilisée ou non stabilisée?

Mme Heesaker: Monsieur Stroud, notre président national des Résolutions vous répondra peut-être, ou monsieur Parsons.

M. J. Stroud (Président national des Résolutions de l'Association du Corps canadien): La tuberculose est une catégorie que nous connaissons. Un homme est revenu de guerre et a une réaction positive à la maladie. Il s'aperçoit qu'il avait cette maladie pendant son service. Il est hospitalisé, et après son hospitalisation, on diminue graduellement sa pension à 50 p. 100. C'est seulement dans cette catégorie qu'il y a permanence de la pension.

M. Peters: Qu'arrive-t-il à la personne qui a perdu un membre? Est-ce que cela ne fait pas l'objet de la stabilisation d'une pension à cause de l'infirmité permanente que cela représente?

M. Stroud: Nous le considérerions comme permanent et, en fait, nous l'avons constaté chez les anciens combattants de Hong Kong où il y avait quelques désordres mentaux et on a accordé une pension, mais lorsqu'un autre examinateur s'est présenté, il y a eu réduction de la pension. La personne a peut-être touché une pension pendant des années. Si la stabilisation avait été appliquée, cette réduction n'aurait pas eu lieu.

M. Peters: Que se passe-t-il pour les cas évidents, comme l'amputation d'une jambe? N'y a-t-il pas stabilisation?

M. Stroud: Il y a stabilisation, ainsi que pour les blessures par arme à feu.

[*Text*]

Mr. Peters: There are now two categories, and one of them are those that are stabilized or can be stabilized. In other words, the Pension Commission has the right to stabilize a pension if they wish?

Mr. Stroud: If they so desire.

Mr. Peters: What you are suggesting is that after a period of time this stabilization be automatic.

Mr. Stroud: Exactly.

Mr. Chadderton: Mr. Chairman, this proposal only deals with medical disabilities, as opposed to gunshot wounds, amputations, and that type of thing. There is no criticism of that. They are marked "apparently permanent" by the Commission and they are never reduced. Once they are marked "AP", apparently permanent, there is no problem. The stabilization policy to which we are referring here only has to do with medical disabilities such as a disease or asthma, that type of thing.

Mr. Bigg: I understand that some doubt was raised in the Committee during the last few hearings about the date when these stabilizations were made, whether it was 1936 or 1948. I want to go on record as saying that I checked over these statements very carefully and it is my understanding that they were definitely stabilized in 1936 by regulation of the Department. This is just to clear up any misapprehension.

The Chairman: We had some testimony from one of the departmental officials in respect to this and I do not think it is the kind of thing about which we can get into a dispute.

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Mr. Bigg: Has that been established?

The Chairman: In fairness to other members of the Committee, we will clarify this by calling back the departmental officials and getting some further documentation. It is not the kind of thing we should have to argue about; I think the record is such that it can be established quite easily.

Mr. Bigg: It will be from now on, in any event.

Mr. Chadderton: If I may speak to that, Mr. Chairman, I understand my name was involved in it but I have not seen the record yet. When I do, and if my statement is in dispute, I will ask the Committee to do what-

[*Interpretation*]

M. Peters: Il y a maintenant deux catégories, dont l'une est ou peut être stabilisée. Autrement dit, la Commission canadienne des pensions a le droit de stabiliser une pension si elle désire?

M. Stroud: Si elle désire.

M. Peters: Vous demandez qu'après une certaine période, la stabilisation se fasse automatiquement.

M. Stroud: Oui.

M. Chadderton: Monsieur le président, cette idée se rapporte uniquement aux infirmités sur le plan de la santé par opposition aux amputations dues aux blessures par arme à feu et ce genre de choses. Il n'y a aucune critique à ce sujet. La Commission a apposé les termes «permanente en apparence», et ils ne font jamais l'objet d'une diminution. Dès qu'ils auront cette apposition il n'y a pas de problème. La politique de stabilisation dont nous parlons se rapporte uniquement aux incapacités sur le plan de la santé comme une maladie, l'asthme ou quelque chose du genre.

M. Bigg: Je crois que des doutes ont été soulevés au Comité au cours des dernières audiences à propos de la date quand ces stabilisations ont été effectuées, en 1936 ou en 1948. J'aimerais que le compte rendu indique que j'ai vérifié ces déclarations très attentivement et je crois comprendre qu'elles ont été stabilisées en 1936 par un règlement du Ministère. Je ne voulais que rétablir quelque malentendu.

Le président: Un des fonctionnaires supérieurs du ministère est venu témoigner à ce sujet et je ne crois pas que ce soit le genre de choses qui devrait entraîner des malentendus.

M. Bigg: Est-ce que cela a été établi?

Le président: En toute franchise pour les autres membres du Comité, nous l'éclaircirons en convoquant à nouveau ces fonctionnaires et en nous procurant plus de renseignements. Il ne s'agit pas d'un genre de choses qui devraient faire l'objet de contestations. Ce sont des faits qu'on peut retrouver très facilement.

M. Bigg: Ce sera ainsi, à partir d'aujourd'hui.

M. Chadderton: Je sais qu'on a cité mon nom, mais je n'ai pas encore vu le compte rendu. Quand je l'aurai fait et si ma déclaration est contestée, je demanderai au Comité de faire tout ce qu'il pense juste et équitable

[*Texte*]

ever they think is fair and just with respect to having me come back to give an explanation of it.

The Chairman: It is not the kind of thing that we should have a prolonged dispute about. Surely we can establish the date of departmental policy.

Mr. Bigg: I would not expect one, Mr. Chairman, so we can stop it now, if you like.

The Chairman: Thank you, Mr. Bigg.

Mrs. Heesaker: Mr. Chairman, I will refer the gentlemen to...

The Chairman: Mrs. Heesaker, may I suggest that we adjourn for coffee for five minutes and then we will resume.

Mrs. Heesaker: I will agree if it includes tea.

The Chairman: I think it does include tea, but I am not sure.

• 1550

COFFEE BREAK

• 1552

The Chairman: Members of the Committee, I draw to your attention that it is now 3:52 p.m. and while we could extend our sitting there are certain problems with regard to staff and facilities. There is still a fair amount to be reviewed and discussed in the brief before us. Would you like to continue, Mrs. Heesaker?

Mrs. Heesaker: We are in the middle of page 7 now, gentlemen.

Re. Improper conduct—Section 14 of the Pension Act, covered by Recommendations 127 and 128 of the Woods Committee.

The Canadian Corps Association strongly supports the above recommendations that Section 14 of the Pension Act should be rewritten to provide that the interpretation of this section should refer only to wilful disobedience of a lawful command, self-inflicted wounds or injuries, vicious or criminal conduct—nothing more. Further, that where the death of a veteran results from the so-called disobedience of lawful orders, the section should be disregarded and any dependants should be covered as provided under Section 13. Further, that where it is established that any self-self-inflicted injury or wound was incurred while the veteran was of unsound mind, Section 13 should apply.

[*Interprétation*]

pour que je revienne y donner une explication.

Le président: Ce ne sont pas des choses qui devraient faire l'objet d'une longue dispute. Nous pouvons sans aucun doute fixer la date de la politique du Ministère.

M. Bigg: Je n'en attendrais pas une, monsieur le président. Nous pouvons nous arrêter, si vous le voulez.

Le président: Merci, monsieur Bigg.

Mme Heesaker: Monsieur le président, j'informerais ces messieurs que . . .

Le président: Madame Heesaker, puis-je proposer d'ajourner la séance pendant cinq minutes pour le café. Nous reprendrons ensuite.

Mme Heesaker: Je suis d'accord si cela comprend le thé.

Le président: Je le crois, mais je n'en suis pas certain.

PAUSE-CAFÉ

Le président: J'aimerais faire remarquer aux membres du Comité qu'il est 15 h. 52 et que, même si nous pouvons allonger la séance, il y a certains problèmes de personnel et d'installations. Il reste encore beaucoup à voir dans ce mémoire. Voudriez-vous continuer, madame Heesaker?

Mme Heesaker: Nous sommes rendus au milieu de la page 7, messieurs.

Mauvaise conduite—Article 14 de la Loi sur les pensions—renvoi aux recommandations nos 127 et 128 du rapport Woods

L'Association du Corps canadien appuie fortement les propositions susmentionnées, à savoir que l'article 14 de la Loi sur les pensions soit remanié de telle sorte que l'interprétation de cet article se réfère uniquement à la désobéissance volontaire à un ordre légitime, aux blessures que l'ancien combattant s'est lui-même infligé ou à sa conduite criminelle ou méchante, et rien d'autre. De plus, si la mort de l'ancien combattant découle de sa présumée désobéissance à un ordre légitime, l'article en question ne s'appliquerait pas, si bien que les personnes à sa charge pourraient invoquer les dispositions de l'article 13; d'autre part, l'article 13 s'appliquerait lorsqu'il serait établie que l'ancien combattant se

[*Text*]

We further recommend that the contracting of Venereal Disease be no longer considered as improper conduct, except where failure to report as required by legislation results in excessive disability, but again, this shall not apply where the disability resulting from such contraction is total, or results in the death of the veteran from the disease or the complications arising therefrom. The Canadian Corps Association does not feel that the government's White Paper records any adequate recommendations on this subject, Mr. Chairman.

• 1555

The Chairman: I believe, Mrs. Heesaker, there are some additional observations which are part of the transcript and when you have had an opportunity to examine them—the transcript unfortunately is not available—you may want to amend what you have said in this respect. I hope there will be some improvement in terms of what you are suggesting.

Mrs. Heesaker: We are satisfied, sir, to wait to read the transcript.

The Chairman: Fine.

Mrs. Heesaker: If there are no questions from the Committee I will proceed, gentlemen. On page 8, Re. Attendance Allowance.

The Canadian Corps Association welcomes the proposal of the government's White Paper that the Pension Act be amended to state unequivocally that attendance allowance is not considered part of any pension paid for disability; we are also pleased that the government rejected Recommendation 82 of the Woods Committee that would have restricted the payment of attendance allowance to those whose need is conditional to some degree at least, on their pensioned disabilities. We question, however, the government's proposal concerning the payment of this allowance for only one month, except in cases of hardship, when a pensioner is in the hospital. Section 33 (3) of the Pension Act provides that the attendance allowance paid to a pensioner who is blind, shall continue during the time that he is an inpatient under treatment or care of the Department of Veterans Affairs. In view of the fact that this procedure for the blind has been in effect since 1954, the Canadian Corps Association supports the Woods Committee recommendation that this provision be extended to all other pensioners in receipt of

[*Interpretation*]

serait infligé une blessure au moment où il n'était pas sain d'esprit.

Nous préconisons, en outre, que le fait de contracter une maladie vénérienne ne soit plus interprété comme une preuve de mauvaise conduite, sauf lorsque l'omission d'en faire rapport, ainsi que le veut le règlement, entraîne une très grave infirmité; néanmoins, cette disposition ne s'appliquerait pas, encore une fois, lorsque l'infirmité découlant de cette maladie serait totale, ou bien si l'ancien combattant mourait de la maladie en cause ou de ses suites.

L'Association du Corps canadien est d'avis que le Livre blanc du gouvernement ne renferme aucune proposition valable à ce sujet, monsieur le président.

Le président: Je crois qu'on a eu des précisions à ce sujet, qui se trouvent dans le compte rendu des délibérations mais, malheureusement, ce compte rendu n'est pas encore disponible, et j'espère qu'il y aura des améliorations qui seront faites à ce sujet.

Mme Heesaker: Nous attendrons de lire le compte rendu monsieur le président.

Le président: Parfait.

Mme Heesaker: S'il n'y a pas de questions, je vais continuer, messieurs. Page 8, Allocation de soins.

L'Association du Corps canadien se déclare ravie de la proposition faite par le gouvernement dans le Livre blanc, à savoir de modifier la Loi sur les pensions pour qu'il soit dit sans équivoque que l'allocation de soins n'est pas une partie de la pension versée à l'égard de quelque invalidité; nous sommes heureux, en outre, que le gouvernement ait rejeté la proposition nº 82 du Comité Woods, laquelle entendait restreindre le versement des allocations de soins à ceux dont les besoins dépendent, à tout le moins dans une certaine mesure, de l'invalidité faisant l'objet d'une pension. Nous ne pouvons consentir, toutefois, à la proposition gouvernementale concernant le versement de cette allocation pour un mois seulement, sauf pour prévenir la gêne, lorsqu'un pensionné est hospitalisé. Selon l'article 33 (3) de la Loi sur les pensions, l'allocation de soins que perçoit un pensionné aveugle doit être maintenue lorsque, à titre de patient, il est sous traitement ou sous les soins du ministère des Affaires des anciens combattants. Etant donné que ces dispositions intéressant les aveugles sont en vigueur depuis

[*Texte*]

attendance allowance at the maximum rate while an inpatient under treatment or care of the Department of Veterans Affairs.

Are there any questions, Mr. Chairman?

The Chairman: Are there any questions from the Committee?

Mr. Bigg: That also will be qualified, I think, in the transcript, Mr. Chairman.

The Chairman: There certainly are comments, but it seems to me that this point has been covered.

Mrs. Heesaker: Continuation of Pension upon the Death of a Veteran Pensioner—Woods Committee Recommendations 109 and 110.

Upon the death of a pensioner, particularly in the higher categories, classes one to nine with or without attendance allowance, but particularly with the allowance, the widow suffers a drastic reduction in income on the death of the veteran. Many have mortgage payments, death expenses and other items to pay with no assistance in so doing. We usually find, too, that the widow will try to keep the home going, regardless, and she is placed in a most unfavourable financial position.

We, therefore, strongly support Recommendation 109 of the Woods Committee Report and suggest this be treated as a priority item, and I quote: "That pension at married rate be continued following the death of a pensioner who, at the time of his death, was in receipt of pension for a dependant wife, child or parent that was caring for him for a period of not less than twelve (12) months...this to include all classes of pension." We also concur further with Recommendation 110 with respect to attendance allowance, that it be continued after the death of the veteran for a period of not less than two months following the death of the veteran. This is to be two clear months, not including the month in which the veteran died. The Canadian Corps Association cannot accept the government's White Paper's disinterest in the needs of our deceased veterans' widows. Surely it cannot be

• 1600

construed that granting one month's pension after the death of a pensioner will bring any alleviation of the widow's financial problems.

Are there any questions, sir?

[*Interprétation*]

1954, l'Association du Corps canadien appuie la proposition du Comité Woods, c'est-à-dire d'en faire également profiter tous les autres pensionnés qui reçoivent une allocation de soins au taux maximum, alors qu'hospitalisés ils sont sous traitement ou sous les soins du ministère des Affaires des anciens combattants.

Y a-t-il des questions, monsieur le pésident?

Le président: Messieurs, avez-vous des questions?

M. Bigg: Je crois que ceci figurera également au compte rendu.

Le président: Il y a des commentaires mais je crois que ce point a été étudié.

Mme Heesaker: Versement de la pension suivant le décès d'un ancien combattant pensionné—renvoi aux recommandations nos 109 et 110 du comité Woods.

A la mort d'un pensionné, surtout dans les catégories de pension supérieures (classes 1 à 9), qu'il s'y ajoute ou non une allocation de soins, la veuve de l'ancien combattant voit alors son revenu sensiblement diminué. Beaucoup parmi elles ont des paiements hypothécaires, des frais d'enterrement ou d'autres dépenses à acquitter, sans pouvoir jouir d'aucune aide quelconque. Nous constatons aussi que les veuves s'efforcent de garder leur train domestique intact, ce qui les plonge dans une situation financière des plus précaire. C'est pourquoi nous appuyons fortement la proposition n° 109 du Comité Woods, laquelle prime tout, à notre sens, soit «que la pension versée au taux applicable aux personnes mariées soit maintenue à la suite du décès d'un pensionné qui, à sa mort, recevait une pension à l'égard d'une personne à sa charge (épouse, enfant ou parent) qui prenait soin de lui, et ce pour une période d'au moins douze (12) mois.. la chose devant s'appliquer à toutes les classes de pension.»Nous sommes aussi d'accord au sujet de la proposition nº 110 concernant les allocations de soins, à savoir que celles-ci soient maintenues, après la mort de l'ancien combattant, pour une période d'au moins deux mois, c'est-à-dire deux mois révolus, à l'exclusion du mois au cours duquel le décès s'est produit. L'Association du Corps canadien ne peut laisser le gouvernement se désintéresser, dans le Livre blanc, des besoins qu'éprouvent les veuves d'anciens combattants. On ne peut réellement croire, certes, qu'un seul versement supplémentaire mensuel, à la suite du

[*Text*]

The Chairman: Are they any questions by members of the Committee?

Mr. Guay (St. Boniface): I do not think we want to make the delegation feel that we are not interested in their presentation, but we have dealt with this in several of the other briefs as, I think, members of the Committee are well aware, Mr. Chairman.

Mrs. Heesaker: Fine. We are now at the bottom of page 9. Re Hong Kong Veterans, Woods Committee Recommendations 92 and 93.

Owing to the number of recent deaths of Hong Kong veterans and the fact that approximately 395 are still receiving disability pensions of less than 48 per cent, we heartily support Recommendations 92 and 93 of the Woods Committee Report dealing respectively with a minimum pension basis of Class 11 for all Hong Kong veterans who were interned as prisoners of war by the Japanese and that widows of ex-members of this force be eligible for consideration of an award of widows pension under the compassionate pension section of the Pension Act where the veteran has died prior to the inception of this legislation and that this eligibility shall be based on the presumption that unless rebutted, the death was attributable to service.

Rebuttal should be allowed only to be considered in the case of accidental death at the hands of third party or parties, or self-inflicted wounds, except that in the latter, the condition of unsound mind shall be considered as related to service-incurred disability, that is, neurosis or allied mental strain.

Every veteran in Canada, we are sure, shares the Hong Kong veterans' joy that as a result of the recommendations recorded in the government's White Paper, they may soon receive their just compensation. The Canadian Corps Association as a whole and our Hong Kong veterans, in particular, may at last see a successful conclusion to all our years of research and study of the health deterioration of the gallant Canadians who served in the Hong Kong campaign.

[*Interpretation*]

décès d'un pensionné, puisse alléger le fardeau financier des veuves d'anciens combattants.

Y a-t-il des questions, monsieur le président?

Le président: Est-ce qu'il y a des questions venant des membres du Comité?

M. Guay (St-Boniface): Nous avons traité de cette question dans plusieurs autres mémoires. Nous ne voulons pas faire croire aux membres de la délégation que nous nous ennuyons à lire cette partie-là, mais disons que cela a été fort bien couvert déjà.

Mme Heesaker: Parfait. Nous sommes maintenant rendus au bas de la page 9.
Anciens combattants de Hong Kong—renvoi aux recommendations nos 92 et 93 du Comité Woods

Étant donné le nombre des décès survenus récemment parmi les anciens combattants de Hong-Kong et vu qu'approximativement 395 d'entre eux reçoivent encore une pension d'invalidité de moins de 48 p. 100, nous appuyons chaleureusement les propositions numéros 92 et 93 du rapport du Comité Woods qui ont trait, respectivement, à la pension de base minimum pour les ex-militaires de Hong-Kong, qui ont été internés par les Japonais au cours de la guerre, et à la proposition voulant que les veuves des anciens militaires de ce groupe soient admissibles à la pension des veuves prévue en vertu de l'article relatif la pension de commissération de la Loi sur les pensions, pour le cas où l'ancien combattant en question soit mort avant que cette mesure législative entrât en vigueur; en outre, que cette admissibilité, à moins que le bien-fondé n'en soit réfuté, soit prévue parce qu'il est présumé que la mort a été attribuable au service militaire. La réfutation ne peut être autorisée que s'il s'agit d'une mort accidentelle due à un ou à des tiers ou à des blessures que le défunt s'est infligé lui-même, sans que, dans ce dernier cas, le dérangement mental doive être considéré comme se rattachant à une infirmité découlant du service militaire, c'est-à-dire la névrose ou l'effort mental apparenté.

Tous les anciens combattants au Canada, nous en sommes sûrs, partagent la joie que doivent éprouver ceux qui ont combattu à Hong-Kong, à l'idée d'être équitablement dédommagés sous peu, au titre de la proposition formulée par le gouvernement dans le Livre blanc. L'Association du Corps canadien en général, et nos anciens combattants de Hong-Kong en particulier, verront finalement la conclusion heureuse des études et recherches accomplies depuis des années sur la détérioration de l'état de santé des vaillants

[*Texte*]

Are there any questions or observations, sir?

The Chairman: Members of the Committee, do you have any comments? I think that substantially what you have asked for here has been indicated as having been accepted.

Mrs. Heesaker: That is right.

Continuation of Pension for Children up to age 25 when Undergoing Course of Instruction

The Canadian Corps Association feels sure all members of the Standing Committee will agree that Section 26(1)(b) of the Pension Act is decidedly outdated, which provides for continuation of pension to age 21 for a child taking a course of instruction. In this present day of higher education demands by employers, it is necessary that a boy or girl who has the required ability should continue their education beyond the secondary school level and, in fact, through university. Rarely is any such achievement reached at age 21 and thus the Canadian Corps Association endorses Woods Committee Recommendation 108, which states and I quote:

> That Section 26(1)(b) of the Pension Act be amended to provide that pension may be continued on behalf of a child undergoing a course of instruction up to age 25 years or to the date which may be necessary to enable him to complete the academic year in which he attains that age, provided that:
> (a) the Commission may extend the period prescribed above where it is satisfied that because of ill health or other cause the student was unable to resume or commence a course of instruction in an educational institution within the time limit; and
> (b) the pensioner continues to contribute the major share, where possible, of the financial requirements for maintenance and costs associated with the student's schooling.

To substantiate the necessity for this amendment, the Canadian Corps Association draws the Standing Committee's attention to the fact that the Education Assistance Act under which educational assistance is provided to the children of the war dead and deceased pensioners provides for pension payments to

[*Interprétation*]

Canadiens qui se sont distingués au cours de la campagne de Hong-Kong.

Y a-t-il des questions ou des observations, monsieur?

Le président: Y a-t-il des remarques, des commentaires, des observations à ce sujet de la part des membres du Comité? Je crois que nous sommes généralement d'accord avec vous là-dessus.

Mme Heesaker: C'est bon.

Versement de la pension jusqu'à 25 ans à l'égard des enfants qui suivent un cours d'enseignement.

L'Association du Corps canadien a la certitude que les membres du comité permanent estimeront à l'unanimité que l'article 26 (1) *b*) de la Loi sur les pensions, celui qui prévoit le versement de la pension jusqu'à 21 ans à l'égard des enfants qui poursuivent leurs études, est absolument désuet. A l'heure où les employeurs insistent sur une éducation supérieure, il est indispensable à un jeune homme ou à une jeune fille ayant les aptitudes voulues, de poursuivre ses études au delà du niveau secondaire et même de finir son cours universitaire. Or, il est rare que la chose puisse se faire avant 21 ans; c'est pourquoi l'Association du Corps canadien appuie la proposition nº 108 du Comité Woods, laquelle se lit comme il suit:

Que l'on modifie l'article 26 (1)b) de la Loi sur les pensions de façon à prévoir la prolongation de la pension versée à l'égard d'un enfant qui suit un cours d'enseignement jusqu'à ce que cet étudiant atteigne l'âge de 25 ans, sauf dans la mesure qui lui permettra, lorsqu'il atteint cet âge, de terminer son année scolaire, à condition que:

> *a*) la Commission puisse prolonger la période indiquée ci-dessus lorsqu'elle peut s'assurer que la santé de l'étudiant, ou toute autre raison valable, a empêché l'étudiant de reprendre ou commencer ses études dans une maison d'enseignement dans les délais prescrits, et que
> *b*) le pensionné continue à assumer la majorité des frais nécessités par l'entretien et l'instruction de l'étudiant.

Pour étayer son argument en faveur d'une telle modification, l'Association du Corps canadien se permet d'appeler l'attention du comité permanent sur les dispositions de la Loi sur l'aide aux enfants des morts de la guerre (éducation), au titre desquelles ces enfants, ainsi que ceux des pensionnés décé-

[*Text*]

age 25 and in some cases, gentlemen, to age 30.

Are there any comments or observations?

The Chairman: Members of the Committee?

Mr. Peters: Yes.

The Chairman: Mr. Peters.

Mr. Peters: Is the Corps suggesting that this be an amendment to the Educational Assistance Act or would it be operated under a section of the pension legislation?

Mrs. Heesaker: It would be an amendment to the Pension Act.

Mr. Parsons: This would have to be an amendment to the Pension Act, if you will pardon me, Mr. Chairman.

The Chairman: Thank you, Mr. Parsons.

Mr. Parsons: In other words, that is the payment for children of living pensioners similar to what they could get as children of the war dead or deceased pensioners.

Mr. Bigg: I gather from this.....

The Chairman: Mr. Bigg.

Mr. Bigg: ...that at this time the children of the war dead already get this.

Mrs. Heesaker: That is right, they do, sir.

The Chairman: Are there other questions?

Mrs. Heesaker:

The Statutory Exemption From Income Tax of Payments Made Under the Pension Act Should be Continued—Woods Committee Recommendation No. 143.

The Woods Committee spent much time in researching this important subject because the Carter Royal Commission on Taxation proposed that war disability pensions should become subject to income tax.

Rather than the Canadian Corps Association taking the Standing Committee's time to elaborate on the number of convincing and forceful reasons why war disability pensions have always been tax exempt, we refer you respectfully to the Woods Committee Recommendation 143 for study, please.

Compensation that is being paid to our Canadian disabled veterans is by law and tradition a very special income earned by our war casualties on the field of battle.

[*Interpretation*]

dés, jouissent d'une aide éducative jusqu'à 25 ans (parfois 30 ans) sous forme de versement d'une pension.

Y a-t-il des questions ou des observations, monsieur?

Le président: Messieurs?

M. Peters: Oui.

Le président: Monsieur Peters.

M. Peters: Devrait-il y avoir une modification à la loi sur l'aide éducationnelle ou cela relèverait-il d'un article de la Loi sur les pensions?

Mme Heesaker: Je crois que ce serait une modification à la Loi sur les pensions.

M. Parsons: Il faudrait que ce soit une modification à la Loi sur les pensions, monsieur le président.

Le président: Merci, monsieur Parsons.

M. Parsons: En d'autres termes, c'est pour aider les enfants de pensionnés vivants comme ceux des pensionnés morts ou ceux des personnes décédées par suite de la guerre.

M. Bigg: Je crois . . .

Le président: Monsieur Bigg.

M. Bigg: Que les enfants des personnes décédées par suite de la guerre recoivent déjà cette aide.

Mme Heesaker: C'est exact.

Le président: Y a-t-il d'autres questions?

Mme Heesaker: Exemption statutaire de l'impôt sur le Revenu en faveur des paiements faits en vertu de la Loi sur les pensions — Renvoi à la recommandation nº 143 du Comité Woods.

Le comité Woods a consacré beaucoup de temps à cette question capitale, car la Commission royale d'enquête sur la fiscalité (commission Carter) a proposé que les pensions d'invalidité de guerre soient déclarées imposables. Plutôt que de prendre le temps du comité permanent pour lui exposer les raisons convaincantes et solides pour lesquelles les pensions d'invalidité de guerre ont toujours été soustraites à l'impôt, l'Association du Corps canadien le prie d'étudier la recommandation nº 143 du Comité Woods.

Le dédommagement versé aux anciens combattants invalides du Canada a toujours été, suivant la loi et la tradition, une rémunération bien particulière que nos blessés de guerre se sont acquis sur le champ de bataille.

[*Texte*]

There are most certainly other ways for the Canadian government to increase tax dollars, rather than to deprive our war pensioners of their just compensation for loss of limbs, sight and so on.

The Chairman: You are aware, Mrs. Heesaker, that there will be public hearings after the White Paper on taxation has been published and I am sure that your organization will have every opportunity to present a brief on this aspect to that committee if you choose to do so. While we are very interested in your views, I think it is a tax matter and a little beyond the terms of reference of this Committee.

Mr. Marshall: Mr. Chairman, Recommendation 143 was accepted unchanged.

An hon. Member: Unchanged, yes, so there is no need for . . .

The Chairman: Nevertheless, I do think that the work of government is such that it would be only fair to tell the people who are before us that it is the committee on taxation that will make recommendations on tax changes and not this Committee.

Mr. Peters: Possibly. It might also be the view of this Committee, maybe, to make a presentation to the taxation committee in their various . . .

The Chairman: Mr. Peters, I have looked up many precedents for committees, but I have yet to find one where one committee appeared before another parliamentary committee to make representation. Maybe Mr. Knowles can correct me in that respect, but I have never heard of it happening.

• 1610

Mr. Peters: Possibly some of us individually may do it.

Mr. Knowles: Perhaps we should wait to see whether it is necessary.

The Chairman: That is a very good observation, Mr. Knowles.

Mr. Guay (St. Boniface): I do not know if that is a good point, but on the other hand the Canadian Corps Association, no doubt, will have the opportunity to present a brief to the . . .

The Chairman: That is the suggestion I was making to the delegation here. I think Mr. Stroud has . . .

[*Interprétation*]

Il y a, à coup sûr, bien d'autres façons pour le gouvernement du Canada d'accroître ses revenus fiscaux, sans qu'il ait à priver nos pensionnés de guerre des sommes qui leur sont versées en dédommagement pour la perte d'un membre, de la vue, et ainsi de suite.

Le président: Je vous signale qu'il y aura des audiences publiques après que le Livre blanc sur la fiscalité aura été publié et je suis certain que votre Association pourra présenter un mémoire sur cette question si vous en décidez ainsi. Je crois qu'il s'agit d'une question fiscale qui est hors du mandat de ce Comité.

M. Marshall: Monsieur le président, la recommandation 143 a été acceptée sans changements.

Une voix: Sans changements, oui, mais il n'y a aucun besoin de . . .

Le président: Il n'est que juste de les aviser que c'est le Comité de la fiscalité qui doit faire des recommandations sur les modifications à la structure fiscale. Cela ne relève pas de nous.

M. Peters: Possible, mais peut-être que notre Comité devrait faire connaître son opinion au Comité de la fiscalité.

Le président: J'ai vu bien des précédents, mais je n'ai jamais vu un comité aller témoigner devant un autre comité pour y faire des représentations. Peut-être que M. Knowles pourrait me corriger.

M. Peters: Peut-être pourrions-nous le faire individuellement.

M. Knowles (Winnipeg-Nord-Centre): Peut-être serait-il préférable d'attendre pour voir si c'est nécessaire.

Le président: Très bien. Excellente remarque, monsieur Knowles.

M. Guay (Saint-Boniface): Le Corps canadien pourra faire un exposé à l'autre comité s'il le veut.

Le président: Oui, c'est ce que je proposais. Monsieur Stroud.

[*Text*]

Mr. Stroud: There is one observation that I would like to make. I recall seeing Members of Parliament from this standing committee appear in front of the Woods Committee which was delegated by the Garber setup, so I do not see any harm in their individually appearing before the taxation committee.

The Chairman: Individual Members of Parliament can go before any committee, but the suggestion that as a committee we go, I think, is something else, Mr. Stroud.

Mr. Knowles: We can always break the tradition. Right?

The Chairman: Right.

An hon. Member: That is a good point.

The Chairman: Would you like to continue?

Mrs. Heesaker: Yes, we are on page 12 now, gentlemen.

Legal Damages, Section 20, 21 and 22.

This section of the Pension Act provides in general terms that where legal damages may be paid as a consequence of the circumstances which cause death or disability for which, in addition, there may be a requirement to pay pension under the Pension Act, the amount of such legal damages shall result either in the reduction of pension, or alternatively, the damages shall be paid to the Crown.

The Canadian Corps Association has objected for many years to this portion of the Act, and we so advised the Woods Committee.

We strongly support the Woods Committee recommendations:—

> That the Act be amended to replace the existing Sections 20, 21 and 22 with a new section which would provide that the Act contain only a provision to prohibit a person from receiving both an award of pension under the Pension Act and an award under the Government Employees Compensation Act or similar legislation of the Federal Government designed to compensate for death or disability where such is attributable to employment in the Government service or has been caused under circumstances which in some manner indicate liability upon the Crown.

The White paper does not adopt this recommendation but proposes that, in capitalizing the amount of damages recovered, the portion for special damages, pain and suffering, and loss of consortium would not affect the pension in payment.

[*Interpretation*]

M. Stroud: Je me souviens d'avoir vu des membres de ce Comité témoigner devant le Comité Woods, qui avaient été délégués par le groupe Barber. Je ne vois donc pas pourquoi ils ne pourraient pas aller témoigner individuellement devant le Comité de la fiscalité.

Le président: Les simples députés peuvent témoigner devant n'importe quel comité, mais c'est une autre affaire, monsieur Stroud, que de faire témoigner un comité.

M. Knowles: On pourrait toujours créer un précédent. Pas vrai?

Le président: En effet.

Une voix: Voilé une bonne suggestion.

Le président: Voudriez-vous continuer?

Mme Heesaker: Page 12, messieurs.

Dommages-intérêts, articles 20, 21 et 22

Règle générale, au titre des dispositions susmentionnées de la Loi sur les pensions, lorsque des dommages-intérêts sont versés à la suite de circonstances ayant entraîné la mort ou l'invalidité et pour lesquelles il peut y avoir, en outre, une obligation d'octroyer une pension au titre de la Loi sur les pensions, le montant de tels dommages-intérêts donne lieu à une diminution de la pension, ou bien il est versé à la Couronne elle-même.

L'Association du Corps canadien s'oppose depuis des années à ces dispositions de la Loi; d'ailleurs, elle en a avisé le Comité Woods.

Nous appuyons fortement la proposition suivante du Comité Woods:

> «Que la Loi soit modifiée afin de remplacer les articles 20, 21 et 22 existants par un nouvel article stipulant une seule interdiction, celle de toucher la pension prévue par la Loi sur les pensions en même temps que l'indemnité prévue par la Loi sur l'indemnisation des employés de l'État ou toute autre législation fédérale semblable visant à indemniser la victime ou ses ayants droit pour le décès ou l'invalidité, lorsque ce décès ou cette invalidité peuvent être reliés au service du gouvernement fédéral ou sont survenus dans des circonstances telles que la Couronne est en quelque sorte tenue d'un dédommagement.»

Tout en rejetant cette proposition, le Livre blanc préconise que, dans la capitalisation du montant recouvert en dommages-intérêts, ce qui est réservé aux dommages particuliers, à la douleur et à la souffrance, et à la perte de cohabitation ne réduise pas le paiement de la pension.

[*Texte*]

The government still proposes to recover any damages awarded for loss of earnings, which makes up the bulk of any third party award.

We feel that the only portion of any third party award, that should be claimed by the Crown is if there is a claim by reason of an expense to the Crown, for example, for medical attention, or loss to the Crown of his services if he were still in the services.

The Chairman: Are there any comments by members of the Committee?

Mr. Peters: The amount of such legal damages shall result either in the reduction of pension or alternatively the damages shall be paid to the Crown. Is this now elective?

Mr. Parsons: It is still in effect. It is apparently going to be modified a little by what is in the White Paper.

Mr. Peters: No, at present is it elective? Can you elect to take the damages or pension?

Mr. Parsons: Yes, you must elect to take one or the other. There is more or less compulsion upon the widow in the case to sue the third party for damages and then the procedure is to turn over the damages as required by the government to the Commission in order to get her pension or they will capitalize those damages and possibly pay her a reduced pension on the capitalized value of those damages.

Mr. Bigg: They do not pay her legal fees if she loses?

Mr. Parsons: They apparently intend to now—not if she loses, no. To the best of my knowledge this kind of thing only applies to a serviceman or a servicewoman in Canda's armed forces. I do not know of any place else where this applies.

The Chairman: You mean the armed forces of no other country in the world use this, is this what you are saying?

Mr. Parsons: I do not think so and certainly the only people in this country who are affected by such a clause as this are our servicemen. That is all. I do not know of anybody else. To my mind it is an imposition, I do not think it is fair. I know, going back now to the early stages of my life with this when the argument came up on this clause—it has been there for a long time—it was said that a peacetime serviceman being killed by a third party on the street and damages were payable would be in a preferred position to

[*Interprétation*]

Le gouvernement se propose toujours de recouvrer tous dommages-intérêts octroyés pour la perte de gains, lesquels constituent le plus clair de tout dédommagement d'un tiers.

Selon nous, les seuls cas où la Couronne peut réclamer une partie quelconque du dédommagement d'un tiers, c'est lorsqu'elle a dû faire certaines dépenses (services médicaux, par exemple) ou qu'elle a perdu les services du requérant, si ce dernier faisait encore partie de l'effectif.

Le président: Commentaires, messieurs?

M. Peters: Le montant de ces dommages-intérêts entraînerait une réduction des pensions ou bien les dommages seraient versés à la Couronne n'y a-t-il pas un choix à faire?

M. Parsons: Oui, cela est toujours en vigueur. On va le modifier quelque peu en fonction du Livre blanc.

M. Peters: Est-ce qu'actuellement on n'a pas le choix; le membre peut-il choisir soit une indemnisation, soit la pension?

M. Parsons: Oui, c'est exact. Il y a parfois des obligations qui imposent à la veuve, lors de poursuites contre un tiers, à remettre les dommages-intérêts au gouvernement afin d'obtenir sa pension. Si elle obtient satisfaction ailleurs le gouvernement réduira proportionnellement la pension qu'il lui versera.

M. Bigg: Paie-t-on les frais de cour, si elle perd?

M. Parsons: Ils ont l'intention de le faire, mais non si elle perd. Autant que je sache, ce genre de chose ne s'applique qu'à un membre des forces canadiennes; je ne connais aucun autre endroit où une telle chose s'applique.

Le président: Cela ne s'applique nulle part ailleurs dans le monde? Est-ce ce que vous dites?

M. Parsons: Cela ne s'applique nulle part ailleurs dans le monde, autant que je sache. Les seules personnes ici au pays qui sont régies par cette disposition ce sont les membres des Forces armées, je ne crois pas que cela s'applique à quelqu'un d'autre. Je ne crois pas que cela soit juste du tout. Lorsqu'on a commencé à appliquer cette disposition, on a stipulé que si un membre des Forces armées était tué, en temps de paix, par un tiers et que des dommages soient payables, il serait dans une meilleure position que celui

[*Text*]

somebody killed during the war on the field of battle. Other arguments have come up from time to time, none of which to me have any really sound basis for argument. I say if that widow is entitled to damages for the loss of her husband she should get those damages and if a pension is payable because of the fact that his death arose out of or was directly connected with service she should get her pension. What is the difference between her and the widow of a man covered by the Compensation Act or some other law?

• 1615

Mr. Bigg: There is one small difference which may have had a bearing on the original statute. At one time the service pensions were what they called "free", and now most pensions are contributary.

Mr. Parsons: Yes, in fact I intended to mention that, Mr. Bigg. I know that in the case of a serviceman the widow's pension is going to come out of the public pocket. I appreciate that fact, nevertheless, it is not such a big pension compared to some of the others she might get. Furthermore, the armed forces are under compulsion to do as they are told. If you are working in industry and you do not like the job that has been assigned to you you can tell your boss where he gets off at and go home. You can quit. But you cannot do that in the forces; you are under the compulsion of the service and to my mind that very fact has a big bearing on this situation right here.

Mr. Bigg: He can be shot.

Mr. Parsons: He has to do as he is told. It does not matter how much danger or what there is in it. He must do as he is told. I have cases in the pot right now; pension has been granted and is held up while something is being done about this. Now, I do not think that is right.

The Chairman: Are there any further questions?

Mrs. Heesaker: Our honourary vice-president would like to comment.

Mr. Chadderton: I just wanted to make sure, Mr. Chairman, the records stand correct on this.

Under Section 20(2) of the Act the Commission may indemnify a person who is required to proceed for any and all costs whether he or she loses the case or not. The government through the Pension Commission will certainly pay the legal costs.

Mr. Bigg: "May".

[*Interpretation*]

qui aurait été tué sur le champ de bataille en temps de guerre. Il y a eu d'autres arguments qui ont été avancés de temps à autre, mais qui, d'après moi, n'étaient pas valables. Je dis que si une veuve a droit à des dommages-intérêts pour la perte de son mari, elle devrait les recevoir, et que, de plus, si une pension est payable parce que la mort de son mari était due ou indirectement reliée au service, elle devrait recevoir sa pension. Quelle est la différence entre elle et la veuve couverte par la Loi sur les indemnités ou toute autre loi?

M. Bigg: Il y a une certaine différence. A un moment donné, les pensions étaient, disons, «gratuites». Actuellement, celui qui la reçoit doit contribuer.

M. Parsons: Oui, j'allais mentionner ce fait. Je sais que dans le cas d'un membre des Forces armées, il faut qu'il contribue mais qu'une partie provient des Fonds publics. Ce n'est pas une grosse pension si on la compare à d'autres qu'elle pourrait recevoir. De plus, les membres des Forces armées doivent faire ce qu'on leur dit de faire. Si vous travaillez dans l'industrie et que vous n'aimez pas l'emploi qu'on vous a donné, vous pouvez démissionner et rentrer chez vous, mais vous ne pouvez pas le faire quand vous êtes dans les Forces armées. N'oubliez pas que cela est très important et il faut en tenir compte.

M. Bigg: Il peut être tué.

M. Parsons: Il doit absolument faire ce qu'on lui commande de faire, qu'il y ait beaucoup de danger ou non, qu'il aime cela ou non.

Le président: Y a-t-il d'autres questions?

Mme Heesaker: Notre vice-président honoraire aimerait faire un commentaire.

M. Chadderton: Je voudrais que l'on inscrive au dossier qu'en vertu de l'article 20(2) de la loi, la commission peut payer les frais, que la personne gagne sa cause ou non. Le gouvernement payera certainement les frais par l'entremise de la Commission des pensions.

M. Bigg: «Peut».

[*Texte*]

The Chairman: Are there any instances where they have refused as far as you are aware, Mr. Chadderton?

Mr. Chadderton: I do not think it is even may—I think it is shall agree to indemnify such persons or anyone acting on his behalf from all or any costs incurred in connection therewith. I do not think it is permissive, Mr. Chairman. My understanding and certainly my experience is that where the pension recipient is required to proceed the government pays the legal costs.

Mr. Bigg: I am glad to hear that.

The Chairman: Thank you, Mr. Chadderton.

The Chairman: Mr. Howard and Mr. Guay.

Mr. Howard (Okanagan Boundary): Mr. Chairman, certainly if a man is killed as the result of third party negligence, his widow would be entitled to a pension as a result of his death. Then at the same time it has been suggested that as a result of a civil action his widow would be entitled to damages. Now his widow would be paid a pension because of his death as a service man. She would be getting paid twice. Is this what you intend?

Mr. Parsons: I think you are missing the point, Mr. Howard. Pension is paid to the permanent forces when the death or disability arises out of or is directly connected with his service duties. In other words, if you are a service man and your duty is to drive a truck from A to B and you are going to get hurt, you be in that truck.

Mr. Bigg: Right. Do not be out to lunch!

Mr. Parsons: Yes.

Mr. Howard (Okanagan Boundary): But the death could still result from a third party action.

Mr. Parsons: It could result from a third party action. He could be off duty, for example. He could be right in his own base and be finished his day's work, have put away his equipment, be on his way home and be killed by a third party. In that case the service is not responsible for his death and there is no pension payable.

The Chairman: But Mr. Howard's case is of a man on duty killed by a third party who is negligent. Is that the way I understand it?

Mr. Parsons: Yes. Actually being on duty at the present time is not always sufficient...

[*Interprétation*]

Le président: Connaissez-vous des cas où on a refusé de payer, monsieur Chadderton?

M. Chadderton: Je crois que ce n'est pas «peut», mais plutôt quelque chose comme «consentira à payer à ces personnes tous les frais—». Je ne crois pas que ce soit facultatif, monsieur le président. Je crois que le gouvernement paie dans tous les cas.

M. Bigg: Je suis content d'entendre cela.

Le président: Merci, monsieur Chadderton. Monsieur Howard et monsieur Guay.

M. Howard (Okanagan-Boundary): Si un membre des Forces est tué par suite de négligence d'un tiers, sa veuve devrait avoir droit à une pension en vertu de son décès. De plus, une action civile pourrait aussi lui rapporter des dommages-intérêts. Elle recevrait double indemnité. Est-ce là votre but?

M. Parsons: Vous ne comprenez pas. On paie une pension aux membres des Forces permanentes lorsque le décès ou l'invalidité était dû ou directement relié au service. Autrement dit, si vous conduisez un camion de A à B et que vous vous fassiez blesser, que ce soit dans le camion...

M. Bigg: Bien. Il ne faut pas être au restaurant du coin.

M. Parsons: Oui.

M. Howard (Okanagan-Boundary): Mais le décès peut toujours résulter de l'action d'une troisième partie.

M. Parsons: Oui, le décès pourrait résulter de l'action d'un tiers. Il pourrait être hors de service, par exemple, à ce moment-là. Il pourrait être à la base et avoir terminé sa journée d'ouvrage, s'en aller chez lui et être tué par un tiers. Dans ce dernier cas, le décès n'est pas dû au service et il n'y a pas de pension versée par les Forces armées.

Le président: Le cas de M. Howard est celui d'un homme au service et tué par une tierce partie négligente.

M. Parsons: Le fait d'être de service n'est pas toujours suffisant...

[*Text*]

Mr. Howard (Okanagan Boundary): But if he is on duty?

The Chairman: Mr. Howard has a case.

Mr. Howard (Okanagan Boundary): But if he is on duty and has a highway accident?

The Chairman: He is posing a hypothetical case. A service man on duty driving a truck is killed and someone else is negligent. Mr. Howard asks whether the man's widow should be entitled to both the pension and the indemnity?

Mr. Parsons: Yes. She would be if his death arose out of and/or was connected with his service. He is driving a truck and somebody slams into him and kills him while he is on assigned duty, the Pension Commission are responsible for him.

The Chairman: Right.

Mr. Parsons: And third party damages, if they are assessable can also be collected.

Mr. Howard (Okanagan Boundary): You are suggesting that that change should be made so that his widow should get both.

Mr. Parsons: His widow should be in the same place as anybody else's wife with a pension payable.

• 1620

The Chairman: Mr. Chadderton, I think, has an observation.

Mr. Peters: In other words the pension is actuarially sound in its own right and it is paid because he was killed in the service. The fact that you could collect from a third party has nothing to do with the actuarial relationship with the amount that he was paying for his pension protection. It is no longer as it was during the war where the third party was always enemy or considered to be enemy and there was no liability. In this case they are covered not by the Canadian Government or the Canadian people carrying the premium on a pension, but the serviceman himself is carrying a pension against that. It is similar to insurance, really.

Mr. Parsons: Mr. Peters, I am not talking about the pension to which he has contributed—a service pension. He contributes to a service pension. I am talking about the Canadian Pension Commission's disability pension.

[*Interpretation*]

M. Howard (Okanagan-Boundary): Mais s'il est de service?

Le président: M. Howard a un bon point.

M. Howard (Okanagan-Boundary): Mais s'il est de service et qu'il ait un accident sur la route?

Le président: C'est un cas hypothétique. Un homme des Forces conduisant un camion est tué par suite de négligence d'une troisième partie. Est-ce que la veuve devrait recevoir à la fois la pension et l'indemnisation?

M. Parsons: Oui, elle devrait les recevoir si le décès est dû ou découle directement du service. Lorsqu'un membre des Forces est de service, la Commission des pensions est responsable pour lui.

Le président: En effet.

M. Parsons: Et s'il y a des dommages-intérêts ils peuvent également être perçus.

M. Howard (Okanagan-Boundary): Vous proposez un changement grâce auquel la veuve pourrait recevoir les deux.

M. Parsons: La veuve devrait se trouver dans une position aussi avantageuse que n'importe quelle femme de quelqu'un pour qui une pension est payable.

Le président: Je crois que M. Chadderton voudrait parler.

M. Peters: Du point de vue actuariel, la pension est un droit et est payée parce que la personne a été tuée alors qu'elle était de service. Les dommages-intérêts provenant d'un tiers n'ont rien à voir avec le montant que cette personne payait pour s'assurer une pension.

Il ne s'agit plus comme c'était le cas pendant la guerre où le tiers était toujours l'ennemi ou était présumé être toujours l'ennemi et qu'il n'y avait pas de recours possible. N'oubliez pas que cette contribution à la pension, c'est un genre d'assurance d'un autre côté pour le membre des forces en service.

M. Parsons: Je ne parle pas de la pension de retraite mais de la pension d'invalidité de la Commission canadienne des pensions.

[*Texte*]

Mr. Chadderton: Mr. Chairman, I want to requote a case I gave before the Committee on September 18 to indicate why we feel that a widow in these circumstances is entitled to both. This was the case of a major who was killed coming back from Korea. Because he was on duty, she was entitled to pension which, with today's rate, would get her $200 a month. Trans-Canada Airlines, as it was called in those days, was liable to the tune of $5,000 under the Warsaw Convention and that poor widow had to make a choice as to whether she could continue to receive $200 a month—mark you, she is a major's widow—or $5,000 third party settlement.

Mr. Howard (Okanagan Boundary): She could not take both.

Mr. Chadderton: That is right, and she cannot yet. Even under your White Paper recommendation, Mr. Chairman, she will still not be able to take both. We subscribe to the fact that the pension is sufficiently small that if some third party insurer wants to give her $20,000 or $100,000, she is entitled to every nickel of it.

The Chairman: Mr. Badanai, you are the past chairman of this Committee and I think this kind of thing has arisen on previous occasions. Do you have some observations here, Mr. Badanai?

Mr. Badanai: Mr. Chairman, yes, in view of the question here on page 12 regarding the Government Employees Compensation Act. For instance, why would you exclude payment to a civil servant?

• 1625

Mr. Parsons: They are not affected.

Mr. Chadderton: All I can say to that, Mr. Chairman, is that this was part of what I prefer to call Mr. Justice Woods' legal judgment. What he thought was that Sections 20, 21 and 22 were ultra vires any pension legislation at all except in this one point. He felt that it was not proper to indemnify a person under the Pension Act and the Government Employees Compensation Act for the same accident because the two things are exactly the same. The Canadian Corps subscribes to the viewpoint of the Woods Committee, sir.

Mr. Turner (London East): Mr. Chairman, what happens with Compensation if a veteran is killed in private industry? Does his wife carry his pension as service pension plus the compensation?

[*Interprétation*]

M. Chadderton: J'aimerais parler à nouveau d'un cas dont j'ai parlé le 18 septembre au comité, pour indiquer pourquoi nous estimons qu'une veuve, dans ces circonsetances, devrait recevoir les deux pensions. Prenez le cas d'un major qui se fait tuer en revenant de Corée; il était de service, alors sa veuve avait droit à une pension de $200 par mois. En vertu du Congrès de Varsovie, la compagnie aérienne devait verser $5,000 à la veuve. Alors, la veuve a dû choisir entre $200 par mois d'un côté ou $5,000 du tiers, et n'oubliez pas qu'il s'agissait de la veuve d'un major.

M. Howard (Okanagan-Boundary): Elle ne pouvait pas recevoir les deux?

M. Chadderton: Non, elle ne pouvait pas recevoir les deux et elle ne le pourrait pas davantage aujourd'hui. Même en vertu de vos recommandations, elle ne pourrait pas recevoir les deux. Alors, nous croyons que la pension est tellement faible que si un tiers doit contribuer une autre indemnité, devrait-elle être de $20,000, la personne devrait être en mesure de recevoir cette indemnité.

Le président: M. Badanai, je crois que cela a déjà été soulevé. Avez-vous des observations à faire?

M. Badanai: Oui, j'ai ici une question, page 12, monsieur le président, au sujet de la Loi concernant l'indemnisation des employés de l'état. Pourquoi exclure les fonctionnaires?

M. Parsons: Ça les touche pas.

M. Chadderton: Tout ce que je peux répondre à cette question, c'est que le juge Woods considérait les articles 20, 21 et 22 comme antistatutaires. Il soutenait qu'il n'était pas juste d'indemniser une personne en vertu de la Loi sur les pensions et de la Loi concernant l'indemnisation des employés de l'État pour le même accident. Le Corps canadien entérine le point de vue du Comité Woods.

M. Turner (London-Est): Qu'est-ce qui se produit dans le cas d'une indemnisation d'un ancien combattant qui est tué en travaillant dans l'industrie; est-ce que l'épouse reçoit une pension en plus d'une indemnisation?

[*Text*]

Mr. Parsons: Do I get this right? Let us say he is a 50 per cent pensioner or higher and the principle applies. No matter how he dies, she gets her widow's pension. I believe in cases where compensation may also be applicable there is an arrangement made between the two.

Mr. Chadderton: No, no.

Mr. Parsons: Is there not?

Mr. Chadderton: No. Under Section 21 of the Act you are out.

Mr. Parsons: You are out, but does not the Commission in some cases collect? She does not collect. I know she will not get more, but does not the Commission, if it feels that Compensation is partly liable...

Mr. Chadderton: It works exactly the same way as third party damages.

Mr. Parsons: Yes. She can only collect the one pension. She is not going to get dual pension.

Mr. Chadderton: Section 21 reads:

> 21. Where a disability or death for which pension is payable is caused under circumstances by reason of which compensation is payable in respect of such disability or death under any provincial Workmen's Compensation Act or legislation...

and so forth. So they cannot have both.

The Chairman: But presumably it could be caused by something other than that.

Mr. Chadderton: Yes. It has to be related. In other words, to quote the classic example, if he has a wooden leg and he slips under the lathe and he is killed, the Workmen's Compensation Board could pay that and by the same token the Canadian Pension Commission could say, "Well, we are not going to continue to pay pension to the widow in that case because this was related to his pensionable disability." That is now covered under the 48 per cent anyway so it would not be affected.

The Chairman: Mr. Guay.

Mr. Guay (St. Boniface): My question is somewhat along the same line as that brought out by Mr. Howard and others. The veteran in question has an alternative, and I think you can clarify it. I am thinking of Mr. Whicher's example of the soldier who was hurt as he stood beside his truck while on duty.

[*Interpretation*]

M. Parsons: S'il est un pensionné à 50 p. 100 ou plus, le principe s'applique. La veuve reçoit la pension de quelque façon que son époux meure. Je suis pour les cas où l'indemnisation s'applique, où il y a un arrangement possible entre les deux.

M. Chadderton: Non, non.

M. Parsons: N'est-ce pas?

M. Chadderton: Non, en vertu de la section 21 cela ne s'applique pas.

M. Parsons: Est-ce que la Commission ne peut pas recueillir les fonds? Est-ce qu'elle ne le fait pas dans certains cas?

M. Chadderton: C'est la même chose que l'indemnisation provenant d'un tiers.

M. Parsons: Oui. Elle ne recevra qu'une seule pension.

M. Chadderton: L'article 21 stipule ce qui suit:

> 21. Lorsqu'une invalidité ou un décès ouvrant droit à pension se produit dans des circonstances justifiant une indemnité en vertu de cette invalidité ou ce décès, toute loi provinciale sur les Accidents de travail...

Et cetera, ils ne peuvent avoir les deux.

Le président: Mais il semble que ça puisse dépendre d'autre chose.

M. Chadderton: Oui. Enfin, prenons le cas d'une personne qui a une jambe de bois et qui se tue à son travail. A ce moment-là, il a droit à une indemnisation en vertu des accidents de travail; il se peut fort bien que la Commission des pensions refusera de verser la pension à la veuve parce que c'est un accident de travail.

Le président: M. Guay.

M. Guay (Saint-Boniface): Ma question se rapproche du point qui a été soulevé par M. Howard et d'autres. Est-ce qu'il n'y a pas une autre option à laquelle peut recourir cet ancien combattant? Je songe à l'exemple de M. Wincher où le soldat a été blessé à côté de son camion alors qu'il était de service. On lui

[*Texte*]

Apparently the judge allowed him $1,500, which he spent, and he has been paying this back. In fact the amount which he is paying back is well over $2,000 and Mr. Whicher questioned why this man had to keep on paying back to the government to receive the government pension.

In the case of the soldier from Korea, let us say that Air Canada had paid the widow $100,000. She then would have had the choice of accepting either the $100,000 or the pension, whichever in her wisdom she felt would be to her advantage. Is that not the case?

Mr. Chadderton: Yes, it is.

Mr. Guay (St. Boniface): So at least widows have a choice and I am sure that in making that choice they would take the better of the two. Normally they do not accept the money and if they do not spend it, they go right into the pension that they normally get.

Mr. Chadderton: That is quite true, sir, but it is a question of contract. When that widow's husband went to Korea, she had every right to expect that if he lost his life for a reason directly connected with service, pension would be paid to her. She is not interested in the intricacies of Sections 20, 21 and 22. Just look at the circumstances. He was on his way home and was killed in a plane crash. Our attitude towards this—all veterans' organizations—is that that is a contract. It is as of right; it is hers.

• 1630

And if somebody were to say, "Look, you are getting pension from the Canadian Pension Commission", according to Mr. Justice Woods' interpretation, that should be taken into account by the court that is deciding how much she should be awarded. Well, we have the cart before the horse. In this situation you have the Canadian Pension Commission ruling arbitrarily that she cannot have pension because somebody else is giving her funds from another source.

Mr. Guay (St. Boniface): Yes, I agree, but I am not clear on this yet. Any of us, Mr. Chairman, could go home by an air flight and the same could happen to us and our wives would feel the same, even while some of us were in the service. Although I am not against your recommendation, my point is that the widow in the case has the choice of whichever of the two is the better. In other words, if widows have the right to choose to their advantage, which we will suggest for the moment would be the Armed Services pension, then I think we are dealing with

[*Interprétation*]

a versé une indemnité de $1,500 et par la suite il a dû rembourser afin de continuer à recevoir sa pension du Gouvernement. Voici ce que je voudrais savoir. Prenons le cas du soldat de la Corée, supposons qu'Air Canada ait versé $100,000 à la veuve. Elle aurait eu à choisir entre $100,000 ou la pension. C'était à elle de porter un jugement à savoir ce serait préférable dans son cas.

M. Chadderton: Oui, c'est cela.

M. Guay (Saint-Boniface): Les veuves ont donc un choix. Et je suis certain qu'elles choisissent ce qu'il y a de mieux entre les deux.

M. Chadderton: C'est vrai, mais c'est une question de contrat. Lorsque son époux est parti pour la Corée, elle s'attendait à ce qu'une pension lui soit versée advenant la mort de son époux. Les embûches contenues aux sections 20, 21 et 22 ne l'intéressent pas. Considérons les circonstances, il revenait chez lui, il s'est fait tuer, elle devrait donc recevoir une pension. Nous considérons qu'il s'agit d'un contrat et que c'est une chose à laquelle elle a droit.

D'après M. le juge Woods la cour devrait tenir compte de la pension qu'elle reçoit de la Commission des pensions avant de décider le montant qu'on doit lui verser. Par conséquent, la Commission des pensions juge arbitrairement qu'elle n'a pas le droit de recevoir une autre pension.

M. Guay (Saint-Boniface): Je suis d'accord, mais j'estime que la veuve a le droit de choisir la meilleure solution. Autrement dit, si les veuves ont le droit de choisir la meilleure solution, alors nous leur faisons justice, est-ce que vous proposez les deux?

[*Text*]

them fairly. Are you suggesting that they should get both?

Mrs. Heesaker: Yes, definitely.

Mr. Chadderton: Yes, they should get both.

Mr. Knowles (Winnipeg North Centre): Let us take the case of members such as Mr. Peters and Mr. Bigg. They have been here long enough that they qualify for the M.P.s' pension and their widows would get the widow's pension. But the widow would also have the right of...

Mrs. Heesaker: ...of suing Air Canada, certainly.

Mr. Knowles (Winnipeg North Centre): If they got the damages it would not effect their widow's pension.

Mr. Guay (St. Boniface): Then my next question to Mr. Chadderton is that because he was on transport he was not really in the field of battle; is this what you mean?

Mr. Chadderton: Yes, in all of these sections 20, 21 and 22 cases, not all of them, there is usually an element of something outside of the direct service connection. Really there is a dual element involved. He is driving a service vehicle so he is doing what he is told to do and he has a compulsion to service. Now, at the same time some Smith Transport smashes into him and kills him. It is only incidental to this thing that he happened to be on duty at that time and his widow would be entitled to pension under Section 13(2) of the Act, as well as entitled to anything from a third party insurer. So these cases always have that element, and this raises another point. Take a look at the small number involved. Take a look at the morale of the situation and I mean this sincerely because it happens in the armed forces. I had a very great connection with army welfare at one time, and this was one thing service people could never understand. They heard about this particular major's case throughout the whole garrison in Calgary, and I do not want to expound on it too much, but the morale of that base just dropped automatically. People just would not believe that any government would turn around and say to this widow you must sue for the $5,000 and when you get it, thank you very much and take it away from her. It just does not make sense.

I realize that there are principles involved where you can argue on both sides of this. We have always admitted that in veterans organizations but the prior principle in this

[*Interpretation*]

Mme Heesaker: Oui.

M. Chadderton: Oui.

M. Knowles (Winnipeg-Nord-Centre): Prenons le cas de M. Peters et M. Bigg. Ils ont droit à la pension des députés et leurs veuves auraient aussi le droit...

Mme Heesaker: De poursuivre Air Canada, oui, certainement.

M. Knowles (Winnipeg-Nord-Centre): S'ils subissent des dommages, la pension de la veuve n'en sera pas touchée.

M. Guay (Saint-Boniface): Ma prochaine question, monsieur Chadderton, est la suivante: voulez-vous dire que, étant donné qu'il était affecté aux transports, il n'était pas vraiment sur le champ de bataille?

M. Chadderton: Oui, les articles 20, 21 et 22, renferment habituellement un élément distinct du service direct. Il y a vraiment un double élément. Parfois le soldat conduit un véhicule de l'armée et s'acquitte ainsi de la tâche qu'on lui a confiée. Il y est contraint par le service, mais voilà qu'un camion de Smith Transport entre en collision avec ce camion militaire et le conducteur perd la vie. Ce n'est que pure coïncidence s'il était alors de service. Sa veuve aurait droit à la pension en vertu du paragraphe (2) de l'article 13 de la Loi de même qu'à tout ce qui lui revient de par l'assurance de ce transporteur commercial. Il y a toujours cet élément et ici se soulève un autre point. Considérez le petit nombre de ceux qui sont en cause. Examinez le moral de la situation. Je suis sincère en cela, parce que la chose arrive dans les forces armées. A un moment donné, je me suis beaucoup occupé du service de bien-être de l'armée. C'était là une chose qu'on ne pouvait comprendre. Toute la garnison de Calgary a eu vent du cas spécial de ce major. Je ne veux pas m'étendre davantage sur cette affaire, mais sachez que le moral de la base a baissé et de façon drastique. Personne ne pouvait comprendre que le gouvernement pouvait faire volte-face en disant à la veuve: poursuivez en justice pour une somme de $5,000, mais dès que vous l'aurez obtenue, nous vous l'enlèverons. La chose n'a pas de sens. Il s'agit là de principes qui comportent du pour et du contre. Dans les organisations des anciens combattants, nous l'avons toujours

[*Texte*]

thing is what is she entitled to under that Pension Act.

Mr. Guay (St. Boniface): The amount is never too great from civil courts anyway.

Mr. Parsons: Pardon me, Mr. Chairman, do not overlook the fact that it is only the serviceman's wife that comes up against this proposition. She is the only one who is going to be affected.

Mr. Bigg: There is another point, Mr. Parsons, that the government only compensates the widow or the veteran on the minimum, his value as a labourer, whereas civil courts take into consideration, sometimes at least, his real value to the widow, his earning power, loss of consortium and all the rest of these things, which in the case of a veteran may be nil, and they compensate accordingly, whereas the government...

The Chairman: I think we will take exception to that, Mr. Bigg.

Mr. Bigg: ...may, may, and in this case the government one sidedly is cutting this widow down to the minimum arbitrarily whereas in law or anywhere else she is entitled to whatever she can get in a court of law. I agree with the presentation that the government have no right unilaterally to cut the woman down to the minimum when she may have lost a great deal more than any pension board can compensate.

The Chairman: I think this is a fairly elaborate point and we could have considerable discussion on it. I wonder if the Committee wishes to pursue it further at this point? I think the brief has made an observation which we have all listened to. Would you like to continue Mrs. Heesaker?

• 1635

Mrs. Heesaker: Yes, certainly, Mr. Chairman. We are on page 13 now gentlemen.

Re Section 13 (2) Pension Act permanent force and militia service Woods Committee Recommendation number 61.

The Canadian Corps Association wholeheartedly supports the recommendation of the Woods Committee, that this clause should be amended to read "Related to Service" and would add that "the compulsion of the service" shall be taken into full account and be the governing factor in awards of pension. Relationship to service to be established when the incident occurs when the man is on duty—temporarily or otherwise—during any period of assigned duty, or during transporta-

[*Interprétation*]

admis, mais le principe premier demeure que la veuve a droit à ce qui lui revient en vertu de la Loi sur les pensions.

M. Guay (Saint-Boniface): Le montant qu'allouent les tribunaux civils n'est jamais trop élevé.

M. Parsons: Monsieur le président, n'oubliez pas que ceci ne concerne que la veuve de l'ancien combattant. Elle fait cause à part.

M. Bigg: Un autre point, monsieur Parsons. Le Gouvernement n'indemnise la veuve de l'ancien combattant qu'au minimum, c'est-à-dire en fonction d'un travail de manœuvre, alors que les tribunaux civils prennent en considération, au moins de temps à autre, la valeur réelle du mari vis-à-vis de son épouse, son revenu, la perte de son entreprise, etc., et la veuve touche une indemnisation conforme. Dans le cas de l'ancien combattant, rien de tout cela, le gouvernement...

Le président: Monsieur Bigg, je crois que nous ne serons pas d'accord sur ce point.

M. Bigg: Certes, vous le pouvez. Le Gouvernement réduit la pension de la veuve au minimum et de façon arbitraire, alors qu'elle a droit à tout ce qu'elle peut obtenir devant un tribunal civil. Je conviens que le Gouvernement n'a pas unilatéralement le droit de couper au minimum la pension de cette veuve à un moment où elle a perdu beaucoup plus que l'équivalent d'une indemnité de chambre et pension.

Le président: C'est une question très compliquée. Nous pourrions avoir une longue discussion à ce sujet. Je me demande si le Comité veut continuer là-dessus. Il me semble que le mémoire contient les observations voulues. Voulez-vous poursuivre, M^me^ Heesaker?

Mme Heesaker: Certainement, monsieur le président. Nous en sommes à la page 19. Article 13(2) Loi sur les pensions (armée permanente et service dans la milice). Renvoi à la recommandation n° 61 du Comité Woods.

L'Association du Corps caandien appuie d'emblée la proposition du Comité Woods demandant que cet article soit modifié de façon à comprendre les mots «rattachés au service» et elle ajouterait qu'il faut tenir pleinement compte du «service obligatoire» qui serait l'élément déterminant pour accorder la pension. Le rapport avec le service militaire doit être établi quand l'incident se produit lorsque le militaire est dans l'accomplissement de ses fonctions (de façon provisoire ou

[*Text*]

tion, or duties allied thereto. Any organized sports program or voluntary program, undertaken with the knowledge and consent of the proper authorities, or wherever employers' liability for the employee is apparent.

The Canadian Corps Association deplores the fact that the government's White Paper makes no reference at all to recommendations concerning peacetime regular force disability pension legislation. We wish to point out, that the government's White Paper goes to great lengths to point out that there are 945,200 veterans of Canada's forces. However, they fail miserably to recognize the fact that we presently have serving forces, some of whom, each day receive their honourable discharge, and as they are not properly recognized by the Canadian government, they are unable to take their rightful place proudly beside the 945,200 veterans.

Before concluding our short discussion today of our permanent forces' situation, the Canadian Corps Association request the Standing Committee on Veterans Affairs to recommend to the government that where treatment is indicated without pensionable award by the Department of Veterans Affairs, and so conveyed to the Department of National Defence, that the regulations should be in full agreement for treatment to continue until the condition is considered to have had all the prescribed treatment in full, even if the treatment or recovery of the ex-service man or woman extends beyond one year after discharge.

Are there any comments, Mr. Chairman.

The Chairman: Members of the Committee?

Mr. Peters: I am interested in the Corps' contention that in this regard the peacetime regular forces be treated the same as wartime service forces.

Mrs. Heesaker: Mr. Chairman, in the first place I, personally, and my colleagues and the majority of veterans hardly class the time we are experiencing today as peace. We class this as a time of stress and these men of our forces today are the people whom you and I are going to call upon, now that we are considered to be over the age bracket of interest, to defend our democratic right tomorrow, next week or next month. So how can we even in the first place class them as peace-

[*Interpretation*]

autrement), au cours d'une période d'affectation, pendant le voyage ou dans l'accomplissement de fonctions qui s'y rattachent, tout programme de sport ou comportant une participation bénévole, exécuté au su et du consentement des autorités compétentes ou lorsque la responsabilité de l'employeur envers l'employé est évidente.

L'Association du Corps canadien déplore le fait que le Livre blanc du Gouvernement ne fait nullement mention des propositions concernant la législation sur les pensions d'invalidité des forces régulières en temps de paix. Nous tenons à signaler que le Livre blanc du Gouvernement s'efforce de faire ressortir qu'il y a 945,200 anciens combattants, jadis dans les forces canadiennes. Par contre, il est honteux de ne pas admettre l'existence des forces actuelles, dont chaque jour des membres reçoivent leur démobilisation avec honneur; ces derniers n'étant pas convenablement reconnus par le gouvernement du Canada, ils ne peuvent prendre place *avec fierté* aux côtés des 945,200 anciens combattants.

Avant de terminer aujourd'hui notre bref exposé de la situation régnant dans l'armée permanente, l'Association du Corps canadien prie le Comité permanent des Affaires des anciens combattants de formuler la proposition suivante au Gouvernement: lorsque le traitement sans octroi de pension est recommandé par le ministère des Affaires des anciens combattants et que cette décision est transmise au ministère de la Défense nationale, le règlement devrait nettement prévoir que ce traitement puisse se poursuivre *jusqu'à ce qu'il soit établi que l'affection en cause a fait l'objet du plein traitement prescrit,* même si le traitement ou la convalescence de l'ex-militaire se prolonge au-delà d'un an après la démobilisation.

Des commentaires, monsieur le président?

Le président: Les membres du Comité?

M. Peters: L'allégation formulée par le Corps, selon laquelle les hommes des forces armées en temps de paix devraient être traités sur le même pied que les forces armées en temps de guerre m'intéresse beaucoup.

Mme Heesaker: Monsieur le président, en premier lieu, je sais—mes collègues ne l'ignorent pas non plus, comme la plupart des anciens combattants d'ailleurs—que la période actuelle que nous vivons peut difficilement être considérée comme un temps de paix. Nous vivons une période critique et les hommes des forces armées de l'heure actuelle sont ceux à qui nous ferons appel demain, la semaine prochaine ou le mois prochain pour défendre nos droits démocratiques. Comment

[*Texte*]

time forces? This is certainly not a peaceful world we are living in. Personally, as a World War II veteran, I feel there should be little difference in the protection that we of World War II enjoy and what the service people who are continuing to serve the armed forces should enjoy at the present time.

I also feel we cannot possibly attract the finest men and women to this country's armed forces unless we do give them protection of this kind. I mean, surely they hear about cases which are cited by our Pensions Advocate, our Honorary Vice-President and our Resolutions Chairman where some of their people are taken in courts and money is taken away from them after the courts have considered their income and the money the widow is to receive. This certainly must have an effect on the morale of people considering joining. Those of us who are veterans of

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Canada, who are raising boys and girls, are we going to recommend that our sons should join the armed forces when we are aware of some of these limitations that are protecting them? I have a son who is 13, he is very interested in the armed forces, he is also interested in belonging to a national veterans organization and perhaps some day being the Dominion President, as his father is, but would I recommend him to go into something that does not even give him the protection that the Compensation Act does. I still state that we are in a time of stress, not peace.

Mr. Peters: Mr. Chairman, it seems to me there is a difference. Of course, I have not thought much about it but it seems to me there is a difference between service people we send to Cyprus or the Gaza Strip and in some other fields of pretty active war and those who serve at Petawawa, Camp Borden and some of the other stations. It seems to me that the country in general does not look on this matter of peacetime service in relation to wartime service. I can see great justification in making a difference for certain categories because of the service they do, but I cannot see the people who are in the peacetime service—in fact I am scared some of them would get the hell out if they thought there was going to be any great effort necessary on their part.

The Chairman: I have doubts about that, Mr. Peters.

Mr. Peters: I would just like to know if the Corps is suggesting that there is a direct equation between peacetime service and vet-

[*Interprétation*]

pouvons-nous, par conséquent, parler de forces armées en temps de paix. Nous ne vivons pas dans un monde pacifique. En tant qu'ancien combattant de la Deuxième Grande guerre, j'estime qu'on devrait assurer la même protection aux membres actuels des forces armées que celle qui nous a été accordée.

Comment pourrons-nous attirer des hommes et des femmes de qualité dans les forces armées, si nous ne leur accordons pas cette protection? En fait, ils sont au courant des cas cités par notre avocat des pensions, notre vice-président honoraire et notre président des résolutions. Ils savent que des anciens combattants ont dû faire des remboursements d'argent après étude par les tribunaux de leur revenu et de celui de leur épouse. Cela n'est pas de nature à améliorer le moral de ceux qui veulent s'enrôler. Croyez-vous que nous allons recommander à nos fils de s'enrôler alors que nous sommes au courant des limitations accordées à leur protection. J'ai un fils de 13 ans que le service dans les forces armées intéresse beaucoup et qui, peut-être un jour, sera membre d'une organisation d'anciens combattants et, comme son père, président national. Est-ce que je vais lui recommander de faire partie d'un mouvement qui ne lui assurerait pas la protection qu'offre la Loi sur les accidents du travail? Je tiens à répéter que nous vivons une période d'agitation. Ce n'est pas un temps de paix.

M. Peters: Monsieur le président, il me semble, à première vue qu'il y a une différence entre les hommes que nous envoyons à Chypre ou sur la lisière de Gaza ou à quelqu'autre endroit où la guerre sévit et ceux qui sont stationnés à Petawawa, à Camp Borden et à d'autres camps. Il me semble qu'on ne fait pas le point entre le service en temps de paix et le service en temps de guerre. Je crois qu'il faut établir une différence entre certaines catégories selon leur service. Je ne vois pas comment ceux qui sont affectés au service en temps de paix pourraient croire qu'on puisse exiger d'eux de grands sacrifices.

Le président: Permettez-moi d'exprimer des doutes à ce sujet, M. Peters.

M. Peters: J'aimerais savoir si le Corps suggère qu'il y a un rapport direct entre le service en temps de paix et les Anciens combat-

[*Text*]

crans and, if so, what special consideration are they, or are they not, asking for on behalf of those who serve in our peacetime forces?

The Chairman: Mr. Parsons?

Mr. Parsons: In wartime service you are covered, under Section 13(1) of the Pensions Act, for anything that is attributable to or incurred during service. In peacetime service, death, injury or disease must arise out of or be directly connected with your service duty. There is a vast difference. We have found that Section 13(2) in its present form—arising out of or directly connected with—has proven to be quite restrictive; too much so, in the opinion of most of us in the business. We dealt with this. I know I dealt with it for quite a while before the Woods Committee back in January 1966—which is a long time ago. Our feeling was that Clause 13(2) should be changed to contain something a little broader than it does at the present time, bringing the coverage for our servicemen in the peacetime forces, except, of course, those in the danger areas, as you mentioned, who come under the wartime section—I am talking now of those you see serving in Canada, out of the danger areas—to bring their coverage more in line with that provided by the compensation acts of all of the provinces. In other words, "on duty" would represent the liability of the employer to the employee—something along that line.

The Woods Committee came up with a suggestion which I think is a very good one. Instead of "arising out of or directly connected with service" they would simply say "related to service"—just the words "related to service"—as a new Section 13(2). I like that. I can see in that a coverage broad enough that they can then be taken care of when there is any relationship to their service, keeping in mind the compulsion of the service which compelled them to do that thing or be where they were.

That is, we are not asking that the peacetime serviceman be covered the same as in wartime—not for peacetime home service. That was a misunderstanding. We are not asking that. But we do ask that he have coverage equivalent to that, say, of a civil servant or a man in industry.

Mr. Knowles (Winnipeg North Centre): Is that all?

Mr. Peters: Recently, in Ottawa, that has not been too much.

Mr. Parsons: Does that clear up the point?

[*Interpretation*]

tants et quels avantages sont ou non demandés à l'égard de ceux qui ont servi dans les forces en temps de paix?

Le président: M. Parsons?

M. Parsons: En temps de guerre, vous êtes protégé contre toute éventualité attribuable au service ou intervenue en cours de service, en vertu de l'article 13(1) de la Loi sur les pensions. S'il s'agit de service en temps de paix, le décès, la blessure ou la maladie doit provenir ou se rattacher directement au service commandé. La différence est grande. Nous avons constaté que les présents termes de l'article 13(2)—provenant ou directement rattaché—ont une portée très restrictive; trop, à mon avis, et à celui de la plupart d'entre nous. Nous avons traité cette question. Je sais que j'en ai traité un bon moment devant le comité Woods en janvier 1966. Nous pensions alors qu'il fallait modifier l'article 13(2) pour en étendre la portée de façon à inclure les membres du service en temps de paix. Ceux qui sont en service dans des secteurs dangereux font l'objet des dispositions relatives au temps de guerre. Je parle maintenant des hommes qui servent ici, au Canada, hors des secteurs dangereux pour qu'ils reçoivent une protection qui soit un peu plus en rapport avec celle que reçoivent les employés en vertu des lois sur les accidents du travail. Quelque chose de ce genre.

Le comité Woods a fait une très bonne suggestion. Au lieu de l'expression «provenant ou rattaché directement au service», on dirait «rattaché au service»—tout simplement—dans ce nouvel article 13(2). J'aime bien cela. La portée est assez étendue pour les protéger quand ils sont rattachés au service—compte tenu du service commandé qui les astreignait à poser tel acte ou à se trouver en tel lieu. Bref, nous ne demandons pas que les militaires reçoivent la même protection en temps de paix qu'en temps de guerre pas en tout cas pour ce qui est du service en temps de paix au Canada. Non, c'était un malentendu. Mais nous demandons qu'ils reçoivent une protection équivalente à celle, disons, du fonctionnaire ou de l'employé dans l'industrie.

M. Knowles (Winnipeg-Nord-Centre): C'est tout!

M. Peters: Récemment, à Ottawa, cela n'a pas été excessif.

M. Parsons: La question est-elle éclaircie?

[*Texte*]

Mr. Peters: Yes; this "related to" would allow you to cover the situation in relation to Cyprus, or the Gaza Strip, or...

Mr. Parsons: No, it would not apply. Cyprus or the Gaza Strip...

The Chairman: I have to point out, Mr. Peters, that we have gone 15 minutes beyond the normal adjournment hour. Do we want to bring the delegation back and continue tomorrow? We have a major problem with staff. There are certain things we can expect them to do and certain things that it is not reasonable for us to expect of them, especially when Parliament is not sitting, and so on. What is the wish of the Committee? I understand you still have a fair amount to cover, Mrs. Heesaker?

Mr. Legault: If it could be completed within 10 minutes or so...

Mr. Knowles (Winnipeg North Centre): No; there is one further page, but there is another document. Is that not so?

Mrs. Heesaker: That is right.

Mr. Bigg: We are not going to finish the document today.

The Chairman: What is the wish of the delegation? Would you like to come back tomorrow morning?

Mrs. Heesaker: We would prefer, if possible, to complete it. We would be very grateful if we could. We all live in our respective towns and cities and we would appreciate having the opportunity of completing it.

The Chairman: I have tried to use some discretion with briefs so that we would avoid this situation. It is not always possible to do so. We are going to run into some staff problems if we continue for a prolonged period.

Mrs. Heesaker: We do not think this will take very long. We would like to read it into the record.

The Chairman: Will members of the Committee keep that in mind, please, and make their questions sharp?

Mr. Knowles (Winnipeg North Centre): Sharp or short?

The Chairman: Sharp.

Mr. Peters: Mr. Chairman, could I ask just one question? Is there a legal definition for the difference between peacetime and the situation where there is an active theatre of war that our peacetime forces will be serving?

[*Interprétation*]

M. Peters: Oui; l'expression «rattaché au» permettrait de corriger la question de Chypre, de la lisière Gaza ou...

M. Parsons: Non, elle ne s'appliquerait pas. Chypre et la lisière Gaza...

Le président: Je vous rappelle, monsieur Peters, que nous avons déjà dépassé de 15 minutes le moment de l'ajournement. Voulez-vous que la délégation revienne demain? Le personnel nous pose un problème. Il y a certaines choses que nous pouvons lui demander et d'autres que nous ne pouvons pas, surtout lorsque le Parlement ne siège pas. Que désire le Comité? Il vous reste, Mme Heesaker, une bonne partie de votre mémoire.

M. Legault: Si vous pouviez l'achever en quelque 10 minutes...

M. Knowles (Winnipeg-Nord-Centre): Non. Il reste encore une page. Mais il y a en outre un autre document, n'est-ce pas?

Mme Heesaker: C'est exact.

M. Bigg: Nous ne pourrons pas finir le document aujourd'hui.

Le président: Que désire la délégation? Voulez-vous revenir demain matin?

Mme Heesaker: Nous préférions le terminer si possible. Nous résidons dans des villes différentes et nous aimerions l'achever.

Le président: J'ai essayé d'éviter cette situation. Ce n'est pas toujours possible. Nous allons nous heurter à des problèmes de personnel si nous poursuivons longtemps encore.

Mme Heesaker: Nous croyons que ce sera court. Nous aimerions poursuivre.

Le président: Messieurs les membres feront bien de s'en tenir à des questions claires.

M. Knowles (Winnipeg-Nord-Centre): Courtes ou claires?

Le président: Claires.

M. Peters: Puis-je poser une seule question? Existe-t-il une distinction légale entre le temps de paix et un théâtre de guerre active que nos troupes sont appelées à desservir?

[*Text*]

The Chairman: May I suggest that perhaps the delegates might like to prepare a supplementary memorandum on this point? We could insert it in our transcript. Would that be satisfactory?

Mr. Parsons: It is already in the Woods Committee Report in full, sir.

The Chairman: And you are endorsing the Woods Committee recommendations?

Mr. Parsons: It is right in there in full; No. 61.

The Chairman: That is fine. I think that covers it.

Mrs. Heesaker: Recommendation 61; it is there and we endorse it fully, sir.

The Chairman: That is it; thank you.

Mrs. Heesaker: I would now ask you, gentlemen, to look at the supplement I gave you. We will read that.

Proposed Directorate of Pensions, Department of Veterans Affairs.

The Canadian Corps Association would wish to register its objections to the proposed establishment of a Directorate of Pensions within the Department of Veterans Affairs, to which would be transferred the administrative and medical staff of the Commission and which would have the responsibility for initial adjudication.

Traditionally, pensions have been administered in Canada by a Commission responsible only to Parliament, through an appropriate Minister of the Crown. This principle was first set out in the Pension Regulations of August 4, 1914, excerpts from which are quoted hereunder:

> (1) There shall be a Commission to be known as the Board of Pension Commissioners for Canada, consisting of 3 members appointed by the Governor in Council (hereinafter called the Commission).
>
> (2) Subject to the regulations hereinafter set out, the Commissioner shall have exclusive jurisdiction and authority to consider and make all grants and payments of military and naval pensions, and of gratuities, allowances and assistance to persons wounded, injured or incapacitated in the military or naval service of Canada (hereinafter called Members of the Forces), or to their dependent relatives, and shall have exclusive jurisdiction and authority to deal with all matters pertaining to such pensions, gratuities, allowances and assistances.

[*Interpretation*]

Le président: La délégation pourrait peut-être préparer sur ce point un mémoire complémentaire que nous pourrions insérer dans notre compte rendu.

M. Parsons: Il a déjà été versé intégralement au rapport du Comité Woods.

Le président: Et vous souscrivez aux recommandations du comité Woods?

M. Parsons: C'est écrit en tous mots: n° 61.

Le président: Très bien.

Mme Heesaker: La recommandation n° 61: elle est là et nous y souscrivons sans réserve, monsieur.

Le président: C'est cela. Merci.

Mme Heesaker: Je vous demanderais maintenant, messieurs, d'examiner le supplément que je vous ai remis. Nous allons le lire.
Objet: Direction des pensions au ministère des Affaires des anciens combattants

L'Association du Corps canadien veut faire savoir qu'elle s'oppose à l'établissement proposé, au sein du ministère des Affaires des anciens combattants, d'une Direction des pensions, à laquelle serait transféré le personnel administratif et médical de la Commission canadienne des pensions, et qui aurait la responsabilité de l'adjudication initiale.

Au Canada, les pensions ont toujours été administrées par une commission responsable au Parlement seulement, par l'entremise d'un ministre approprié de la Couronne. Ce principe a été énoncé en premier lieu dans le Règlement des pensions du 4 août 1914, dont voici des extraits:

> (1) Est établie une commission devant être connue sous le nom de la Commission de pension du Canada, se composant de trois commissaires nommés par le gouverneur en conseil (ci-après appelée la Commission).
>
> (2) Sous réserve des règlements énoncés ci-après, le commissaire aura la juridiction et l'autorité exclusives pour examiner et accorder toute demande et effectuer le paiement des pensions militaires et navales, des gratifications, allocations et secours, aux personnes blessées, traumatisées ou frappées d'invalidité en activité de service dans les forces militaires ou navales du Canada (ci-après appelées membres des forces), ou aux parents qui sont à leur charge, et aura la juridiction et l'autorité exclusives pour régler toute question concernant lesdites pensions,

[*Texte*]

The Pension Act of July 1 1969 provided for the establishment of the Board of Pension Commissioners for Canada in accordance with Section 3 (1) thereof which stated:

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> 3 (1) There shall be a Commission to be known as "The Board of Pension Commissioners for Canada" which shall consist of three Commissioners who shall be appointed by the Governor in Council.

Section 7 of this Act stated that the Commission "shall have full power and authority and exclusive jurisdiction to deal with all matters pertaining to pensions etc." In the explanatory note concerning this section the draft bill stated:

> 7. This section continues the Commission in its former position of independence so far as pensions are concerned. The decisions rendered cannot be questioned by any higher authority.

The point we are attempting to establish is that adjudication of pensions—and in fact all matters relating to their administration—have always been the responsibility of an independent agency, reporting through a Minister directly to Parliament.

The proposal in the White Paper suggests that the initial responsibility for adjudication should now be transferred to the Department of Veterans Affairs, under a new Directorate of Pensions. By the nature of the departmental set-up in our government system, the Director responsible for this Directorate would necessarily come under the Deputy Minister of Veterans Affairs and would thus be an officer reporting directly to the Minister. In this regard it seems obvious that, in establishing a Directorate of Pensions as proposed, the principle of independence is being sacrificed.

It might be properly stated that appeals at the proposed Entitlement Board level, and further at the Appeal Board Section level, would be handled by a new Pension Commission whose autonomy would be preserved. Be that as it may, the operation of pensions below the level of appeal would be a Departmental matter—and would be subject to the influences and controls in the same manner as other Departmental Administration.

[*Interprétation*]

> gratifications ou allocations et lesdits secours.

La Loi des pensions du 1er juillet 1919 prévoyait l'établissement de la Commission de pension du Canada, en vertu du paragraphe 1 de l'article 3 de la Loi, qui se lisait ainsi qu'il suit:

> «3 (1) Est établie une commission devant être connue sous le nom de «la Commission de Pension du Canada», se composant de trois commissaires nommés par le Gouverneur en conseil.»

L'article 7 de cette loi portait que la Commission «a plein pouvoir et autorité et la juridiction exclusive pour régler toutes les affaires relatives aux pensions...» L'annotation concernant cet article du projet de loi se lisait ainsi:

> «7. Cet article continue de reconnaître la position indépendante dont jouissait la Commission en ce qui concerne les pensions. Les décisions qu'elle prend ne peuvent être mises en question par une autorité supérieure.»

Le point que nous tentons d'établir est que l'adjudication des pensions—et en vérité toutes les questions se rattachant à leur administration—ont toujours été la responsabilité d'une agence indépendante faisant rapport directement au Parlement par l'entremise d'un ministre.

Le Livre blanc propose maintenant que la responsabilité de la décision initiale soit transférée à une nouvelle Direction des pensions, au sein du ministère des Affaires des anciens combattants. De par la nature même de la hiérarchie établie dans les ministères, en vertu de notre système de gouvernement, le directeur placé à la tête de cette direction relèverait nécessairement du sous-ministre des Affaires des anciens combattants et serait par conséquent un fonctionnaire qui se rapporterait directement au ministre. A ce point de vue, il semble évident que l'on sacrifie le principe de l'indépendance en établissant, ainsi qu'il est proposé, une Direction générale des pensions.

Il serait peut-être vrai de dire que les appels interjetés à l'échelon des bureaux d'admissibilité et ensuite à celui de la Division des bureaux d'appels, seraient traités par une nouvelle Commission des pensions dont l'autonomie serait sauvegardée. Quoi qu'il en soit, l'administration des pensions, jusqu'à l'échelon des appels, relèverait du Ministère et serait assujettie aux mêmes influences et aux mêmes contrôles que le reste de l'administration du Ministère.

[*Text*]

We subscribe that the Woods Committee found no flaw in regard to this question of independence of the Commission. We can only presume that the Committee held to the principle that pensions should continue to be administered by the Commission as heretofore, except that a number of procedural improvements were recommended, including a separate appellate body.

Concerning the necessity to maintain independence, we refer to the Woods Report, volume 3, chapter 46—Conclusion at page 1307 wherein it states:

> "The Pension Commission is free to operate independently of direction or control of the Minister. This traditional arrangement has been the consistent policy of all Governments and all Parliaments since the inception of the Pension Act in 1919. Your Committee desires to emphasize and affirm the importance of this arrangement. It serves to protect the Commission—and the administration of Pensions—from political interference or control. Also, it is intended to create an atmosphere of independence and impartiality for the administration of pensions."

Quite apart from the sacrifice of independence, the Canadian Corps Association would wish to point to another major objection in regard to the suggested transfer of pension matters to a Directorate of the Department of Veterans Affairs.

We refer to the fact that this Department has, since its inception at the end of World War II, been responsible to administer welfare matters where the basic decision is one of need. This applies in particular to applications for War Veterans Allowance and to the Assistance Fund for War Veterans Allowance recipients. Contrasted with this is the basic principle of pension awards in the matter of entitlement, which is "*as of right*".

• 1655

The staff of the Department has been engaged, in recent years, in handling welfare applications of various types. While we in this Association have no observations to make regarding any lack of performance in this particular field, we do suggest, most emphatically, that the same staff which has become accustomed to handling welfare applications should not be associated in any way with the initial adjudication of applications under the Pension Act.

[*Interpretation*]

A notre avis, le Comité Woods n'a constaté aucune lacune découlant de l'indépendance de la Commission. Nous ne pouvons que le présumer que le Comité à adhéré au principe que la Commission devrait continuer d'administrer les pensions, comme ce fut le cas jusqu'à présent, sauf que le Comité a recommandé qu'un certain nombre d'améliorations soient apportées à la procédure, y compris l'établissement d'un organisme d'appel autonome.

Relativement à la nécessité de maintenir l'indépendance en matière de pensions, nous nous en référons au Rapport Woods, volume 3, chapitre 46, Conclusion, page 1493, qui se lit en partie ainsi qu'il suit:

> «La Commission des pensions est libre d'agir en dehors de toute directive ou tutelle du ministre. Une telle entente est de tradition et a toujours été respectée par tous les gouvernements et tous les parlements depuis l'adoption de la loi des pensions de 1919. Le Comité désire faire ressortir et affirmer l'importance d'une telle entente. Elle sert à protéger la Commission et la gestion des pensions contre toute ingérence ou régie politique. De plus, sa raison d'être est de créer une atmosphère d'indépendance et d'impartialité dans l'administration des pensions.»

En plus de la perte de l'indépendance, l'Association du Corps canadien veut faire valoir une autre objection majeure au transfert de l'administration des pensions à une Direction du ministère des Affaires des anciens combattants.

Nous voulons parler du fait que, depuis sa création à la fin de la Seconde Guerre mondiale, ce ministère est responsable de l'attribution de prestations de bien-être social essentiellement fondées sur le besoin du bénéficiaire. Cela est particulièrement vrai des demandes d'allocations aux anciens combattants et des suppléments accordés aux allocataires par le Fonds de secours. Par contre, selon un principe fondamental, l'admission aux avantages de la Loi sur les pensions est accordée «*de droit*».

Depuis un certain nombre d'années, le personnel du Ministère s'occupe de demandes de prestations d'assistance sociale de diverses catégories. Bien que notre association n'ait aucune observation à formuler concernant la manière dont les fonctionnaires du Ministère se sont acquittés de ces fonctions, nous voulons souligner le plus énergiquement possible que ce personnel, qui s'est habitué à traiter des demandes d'assistance sociale, ne devrait être associé d'aucune manière à l'adjudication

[*Texte*]

Those who support the proposal for the Directorate of Pensions might well say that there is no intention to use ordinary D. V. A. staff in regard to the new duties which concern pensions. Even if this were true, we would still have to object on the grounds that the supervisory staff—and perhaps even the entire philosophy—of the Department would be contrary to established principles of independence—seen as so necessary in pensions administration.

One must consider, also, the disadvantages of having pensions handled by the Department of Veterans Affairs at the initial stages, insofar as the applicant is concerned. The World War II Veteran generally acknowledges that the Department of Veterans Affairs is the channel through which he should apply in regard to those discretionary matters adjudicated upon on the basis of a "means test". The prime example is, of course, War Veterans Allowance.

If this Veteran is now required to make application for Pension Benefits through the Department of Veterans Affairs, and is refused such benefit or benefits, he quite legitimately could complain on the general grounds that his application was not handled in the same independent manner to which veterans had become accustomed throughout the years.

We in the Canadian Corps Association see no advantage whatsoever in transferring the more junior functions of the Commission to a Directorate in the Department of Veterans Affairs. Moreover we saw very little criticism in the Woods Report which would substantiate a move of this nature. So far as we can determine, the objective of the Woods Committee was to divest the Commission of the responsibility for *final appeal* leaving the regular matters of adjudication and administration where they were, subject of course to the procedural improvements recommended in the Woods Committee Report.

The Chairman: There is a tremendous amount in this section and I just regret that we could not have allocated our time in such a way as to give more discussion to it. I say this because this is novel, it has not been discussed in this way in other presentations

[*Interprétation*]

initiale des demandes soumises en vertu de la Loi sur les pensions.

Ceux qui appuient l'établissement d'une Direction générale des pensions pourraient fort bien dire qu'on ne se propose aucunement d'utiliser le personnel actuel du ministère des Affaires des anciens combattants pour remplir les nouvelles fonctions découlant de l'administration des pensions. Même s'il en était ainsi, nous devrions quand même nous y opposer du fait que le personnel préposé à la surveillance, et peut-être même tout l'ensemble de la philosophie du Ministère—iraient à l'encontre du principe reconnu de l'indépendance, que l'on considère comme étant absolument essentiel à l'administration des pensions.

Nous devons considérer, en outre, les désavantages qu'il y aurait à confier au ministère des Affaires des anciens combattants les premières étapes du traitement des demandes de pension, du point de vue du requérant. La plupart des anciens combattants de la Seconde Guerre mondiale reconnaissent que le ministère des Affaires des anciens combattants est l'organisme auquel ils doivent s'adresser pour obtenir les prestations discrétionnaires assujetties à une «évaluation des moyens». Le meilleur exemple en est, cela va sans dire, les allocations aux anciens combattants.

Si l'ancien combattant doit maintenant présenter sa demande de prestations de pension par l'entremise du ministère des Affaires des anciens combattants et que ces prestations lui sont refusées, il pourrait très légitimement se plaindre de ce que sa demande n'a pas été traitée avec le même esprit d'indépendance auquel les anciens combattants s'étaient habitués depuis de nombreuse années.

Les membres de notre association ne voient aucun avantage à ce que les fonctions les moins importantes de la Commission soient transférées à une direction du ministère des affaires des anciens combattants. En outre, nous n'avons constaté dans le Rapport Woods que très peu de critiques pouvant justifier une telle mesure. Pour autant que nous puissions l'établir, l'objectif du Comité Woods était de priver la Commission de la responsabilité de l'*appel en dernière instance*, tout en lui laissant celle des questions ordinaires d'adjudication et d'administration, sous réserve des améliorations de la procédure proposées par le Rapport Woods.

Le président: La matière est très dense, je regrette qu'on ne puisse pas lui accorder du temps pour qu'on en discute davantage. Je dis cela parce que c'est nouveau, qu'on n'en a pas discuté de cette façon dans d'autres mémoires que nous avons reçus, tandis qu'une grande

[*Text*]

that we have received, whereas much of what was said before is sort of repeating what we had already done.

I do not know what the Committee wants to do at this point. We have now gone substantially beyond the time that we normally proceed. What is the wish of the Committee? Do you wish to hear the rest of the brief now or to invite the delegation to come back.

Mr. Badanai: Mr. Chairman, in studying the recommendations along with the other submissions the Committee will have an opportunity to discuss this further.

The Chairman: This is a very novel section and, to my knowledge, it is the first time we have had an explicit discussion of such a nature in a brief. Now time will not permit the kind of cross-examination that I think we should give to it.

Mr. MacRae: I will make an unpopular suggestion, Mr. Chairman. I quite agree that this is very well written.

The Chairman: Yes, it is.

Mr. MacRae: It has a lot of good ideas. I would suggest that we come back at 7 o'clock.

The Chairman: What is the wish of the Committee?

Mr. Guay (St. Boniface): I agree with that.

The Chairman: What is our problem with regard to staff and getting transcript?

Mr. MacRae: That is the trouble.

• 1700

The Chairman: There are major problems in this connection. Mr. Levesque, could you comment.

The Clerk of the Committee: I would have to see the Chiefs of Staff.

Mr. Guay (St. Boniface): Mr. Chairman, notwithstanding that it would not be transcribed the fact remains that members of the Committee and those presenting the brief would at least have a good sound discussion on the matter and this would be of benefit to us. I would suggest, even though the evidence cannot be transcribed, that we ask any questions we wish on it.

The Chairman: If I could just deviate, I understand the Legion has a reception tonight and I am sure there are other matters that do affect some of us. It is a case of trying to be in two places at the same time, but I certainly think . . .

[*Interpretation*]

part de ce qui a été dit auparavant ne fait que répéter ce qui a déjà été fait.

Je ne sais pas ce que le Comité désire faire en ce moment. Nous avons déjà dépassé le temps alloué normalement pour notre réunion. Que désire le Comité? Voulez-vous entendre le reste du mémoire maintenant, ou inviter la délégation à revenir?

M. Badanai: Monsieur le président, lors de l'étude des recommandations présentées en même temps que d'autres dépositions, le Comité aura l'occasion de discuter de cela davantage.

Le président: C'est là une section très nouvelle et à mon avis, c'est la première fois que nous avons une discussion explicite d'une telle nature dans un mémoire. Le temps dont nous disposons ne nous permettra pas de débattre la question à fond.

M. MacRae: Je veux formuler quelque chose de très impopulaire. Je suis d'accord que ce mémoire est très bien écrit.

Le président: Oui, en effet.

M. MacRae: Il renferme de très bonnes idées. Je propose qu'on revienne à 7 heures.

Le président: Quels sont les désirs du Comité?

M. Guay (Saint-Boniface): Je suis d'accord.

Le président: Quels sont les problèmes touchant le personnel et la transcription?

M. MacRae: Voilà le problème.

Le président: Il y a des problèmes graves à ce sujet. Monsieur Lévesque, pourriez-vous faire des commentaires.

Le secrétaire du Comité: Il faudrait que je vois les chefs de personnel.

M. Guay (Saint-Boniface): En dépit du fait que ce ne serait pas retranscrit, les membres du comité et les personnes qui présentent le mémoire auraient au moins l'occasion d'avoir une franche discussion à ce sujet et cela nous serait d'un grand bienfait. Je propose même si la preuve ne peut pas être transcrite que nous puissions demander quelque question que ce soit à ce sujet.

Le président: Dans un autre ordre d'idées, je crois que la Légion a une réception ce soir et je suis certain qu'il y a d'autres questions qui ont des répercussions sur certains d'entre nous. On ne peut pas être à deux endroits en même temps mais je crois.....

[*Texte*]

Mr. Guay (St. Boniface): Perhaps those of us who have not been invited can carry on.

Mrs. Heesaker: Including those of the Canadian Corps Association.

The Chairman: There is a delegation from another country visiting here and I think they are extending some hospitality. This is just to set the record straight.

We could arrange for half an hour tomorrow morning, with full facilities, but this then involves staying over.

Mrs. Heesaker: Would it be satisfactory if our Dominion Pensions Advocate, I and our Honourary Vice-President remain? The other two gentlemen have appointments tomorrow. However, the three of us would be most willing to appear again in the morning, if this would be of assistance to the Committee.

The Chairman: I think that would be better.

Mr. Bigg: I think that is a good idea because the Committee is not all present, for one thing.

The Chairman: We all have our commitments.

Mrs. Heesaker: We understand this, sir, definitely.

Mr. Bigg: I am quite willing to stay tonight but I realize there are some who may not be able to remain.

The Chairman: I am perfectly happy with whatever is decided.

Mr. Legault: I would be agreeable to your suggestion, Mr. Chairman, that we sit about half an hour tomorrow on the understanding that two or three of our witnesses could remain.

Mr. Bigg: And that would give us a little more time to look the brief over.

The Chairman: Could we start at 9 o'clock in the morning, or a little earlier.

Some hon. Members: Oh, no.

The Chairman: I think 9.30 satisfies everyone.

Mr. MacRae: Mr. Chairman, many of us have office work to do and if we could have half an hour in the morning we could get some of that out of the way.

[*Interprétation*]

M. Guay (Saint-Boniface): Mais ceux d'entre nous qui n'ont pas été invités, nous pourrions poursuivre la discussion.

Mme Heesaker: Y compris ceux de l'Association du Corps canadien.

Le président: Il y a une délégation d'un pays étranger qui nous rend visite et je pense qu'ils nous ont lancé une invitation. Cela n'est que pour mettre les choses au clair.

Nous pourrions convenir d'une demi-heure demain matin, avec toutes les ressources nécessaires mais cela veut dire que nous aurions à prolonger notre réunion.

Mme Heesaker: Serait-il satisfaisant si l'avocat des pensions du Dominion, moi-même et notre vice-président honoraire restent sur place? Les deux autres messieurs ont des rendez-vous demain. Toutefois, tous les trois, nous serions très heureux d'être présents de nouveau le matin si cela pouvait aider au Comité.

Le président: Je crois que cette solution serait la meilleure.

M. Bigg: Je crois que c'est une bonne idée car le Comité n'est pas entièrement présent.

Le président: Nous avons tous nos engagements.

Mme Heesaker: Nous comprenons cela, monsieur, en effet.

M. Bigg: J'étais bien prêt à revenir ce soir, mais je comprends qu'il y en a qui ne peuvent pas demeurer ici.

Le président: J'accepterai volontiers quelque décision qui sera prise.

M. Legault: Je suis d'accord avec vous, monsieur le président, nous pourrions siéger une demi-heure demain pourvu que deux ou trois de nos témoins demeurent.

M. Bigg: Et cela nous donnerait un peu plus de temps pour étudier le mémoire.

Le président: Pourrions-nous commencer à 9 heures du matin ou un peu plus tôt?

Quelques membres: Oh non.

Le président: Je pense que 9h30 convient à tout le monde.

M. MacRae: Monsieur le président, plusieurs d'entre nous ont du travail de bureau à faire et si nous pouvions avoir une demi-heure dans la matinée nous pourrions éliminer un peu de ce travail.

[*Text*]

The Chairman: Mr. MacRae, I assure you that no one knows that better than I do.

I am sorry to have to ask you to stay over but I do feel that it would not be doing justice to this section of your brief to treat it in a cursory way. I would much prefer it this way.

Mrs. Heesaker: Fine. It will be a pleasure for us to remain, and we thank you gentlemen for inviting us.

The Chairman: Thank you.

[*Interpretation*]

Le président: Je peux vous assurer, monsieur MacRae que personne ne sait cela mieux que moi. Je regrette d'avoir à vous réinviter demain matin, mais c'est un sujet si important que nous ne pouvons pas le laisser tomber. Je préférerais qu'on agisse ainsi.

Mme Heesaker: Bien, nous serons heureux de rester et nous vous remercions messieurs de votre invitation.

Le président: Merci.

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Twenty-eighth Parliament, 1968-69

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CHAMBRE DES COMMUNES

Première session de la

vingt-huitième législature, 1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

COMITÉ PERMANENT

DES

AFFAIRES DES ANCIENS COMBATTANTS

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Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS AND EVIDENCE

PROCÈS-VERBAUX ET TÉMOIGNAGES

No. 20

TUESDAY, SEPTEMBER 30, 1969

LE MARDI 30 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir Procès-verbaux)

20778—1

STANDING COMMITTEE ON
VETERANS AFFAIRS

COMITÉ PERMANENT
DES
AFFAIRES DES ANCIENS
COMBATTANTS

Chairman — Mr. Lloyd Francis — *Président*

Vice-Chairman — M. Carl Legault — *Vice-président*

and Messrs. — et Messieurs

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—20.

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

(*Text*)

MINUTES OF PROCEEDINGS

TUESDAY, September 30, 1969.
(27)

The Standing Committee on Veterans Affairs met this day at 9.35 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Bigg, Francis, Guay (*St. Boniface*), Legault, MacRae, Marshall, Peters, Turner (*London East*), Whicher (10).

Other Member present: Mr. Knowles, M.P., (*Winnipeg North Centre*).

Witnesses: From The Canadian Corps Association: Mr. Leslie Crooks, First Vice-President; Mrs. Shirley Wood Heesaker, Honorary Secretary; Mr. E. J. Parsons, Pension Advocate and Mr. C. H. Chadderton, Honorary Vice-President. *From The Canadian Paraplegic Association:* Mr. G. K. Langford, Q.C., Managing Director; Mr. A. C. Clarke, Assistant Managing Director and Mr. Anthony Damiano. *From The Department of Veterans Affairs:* Mr. D. K. Ward, Chief Pensions Advocate.

The Committee completed the questioning of the delegation from the Canadian Corps Association and began hearing the representation of the Canadian Paraplegic Association. Mr. Langford introduced the delegates and Mr. Clarke read their brief.

It was agreed, that the document entitled "Proceedings of Committee Sessions" and the table "Multiple Disability Casualties", be appended to this day's evidence. (*See Appendix "F"*).

At 12.05 p.m., the Committee recessed to 2.00 p.m.

[*Traduction*]

PROCÈS-VERBAUX

Le MARDI 30 septembre 1969.
(27)

Le Comité permanent des affaires des anciens combattants se réunit ce matin à 9 h. 35, sous la présidence de M. Lloyd Francis, président.

Députés présents: MM. Badanai, Bigg, Francis, Guay (*Saint-Boniface*), Legault, MacRae, Marshall, Peters, Turner (*London-Est*), Whicher—(10).

De même que: M. Knowles, député (*Winnipeg-Nord-Centre*).

Témoins: De l'Association du Corps canadien: M. Leslie Crooks, premier vice-président; M^me^ Shirley Wood Heesaker, secrétaire honoraire; M. E. J. Parsons, avocat des pensions; et M. C. H. Chadderton, vice-président honoraire. *De l'Association canadienne des paraplégiques:* M. G. K. Langford, c.r., directeur; M. A. C. Clarke, directeur adjoint; et M. Anthony Damiano. *Du ministère des Affaires des anciens combattants:* M. D. K. Ward, avocat en chef des pensions.

Le Comité termine son interrogatoire de la délégation de l'Association du Corps canadien, puis l'Association canadienne des paraplégiques commence à présenter son exposé. M. Langford présente les délégués et M. Clarke donne lecture de leur mémoire.

Il est décidé que le document intitulé «Compte rendu des délibérations du comité» et le tableau intitulé «Cas d'infirmités multiples» soient annexés au compte rendu des délibérations de ce jour. (*Voir Appendice «F»*).

A midi 05, le Comité lève la séance, pour se réunir de nouveau à 2 h. de l'après-midi.

20778—1½

AFTERNOON MEETING
(28)

The Committee resumed sitting at 2.10 p.m. The Chairman, Mr. Francis, presiding.

Members present: Messrs. Badanai, Francis, Guay (*St. Boniface*), Legault, MacRae, Marshall, Peters, Turner (*London East*), Whicher (9).

Other Member present: Mr. Knowles, M.P., (*Winnipeg North Centre*).

Witnesses: From the Sir Arthur Pearson Association of War Blinded: Messrs. F. J. L. Woodcock, Executive Secretary; C. H. Chadderton, Honorary Life Member and Mr. Chris Davino, President.

The Chairman welcomed the delegation from The Sir Arthur Pearson Association of War Blinded. Mr. Woodcock introduced the delegates and Mr. C. H. Chadderton read their brief.

At 4.30 p.m., the questioning of the witnesses being concluded, the Committee adjourned to Wednesday, October 1, 1969 at 9.30 a.m.

SÉANCE DE L'APRÈS-MIDI
(28)

Le Comité se réunit de nouveau à 2 h. 10 de l'après-midi. Le président, M. Francis occupe le fauteuil.

Députés présents: MM. Badanai, Francis, Guay (*Saint-Boniface*), Legault, MacRae, Marshall, Peters, Turner (*London-Est*), Whicher—(9).

De même que: M. Knowles, député (*Winnipeg-Nord-Centre*).

Témoins: De l'Association sir Arthur Pearson des aveugles de guerre: MM. F. J. L. Woodcock, secrétaire exécutif, C. H. Chadderton, membre honoraire à vie, et Chris Davino, président.

Le président accueille la délégation de l'Association sir Arthur Pearson des aveugles de guerre. M. Woodcock présente les délégués et M. C. H. Chadderton donne lecture de leur mémoire.

A 4 h. 30 de l'après-midi, l'interrogatoire des témoins étant terminé, le Comité s'ajourne jusqu'au mercredi 1er octobre 1969, à 9 h. 30 du matin.

Le greffier du Comité,
D. E. Levesque
Clerk of the Committee.

[*Texte*]

EVIDENCE

Recorded by Electronic Apparatus

Tuesday, September 30, 1969.

• 0939

The Chairman: Will the Committee come to order? Last night we heard the brief from the Canadian Corps Association and the last section of the brief read by Mrs. Heesaker yesterday raised a number of questions which are of priority in the White Paper and at that time I thought this section of the brief certainly deserved a more adequate examination by members of the Committee and we have deferred it until this morning. I want to thank members of the delegation who have stayed over; Mr. Crooks on my right, Mrs. Heesaker, Mr. Parsons and Mr. Chadderton. They are here this morning for the convenience of the members of the Committee to assist in answering questions. Mrs. Heesaker or Mr. Crooks, do you want to say anything at this point?

• 0940

Mrs. Shirley Wood Heesaker (Dominion Honorary Secretary, Canadian Corps Association): Mr. Chairman, do you wish the supplementary material reread? It is there before you.

The Chairman: I do not think it is necessary to reread it. It is now in the transcript of the proceedings, Mrs. Heesaker, but I know that it certainly has a good deal of content and is well done. We are very pleased to have it.

Mrs. Heesaker: We are quite prepared, sir, to continue with the question and answer period, if that is the wish of the Committee.

The Chairman: Fine. Who is first on the list?

Mrs. Heesaker: Would it be of any assistance if we presented some material with information that we would like to present to the Committee, would that help?

The Chairman: Fine, please do so.

Mr. C. H. Chadderton (Dominion Honorary Vice-President, Canadian Corps Association): Mr. Chairman and gentlemen, speaking in support of this recommendation of the Canadian Corps Association to the effect that there not be established a director of pensions within DVA, I thought it might be of assistance to the Committee if I were to throw out

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le mardi 30 septembre 1969

Le président: Nous allons maintenant ouvrir la séance. Hier soir, nous avons entendu le mémoire présenté par l'Association du Corps canadien. La dernière partie de ce mémoire lue par M^me^ Heesaker a soulevé un certain nombre de questions qui ont la priorité dans le Livre blanc. J'ai pensé alors que nous devrions revenir ce matin pour continuer l'étude en profondeur de ces choses. Je veux remercier les membres de la délégation qui ont bien voulu revenir aujourd'hui, notamment M. Crooks, M^me^ Heesaker, M. Parsons et M. Chadderton. Ils sont présents encore ce matin pour rendre service aux membres du Comité et répondre à leurs questions, au besoin. Alors, aimeriez-vous prendre la parole à ce moment-ci, M^me^ Heesaker ou M. Crooks?

Mme Shirley Wood Heesaker (Secrétaire nationale honoraire de l'Association du Corps canadien): Monsieur le président, désirez-vous que je reprenne la lecture des mémoires additionnels?

Le président: Je ne crois pas la chose nécessaire. Ils ont été portés au compte rendu de notre séance d'hier. Il s'agit là d'un document important et très bien présenté. Il nous fait plaisir de l'avoir.

Mme Heesaker: Nous pourrions procéder à une période de questions et de réponses, si tel est le désir du Comité.

Le président: D'accord. Qui veut prendre la parole?

Mme Heesaker: Est-ce que cela vous serait utile que nous présentions certaines données et certains renseignements?

Le président: La chose nous va.

M. C. H. Chadderton (Vice-président national honoraire de l'Association du Corps canadien): Monsieur le président, messieurs, pour appuyer la recommandation formulée par l'Association du Corps canadien s'opposant à la création d'une Direction des pensions au ministère des Affaires des anciens combattants, je crois qu'il pourrait être utile au

[*Text*]

some information which could be under the heading of some food for thought because our feeling about it is that in the White Paper, the suggestion to set up a directorate of pensions is really asking us to "buy a pig in a poke". We were talking about this last night; we were contrasting that proposal with the Woods Committee proposal which deals with an appeal board. I know there has been criticism of the fact that the Woods Committee went into too much detail; their report was too weighty; it was too thick; but the one thing about it we have found is that it certainly gives you all the details of any proposal they have made, even to the historical background, for instance, of the appeal board. It gave the reasons why the appeal board of the twenties failed and the appeal court of the thirties failed. The Woods Committee gave suggestions on why an appeal board of the sixties and seventies would not fail. They also went into all the where, what, why, when and how of how an appeal board would be set up. We could not help contrasting this with the fact that we are given a few lines in the White Paper which would at one fell swoop transfer all the guts of the Pension Commission over to the department. We were posing some questions about this, we do not have the answers, and I do not know that the Committee has them.

First, what about the district staffs of the Pension Commission; the people who toil for the Pension Commission out in the districts. We do not know whether it is proposed to transfer them to DVA or not. If not, then we can see a real conundrum because you would have the pension medical examiner sending in an initial case to the Department of Veterans Affairs and the Department of Veterans Affairs would look at it, but it would really be a Commission matter. If the Department of Veterans Affairs did not like it, if they did not think it was written up properly, who is going to discipline the people back in the field; the DVA people or the Commission people? I mean they would be wandering around in the district without any head at all.

Another thing is the Medical Advisory Branch. The Woods Committee made some proposals and suggestions about the Medical Advisory Branch, but there certainly was no suggestion that it be transferred away from its own Commission. We feel that in the Medical Advisory Branch—I think I am speaking certainly for a number of veterans' organizations—they have a great esprit de corps. They have 18 or 20 top medical people who have been doing a pretty fair job of everything. At the moment they think they belong to the first team. What are you going

[*Interpretation*]

Comité que je donne des renseignements pertinents, parce que nous croyons que, dans le Livre blanc, la suggestion visant à établir une Direction des pensions nous demande ni plus ni moins de signer un chèque en blanc. Nous en avons discuté hier encore. Je sais qu'il y a eu de la critique à l'endroit du Comité Woods qui a proposé la création d'une commission d'appel. On s'y est acharné sur trop de détails. Chose sûre, c'est qu'on y trouve tous les détails nécessaires touchant les propositions qui ont été formulées. En ce qui concerne l'historique de la Commission d'appel, on nous dit pourquoi la commission ou le tribunal d'appel des années 1920 a échoué. Le Comité Woods dit aussi pourquoi une commission d'appel mise sur pied au cours des années 1960 ou 1970 ne faillirait pas. On explique en détails l'établissement et le fonctionnement du tribunal d'appel. Par contre, le Livre blanc ne dit que quelques mots sur le transfert de la Commission des pensions au ministère. Nous nous sommes interrogés à ce sujet. Nous attendons des réponses et nous ignorons si le Comité peut nous les donner.

Tout d'abord qu'adviendrait-il du personnel de district de la Commission des pensions? Seraient-ils mutés ou non au ministère des Affaires des anciens combattants? Dans la négative, cela pourrait causer de graves problèmes, parce qu'il y aurait l'examinateur médical qui pourrait examiner un cas, l'envoyer au ministère des Affaires des anciens combattants, et ce ministère l'étudierait, alors que le cas devrait relever de la Commission. Supposons que le ministère des Affaires des anciens combattants n'agrée pas une décision parce qu'elle est mal rédigée, qui va reprendre les agents du district? Les agents du ministère ou ceux de la Commission? On écrit à l'aveuglette, sans direction aucune.

Un autre point, c'est celui de la direction consultative médicale. Le Comité Woods a formulé certaines propositions à ce sujet, mais il n'a pas proposé qu'elle ne relève plus de la Commission. Nous estimons que la Direction consultative médicale—et je crois exprimer l'opinion d'un grand nombre d'Associations d'anciens combattants,—est animé d'un bon esprit de corps. On y compte 18 à 20 personnes qui font un excellent travail et, à l'heure actuelle, elles croient appartenir à la première équipe. Que va devenir cet esprit de corps, si vous les faites passer à une autre équipe?

[*Texte*]

to do to that esprit de corps if you relegate them to the second team because any way we look at it, any way you slice the cake in pensions the first team is going to be the Commission, and whatever appeal structure you set up. The second team is going to be the people who are doing the initial adjudication. The Medical Advisory Branch will be divorced, presumably, from the people for whom they have toiled all these years, and they are going to be placed under some new director of pensions.

Another thought came to us, that on the present Commission, which is really the boss of the Medical Advisory Branch, there are at least five doctors. So there is a Commission which is at least partly medically oriented. If you set up a new director of pensions within DVA, I do not know whether the thought is that he will be a doctor or not, but, certainly the Medical Advisory Branch would then come under him, and through him they would come under the Deputy Minister of Veterans Affairs and they would be completely divorced from the medically oriented Commission for which they have toiled, and I think toiled well, all through the years.

0945

There is a third thought, food for thought, I think that is very, very serious; that is, this Claims and Review Branch of the Commission. In the Woods Report there were some suggestions on how the Claims and Review Branch could be improved, and I think the major suggestion was that they should be given some more help; they are overworked. However I did not see any suggestion they should be transferred out from under the Commission for which they have worked and toiled loyally all these years into somebody else's backyard where they are going to toil presumably.

Now the Claims Review Branch, and this is a very important point to us, has people with a tremendous amount of expertise on some of the lesser known sections of the Pension Act. By the lesser known, I mean for instance, whether you divide a pension, whether you take part of a pensioner's pension and give it to his wife because she is separated from him; whether she is entitled to maintenance or not. These are very tough things and they take expertise. So presumably in one fell swoop all these people who have all this expertise and who really belong in this Commission which is going to be responsible for this thing, are taken and put under the Department of Veterans Affairs. I do not know what is going to happen to their esprit de corps, their loyalty, I really do not know.

[*Interprétation*]

Quelle que soit la façon dont nous regardions les choses, quelle que soit la structure, la première équipe sera la Commission. La deuxième équipe sera constituée des gens qui prennent les décisions en première instance. Enfin, la direction consultative médicale fera corps à part, semble-t-il, et relèvera d'un nouveau Directeur des pensions.

Soulignons que la présente Commission de qui relève la Direction consultative médicale compte au moins 5 médecins. Vous avez une Commission qui est partiellement médicale. Si vous établissez une nouvelle Direction des pensions au sein du ministère des Affaires des anciens combattants, je me demande si cette Direction comprendra des médecins ou non! La Direction consultative médicale relèvera de cette Direction et du sous-ministre des Affaires des anciens combattants. Elle n'aurait donc rien à faire avec la Commission qui possède une expérience médicale acquise au cours des années.

J'en viens maintenant à une question qui mérite toute notre attention. Il s'agit de la division de la revision et des réclamation de la Commission. Le Rapport Woods dit comment on pourrait l'améliorer. Il lui faudrait de l'aide, car elle est surchargée de travail. Je n'ai vu nulle part une proposition portant qu'on devait transférer les membres du personnel de la Commission où ils ont travaillé depuis de nombreuses années d'un autre organisme pour y peiner encore.

La division de la revision et des réclamations—et cela nous semble très important—compte des gens qui ont beaucoup d'expérience dans la compréhension de certains points difficiles qui relèvent de la Loi sur les pensions. Ainsi, ils savent comment déterminer la pension dans des cas bien particuliers. Par exemple, dans le cas d'un pensionné qui est séparé de sa femme, ils peuvent dire si elle a droit à une partie de la pension. Ce sont là des questions difficiles à résoudre; elles exigent de l'expérience. On transférerait donc, semble-t-il, tout ce personnel d'expérience, relevant de la Commission, au ministère des Affaires des anciens combattants. Que va devenir leur esprit de corps, leur loyauté? Je l'ignore complètement. Peut-être qu'ils sont d'accord, mais je ne vois pas comment ils

[*Text*]

Maybe they are all for it, but I just cannot see it because they will be under a brand new master and they will have a lot of new ground rules set out for them.

So I think, Mr. Chairman our thoughts in the Canadian Corps Association is simply that we are being asked, and perhaps this Committee also is being asked, to buy a "pig in a poke". There may be a lot of merit in this set-up, but how can we tell because we are simply given a few lines. Again we would compare it to the proposals in the Woods Committee, which have all the historical basis there, all the supporting comment, all the where's and why's so you could actually make some kind of a judgment as to how it would work. Certainly if we are going to have to consider transferring the basic responsibility for initial adjudication and Claims and Review, and Medical Advisory Branch to the Department of Veterans Affairs, we deserve more, Mr. Chairman, than a few lines of explanation in the White Paper or maybe even a few minutes of verbal explanation which we have not had yet, but presumably your Committee may have.

These are certainly our views and we are delighted to have an opportunity to bring them out and to answer any questions that you might have concerning the problem.

The Chairman: Mr. Guay?

Mr. Guay (St. Boniface): Mr. Chairman, my question just to start it off is that I do not understand what you mean by having a separate body entirely because on page 184 of the text in reference to the Minister's explanation to us in this Committee I understood that a new body to be known as the appeals—is this where you are making the difference, the Appeal Division, the Appeal group, or are you speaking of the 10 commissioners themselves?

Mr. Chadderton: No, Mr. Chairman and gentlemen, we are speaking about the proposal to establish a Directorate of Pensions within DVA, which as we understand it would have the responsibility for initial adjudication of pension claims and also to which would be transferred the present staffs of the Medical Advisory Branch and the Claims Review Branch of the Commission. We see it as a retrograde step; we think pensions should be independent of departmental administration, departmental authority. As a matter of fact, we subscribe completely, I think, to the views of a former minister given before this Committee yesterday when he said that when he was the Minister he could see all the influences that could be brought to bear upon a part of a department by a Minister. This is

[*Interpretation*]

pourraient l'être, car ils relèveront d'un nouveau maître, et ils seront régis par de nouveaux règlements de travail.

Monsieur le président, nous croyons, en tant qu'Association du Corps canadien, que l'on nous demande simplement de signer un chèque en blanc. Peut-être que ce serait quelque chose de bon, mais comment voulez-vous que nous le sachions. Nous ne disposons que de si peu de renseignements. Si encore nous pouvions l'envisager en regard des propositions du Comité Woods, avec des renseignements de base, des explications sur les «ou» et les «pourquoi», nous pourrions dire comment les choses marcheront. Il ne fait aucun doute que si les fonctions principales relatives aux décisions en première instance, à la division de la revision et des réclamations et à la direction consultative médicale doivent être transférées au ministère des Affaires des anciens combattants, nous devons avoir plus que les quelques renseignements contenus à ce sujet dans le Livre blanc ou les quelques explications verbales qu'on attend encore et que le Comité pourrait nous transmettre. Ce sont là nos vues; nous sommes heureux d'avoir l'occasion de vous les faire connaître et de répondre à vos questions à ce sujet.

Le président: Monsieur Guay?

M. Guay (Saint-Boniface): Je ne comprends pas ce que vous voulez dire par «organisme distinct», parce que, d'après la version du texte relatif aux explications du ministre au Comité, il y aura un nouvel organisme chargé des appels. De quoi s'agit-il? De la division des appels, du groupe d'étude des appels? Parlez-vous des dix commissaires eux-mêmes?

M. Chadderton: Non, nous parlons de la proposition visant à établir une Direction des pensions au sein du ministère des Affaires des anciens combattants et qui, d'après nous, serait chargée des décisions en première instance relatives aux réclamations de pension. Les membres du personnel actuel de la direction consultative médicale et de la division de la révision et des réclamations de la Commission seraient mutés à cette direction. Nous croyons qu'il s'agit là d'une mesure rétrograde. Nous croyons que les organismes relatifs aux pensions devraient être indépendants de l'autorité et de l'administration du ministère. Nous sommes d'accord avec un ancien ministre qui a exprimé son opinion hier devant le Comité. Il a dit que, lorsqu'il était ministre, il a été à même de voir toute

[*Texte*]

exactly what would happen if you set up a Directorate of Pensions, but thank God, the Pension Commission has been free of these influences since 1919.

Mr. Badanai: Mr. Chairman, would not the recommendation of this Commission that you are talking about, be subject to the Appeal Board, subject to be appealed?

Mr. Chadderton: Oh yes, there is no question about it.

Mr. Badanai: Then, where are the great slight objections to it? I cannot see the various reasons for your objections.

Mr. Chadderton: I have to put it to you as a specific case. A man comes in and makes an application for pension. The application form is filled out, there are certain investigation forms filled out, certain medical forms filled out, and the case then goes presumably to what would be known as the Directorate of Pensions within DVA. If the information is insufficient, as it often is on applications of any kind—people cannot make decisions because they have not got the right kind of information—presumably, the DVA people would then be in the position of having to send that application back out for further information, further medical advice, further this, further that. Then a decision is made.

By this time and up until this stage, this application has not been touched by the Pension Commission. It has been touched by the departmental officials and departmental officials only. There is the first question of a delay because you have lost maybe a year, six months at the least and maybe a year. Second, it has been all batted around, it has gone into certain channels, it has been subjected to a certain type of thought.

We brought out in our brief yesterday, I think our basic objection right there Mr. Badanai, and it is this: That basically the Department of Veterans affairs is a welfare department and there is no place for pensions in the hands of welfare people. We subscribe to the work DVA is doing; they do a marvelous job in welfare; they do a first-rate job with war veterans allowance, but the basic difference between war veterans allowance and pension is just that. War veterans allowance is need, pension is right and we are just afraid that the whole application will get off the rails before it even gets started. Then we are just compounding the problem because then it is going to be up to an entitlement board to take a second look and say,

[*Interprétation*]

l'influence que peut faire jouer un ministre sur une partie du ministère. C'est justement ce qui se produirait si vous établissez une Direction des pensions. Dieu soit loué, la Commission des pensions a été libre de ces influences depuis 1919!

M. Badanai: Monsieur le président, la recommandation du Comité dont vous parlez ne pourrait-elle pas faire l'objet d'appel devant la Commission d'appel?

M. Chadderton: Oui, cela ne fait aucun doute.

M. Badanai: Alors, pourquoi vous opposez-vous à cela? Quels sont vos motifs?

M. Chadderton: Je vais vous donner un cas précis. Un homme se présente et demande une pension. Il remplit une formule de demande de pension. Il s'agit d'une formule d'enquête d'ordre médical qu'il faut remplir. La formule est envoyée à la Direction des pensions au ministère des Affaires des anciens combattants. Si les renseignements sont insuffisants, comme cela se produit la plupart du temps, on ne peut prendre de décision semble-t-il, la formule ne renfermant pas les renseignements voulus. Les agents du ministère devraient renvoyer la demande pour obtenir d'autres renseignements, d'autres informations médicales etc. Ce n'est qu'ensuite qu'une décision sera prise.

Jusqu'à ce moment-là, la demande n'a pas encore été vue par la Commission des pensions. Seuls les fonctionnaires du ministère en ont pris connaissance. Alors, il y a déjà un délai. Vous pouvez perdre ainsi au moins six mois et peut-être jusqu'à un an. Deuxièmement, on éparpille tout, les renseignements vont d'un palier à l'autre et le tout est assujetti à une certaine appréciation.

Le mémoire que nous avons présenté hier renferme l'objection fondamentale que voici, M. Badanai. Fondamentalement, le ministère des Affaires des Anciens combattants est un ministère de bien-être et les gens qui s'occupent de bien-être n'ont pas à s'occuper des pensions. Le ministère des Affaires des anciens combattants fait un excellent travail, tant au point de vue allocation aux anciens combattants que bien-être, mais c'est de cela uniquement qu'ils doivent s'occuper. Les demandes de pensions ne devraient pas relever d'eux. L'allocation aux anciens combattants entre dans le cadre des besoins, tandis que la pension est un droit et nous craignons que, dès le début, la demande prenne une mauvaise tangente.

[*Text*]

"Good God, look what they have done with this at the lower level of adjudication". This is human nature. I do not care what anybody says, this is exactly what will happen in this set-up and I cannot see the reason for it. I am not aware of anyone who has examined the Pension Act in the last 50 years having said one word about the Pension Act being placed under the Minister. As a matter of fact, their observations have been the opposite in that they have said, "leave the pensions autonomous". This would be a step in the wrong direction. We could continue to discuss it all morning, but I think that is our major point.

[*Interpretation*]

Nous ne faisons que régler le problème parce que le bureau d'admissibilité veillera à examiner à nouveau la chose et à dire: «Mon Dieu, regardez ce qu'ils en ont fait au premier niveau de décision». La nature humaine est ainsi. Peu m'importe ce que l'on dit, c'est exactement ce qui se produira dans ce règlement, et je n'en vois pas la raison. A ma connaissance, personne n'a revisé la Loi sur les pensions au cours des 50 dernières années, n'a parlé de la loi qui relève du ministre. En fait, tout le monde en a dit le contraire. Ils ont réclamé qu'on laisse les pensions autonomes. Ce serait un mauvais pas. Nous pourrions en discuter toute la matinée, mais à mon avis, c'est le point le plus important.

0950

Mr. Badanai: I fail to agree entirely with your argument. I still have great faith in the Department, sir; you may not have, but I have. After all, all the recommendations contained in the White Paper are flexible. The Minister made the statement to the Committee that the recommendations are flexible and are bound to be changed and so on, according to circumstances. I cannot see any valid objection that you are propounding against this Commission. We have three Appeal Boards. They can appeal once, twice or three times. They have not only one appeal, but three. Therefore, I cannot see why you should be so concerned with this. I appreciate the fact that you have a different view about it, but after all we have studied the matter, too.

M. Badanai: Je ne puis approuver tout à fait votre argument. J'ai encore bien confiance au ministère, peut-être pas vous, mais moi tout au moins. Après tout, toutes les recommandations contenues dans le Livre blanc sont souples.

Le ministre a déclaré au Comité que les recommandations sont souples et qu'elles sont susceptibles d'être modifiées et ainsi de suite, selon les circonstances. Je ne vois pas d'objection valable pour que vous vous opposiez à la Commission. Il y a trois bureaux d'appel. Ils peuvent présenter un appel une fois, deux fois ou trois fois. Ils n'ont pas qu'un appel, mais trois. Je ne vois pas pourquoi vous devriez tellement vous préoccuper de ce problème. Je ne vois pas pourquoi vous vous en préoccupez tant, je comprends que vous ayez une opinion différente, mais après tout, nous avons aussi examiné la question.

We were briefed by the Minister and I think the Minister was very, very precise in his presentation. He repeated over and over again that these regulations would be flexible to meet the conditions of the times. Your proposal would eliminate the Commission which . . .

Nous avons entendu l'exposé du ministre qui, à mon avis, a été très précis. Il a répété plusieurs fois que ces règlements seraient assez souples pour répondre aux besoins de notre époque. Votre proposition éliminerait la Commission qui . . .

Mr. Chadderton: No, no, Mr. Chairman, but there is one point I would like to make. Mr. Badanai said that in the final analysis we should not worry about it because there would be an appeal. Surely to God we are not saying that regardless of what they do at the initial level of adjudication—let them muck it up all they like—eventually the Pension Commission and/or the Appeal Board will pull it out of the fire. Certainly we are not going to subscribe to that kind of administration of pensions. We want the initial decision to be right in the first place and if it is, everybody will be happy. Your appeal people only come into the picture when something has gone wrong. I do not think, Mr. Chairman, that it

M. Chadderton: Non, monsieur le président, mais j'aimerais apporter une précision. Monsieur Badanai a déclaré qu'en dernière analyse que nous ne devrions nous en inquiéter parce qu'il y aurait un appel. Nous ne prétendons pas qu'en dépit de ce qu'ils font au premier niveau de décision, laissez-les gâcher tout ce qu'ils veulent, que la Commission des pensions et le Bureau d'appel la retireraient du feu. Nous n'allons certainement pas souscrire à ce genre d'administration des pensions. Nous voulons que la décision initiale soit placée au premier plan et si c'est ainsi, tout le monde sera content. Les personnes qui s'occupent des appels n'entrent en jeu que lorsque quelque chose va mal. A mon avis, monsieur

[*Texte*]

is any answer to say we should not worry about it because in the final analysis it will be subjected to appeal. What we are interested in is a good solid basis of initial adjudication.

Furthermore, as you said, the Minister has stated that it is flexible. I am glad it is flexible because as far as we are concerned if the pronouncement in the White Paper on this and a lot of other things were eventually to turn into legislation, you would certainly have a lot of unhappy veterans in this country. I do not think there is any question about that. I am glad to see that these things are being discussed.

• 0955

Mrs. Heesaker: Mr. Chairman, reiterating what Mr. Chadderton has said, it is because of the Canadian Corps Association's sincerest belief in the Minister of Veterans Affairs' assurance that this White Paper is a flexible document, that we are here today stating how we feel on many and varied subjects and, particularly, this one. We definitely do not wish to see any part of the work of the Pension Commission delegated to the Department of Veterans Affairs which primarily is concerned with war veterans allowance and general welfare programs.

I also would like to state, Mr. Chairman, that Mr. Parsons and I have found very often—the gentleman to my right has said that we have no worries because eventually the proposed appeal board, which we suggested, will correct any errors—that when a veteran has gone into these initial stages and has received a rejection on the first appeal, because his is very proud and so forth he will simply say to us, "Well, if they do not see my need and they do not believe me, to hell with it, I am not going to appeal again".

So we will lose people who absolutely will not begin the long struggle of appeals. They will do this initial work in connection with an application for pension, but if they get a rejection they are either satisfied or will not go to the trouble of prolonging the agony for a year or two. I do not think we should have any program which might give us any reason to believe that we would not have a complete and fair hearing on the initial placement of the pension with any adjudicating body. Thank you, Mr. Chairman.

[*Interprétation*]

le président, on ne devrait pas dire que nous ne devons pas nous faire du mauvais sang parce qu'en dernier lieu, il y a quand même la cour d'appel. Ce qui nous intéresse, c'est que la décision initiale soit établie sur une base solide.

En outre, comme vous l'avez dit, le ministre a déclaré qu'elles sont assez élastiques et je serais heureux que ce soit ainsi, parce que, autrement, en ce qui nous concerne, si la conclusion qui figure dans le Livre blanc, et d'autres choses à ce sujet étaient adoptées sous forme de mesure législative, il pourrait y avoir un grand nombre d'anciens combattants malheureux au pays. Je ne crois pas qu'il y ait de question à ce sujet et je suis heureux que ces questions soient débattues.

Mme Heesaker: Pour rapporter les propos de M. Chadderton, c'est à cause de la profonde confiance que l'Association du Corps canadien place en les assurances faites par le ministre des Affaires des anciens combattants à l'effet que le Livre blanc est un document flexible, que nous nous trouvons dans cette enceinte pour exprimer notre opinion sur diverses questions et particulièrement sur celle-ci. Nous ne voulons absolument pas qu'une partie des pouvoirs de la Commission des pensions soit déléguée au ministère des Affaires des anciens combattants qui traite beaucoup plus des allocations des anciens combattants et des programmes de bien-être général.

J'aimerais souligner également, monsieur le président, que M. Parsons et j'ai remarqué à plusieurs occasions—la personne qui se trouve à ma droite—a dit que nous ne nous inquiétons pas parce qu'éventuellement, le bureau d'appel que nous projetons ne corrigera ces erreurs. Que lorsqu'un ancien combattant est passé par toutes les étapes initiales et qu'on a rejeté son appel à la première étape, étant donné qu'il est très orgueilleux, il nous dira simplement: S'ils ne voient pas mes besoins, et s'ils ne me croient pas, eh bien, qu'ils aillent au diable. Je ne vais pas présenter un autre appel.

On perdra ainsi des gens qui ne voudront certainement pas participer à cette longue suite d'appels. Ils présenteront une demande de pension à l'étape initiale, mais si elle est rejetée, ils sont soit satisfaits ou ils ne reprendront pas cette longue agonie d'un an ou deux.

Mais, de toute façon, à mon avis, aucun programme ne peut nous donner les raisons de croire que l'audience ne serait pas juste à l'étape initiale de la demande de pension, avec un corps de décision. Merci, monsieur le président.

[*Text*]

The Chairman: Thank you, Mrs. Heesaker. I think Mr. Peters has a question.

Mr. Peters: Is the Corps of the opinion that the veterans are better off under the present system, although there could be some changes, than they would be under the White Paper's recommendation? As I understand it there are three proposals. There is a proposal in the Woods Committee to improve the appeal structure of the Canadian Pension Commission beyond what it is at present. There is the present status quo which provides for an appeal within the Canadian Pension Commission at various stages and the third proposition is to put it back in D.V.A. and build a second section in the D.V.A. structure.

Of those three proposals, obviously the one recommended by the veterans is the one contained in the Woods Committee Report, but of the other two is the Canadian Corps more in favour of retaining the status quo or the proposal in the White Paper?

Mr. Chadderton: I do not think the Canadian Corps is in any way, shape or form, in favour of either of the other two. We just do not see, Mr. Peters, any alternative. We took a look at this again last night and said, "All right, what did the Woods Committee propose concerning the Claims and Review Branch which the White Paper says will be transferred"? They proposed that some of the procedures be streamlined, that it be given more work, particularly to adjudicate on routine matters, and that it be given more help, but certainly not transferred. What did they say about the Medical Advisory Branch? They said that generally it is doing a good job; their procedure should be speeded up because the doctors are required to review files and they get bogged down; they should have some administrative help there, but they should not adjudicate on claims—there was some suggestion that they were actually making the decisions—and that is all.

When it came to the set-up for the actual adjudication of claims, the Woods Committee suggested to speed things up that they should go on a single commissioner basis. In other words, instead of one commissioner writing up the decision and two other commissioners signing it, which involves three people, let us cut out the comedy because everybody knows it is a one-commissioner deal anyway. Let one commissioner, called an entitlement officer, go

[*Interpretation*]

Le président: Merci, madame Heesaker. Je crois que M. Peters a une question à poser.

M. Peters: L'Association est-elle d'avis que les anciens combattants sont mieux traités sous le système actuel, bien qu'il pourrait y avoir quelques changements, qu'ils ne le seraient en vertu de la recommandation du Livre blanc? Si je comprends bien, il y a trois propositions. Il y a la proposition du Comité Woods, destiné à améliorer le système d'appel de la Commission canadienne des pensions. Le statu quo actuel qui prévoit un appel à diverses étapes devant la Commission canadienne des pensions et la troisième proposition vise à remettre ce pouvoir au ministère des Affaires des anciens combattants et d'établir une deuxième section dans le système du ministère.

La recommandation des Anciens combattants est contenue dans le rapport du Comité Woods, et parmi les deux autres, le Corps canadien, qui encourage plus le *statu quo* ou la proposition du Livre blanc?

M. Chadderton: Je ne crois pas que le Corps canadien soit d'une manière ou d'une autre en faveur de l'une ou l'autre des ces deux propositions. Je ne vois pas de solution, monsieur Peters. Nous avons encore examiné ces questions hier soir et nous nous sommes demandés ce que le Comité Woods avait proposé au sujet de la Direction des réclamations et de la révision qui sera transférée d'après le Livre blanc? Ils ont proposé que quelques-unes de ces procédures soient un peu améliorées, qu'on y attribue plus de travail, en particulier pour décider des questions routinières et qu'on y porte plus d'aide, mais qu'on ne la transfère pas. Qu'a-t-on dit au sujet de la Direction consultative médicale? En général, on a déclaré qu'on y fait un très bon travail mais que leur procédure doit être un peu plus rapide, parce que les médecins doivent réviser leurs dossiers et ils s'embourbent. On devrait les aider sur le plan administratif, mais ils ne devraient pas porter de jugement sur ces plaintes. On a indiqué qu'ils rendraient actuellement des décisions, c'est tout.

Mais, quand on est arrivé au règlement de la décision actuelle des plaintes, le Comité Woods a proposé d'accélérer les choses et de présenter le cas devant un seul commissaire. Autrement dit, au lieu d'avoir un commissaire pour rédiger la décision et deux autres pour la signer, ce qui implique trois personnes, mettons fin à cette comédie parce que de toute façon tout le monde sait qu'il n'y a qu'un commissaire qui s'occupe de l'affaire.

[*Texte*]

ahead and approve or decline that claim. That is the first level of adjudication.

The second level of adjudication would be either examiners' hearings or these entitlement boards, all within the Commission—let it run, let it do its job—but if the Commission failed, you would have to go beyond the Commission and repose the ultimate authority in something outside of the Commission, which would be an independent appeal board. Therefore, I am afraid our answer to your question is that we cannot subscribe to any other system because we have seen it, we have studied it and we cannot see there is any other alternative.

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Mr. Peters: Maybe I should put my question in another way. There are only two alternatives. Either you can take the proposition as we have it now or you can take the proposition that is presented in the White Paper. Of those two, which is the most acceptable?

Mr. Chadderton: That is a Hobson's choice. The honest answer to that, Mr. Chairman, is that neither is acceptable. We are certainly not satisfied with the Commission set up as it is, where you have Appeal Boards of the Commission going around making these decisions; but the basic flaw is that there is no ultimate authority outside of the Commission to whom you can appeal, or who has the responsibility to say yes or no. Unless you do something to correct that basic flaw we would simply say the job has not been done.

Mr. Peters: There is no alternative?

Mr. Chadderton: There is none; I am afraid not, sir.

Mr. Parsons: There is a time element related to this, too, Mr. Peters, along your line of thought. If initital decisions are going to be made by departmental officials I just cannot visualize the attention being given to the claim in the initial stages that is given now.

In our Commission, for example, a large proportion of the cases are actually rendered complete, and you get your case and everything all set up in the initial stage. I would say perhaps one out of three goes to a higher board—an Appeal Board. When you do that there is a long delay, sometimes of a year or more, getting to a a Board. I can see delays in this proposed set-up.

[*Interprétation*]

Laissons un commissaire appelé agent de l'admissibilité et avançons, et approuvons ou refusons la plainte portée. C'est le premier niveau de décision.

Au deuxième niveau, il y aurait les audiences des examinateurs ou les bureaux de l'admissibilité, au sein de la Commission, laissons-les aller, laissez-les faire leur travail, mais si la Commission échoue, il vous faudrait aller au-delà de la Commission et accorder le pouvoir final ailleurs que dans la Commission, et qui constituerait un bureau d'appel indépendant. Par conséquent, je crains que notre réponse à votre question indique que nous ne pouvons souscrire à tout autre système, parce que nous l'avons vu, nous l'avons étudié et nous ne pouvons voir d'autre solution.

M. Peters: Pourrais-je présenter ma question autrement? Il n'y a que deux solutions. Vous pouvez prendre la proposition telle qu'elle ou vous pouvez prendre la proposition qui est présentée dans le Livre blanc. Laquelle est la plus acceptable?

M. Chadderton: C'est un choix assez limité. En toute honnêteté, monsieur le président, aucune n'est acceptable. Nous ne sommes pas satisfaits de la Commission, de la manière dont elle a été établie. Vous avez des jurys d'appel à la Commission qui se déplaceront pour rendre les décisions, mais le grand défaut est qu'il n'y a pas d'autorité suprême en dehors de la Commission à qui vous puissiez faire appel et qui a le pouvoir de dire oui ou non. A moins que vous ne fassiez quelque chose pour corriger ce défaut, nous dirons tout net que le travail n'a pas été fait.

M. Peters: N'y a-t-il aucun choix?

M. Chadderton: Non il n'y en a pas, je regrette, monsieur.

M. Parsons (Avocat des Pensions): Monsieur le président, la question de temps naturellement se présente aussi dans ce cas. Si la première décision doit être prise par le ministère et je ne conçois pas l'attention qui est accordée à la demande actuellement aux premiers paliers. Ici, dans notre commission, par exemple, une grande partie des cas sont étudiés et complétés dès le premier palier. Je dirais que un sur trois est transmis à un palier supérieur, un bureau d'appel. Si vous le faites, il y a naturellement des délais assez longs, peut-être un an et plus avant d'obtenir que vous passiez, et je peux prévoir qu'il y aura des délais dans cette manière de procéder.

[*Text*]

I do not feel it is right to take any part of our pensions administration away from this independent Commission. For many, many years they have existed and they have done the best job they could do with the authority under which they work. Many people blame the Pension Commission for many things, but the Commission can only do what their authority permits them to do—what the Act permits them to do. But they have done all right, and we can see ways to improve that work and definitely improve the Act, the authority under which they work. But do not take away the independence of that Commission and make it part of a departmental affair under the Minister. The Commission should exist as an independent body, as they are now.

Mr. Peters: Yes.

Mr. Bigg: I think it is very valuable. It has already been claimed that the White Paper is flexible. I am sure that whoever wrote the White Paper meant well, which is sometimes the worst thing you can say about anything.

What is the rationale? I presume they are trying to give the veterans an even better deal than they have had before. I think they are mistaken on this particular point. All the veterans' groups, which we are meeting now—I would not say by the dozen, but almost by the dozen—seem to agree that the present Commission have done an excellent job within their terms of reference.

Mr. Parsons: That is right.

Mr. Bigg: Therefore it is the terms of reference that we should worry about, particularly in relation to the final appeal?

Mr. Parsons: That is right.

Mr. Bigg: I want to compliment those who wrote the White Paper on what they have already done in their change of attitude towards presumptions on the health of the veteran and.....

The Chairman: They meant well.

Mr. Bigg: No; they have done well; they not only meant well but I think they have done well. But in this particular case they appear to be flying in the face of the very people who most need the attention. That, of course, I consider to be my job—to try to straighten this out so that the rationales coming down from the top and coming up from the bottom meet in a new charter of justice

[*Interpretation*]

Je ne crois pas moi-même qu'il est juste d'enlever une partie de notre administration sur les pensions à la Commission, cette Commission indépendante. Pendant nombre d'années, ils ont accompli le meilleur travail possible dans la limite de leurs pouvoirs. Nombre de personnes blâment la Commission des pensions pour bien des choses mais la Commission ne peut faire que ce qu'elle a la possibilité de faire et elle fait son possible. Nous voyons certainement des moyens d'améliorer la situation et d'améliorer la loi en vertu de laquelle fonctionne la Commission. Mais n'enlevez pas l'indépendance de cette Commission pour faire d'elle simplement un rouage d'un ministère déjà existant. La Commission doit toujours être indépendante, demeurer un organisme indépendant et autonome comme elle l'est maintenant.

M. Peters: Oui.

M. Bigg: Je crois que cela est très bien. Il a déjà été dit que le Livre Blanc contient des recommandations pleines de souplesse. Je comprends que celui qui a rédigé le Livre Blanc voulait bien faire. Ce qui est parfois le pire. Quelles en sont les raisons? Ils essaient d'accorder un meilleur traitement aux anciens combattants, de leur faire un meilleur sort qu'auparavant, mais je crois qu'ils ont fait des erreurs à ce sujet. Tous les groupes d'anciens combattants, et nous en avons rencontré presqu'une douzaine, tous ces groupes semblent d'accord sur ce point, la Commission actuellement fait un excellent travail dans le cadre de ses possibilités, dans le cadre de son mandat.

M. Parsons: C'est vrai.

M. Bigg: Alors c'est au sujet de ce mandat que nous devrions nous préoccuper en particulier en rapport avec l'appel final.

M. Parsons: Oui.

M. Bigg: Je veux cependant féliciter les auteurs du Livre Blanc pour ce qu'ils ont déjà fait et accompli en rapport avec les présomptions relatives à la santé des anciens combattants.

Le président: Ils ont voulu bien faire.

M. Bigg: Ils ne voulaient pas que bien faire, ils ont fait du bien. Mais il faut qu'ils puissent venir en aide à ceux qui ont le plus besoin de leur aide. J'aimerais voir les principes qui inspirent les hautes autorités et les aspirations venant de la base se rencontrer de façon à rendre possible une véritable justice pour les anciens combattants. D'après mon expérience, et ce que j'ai entendu un peu

[*Texte*]

for the veterans. Therefore, I have to agree from my experience, and from what I have heard, that the present Pension Commission set-up has done an excellent job within its terms of reference.

• 1005

Mr. Parsons: Right.

Mr. Bigg: Therefore, I cannot see any reason for changing it unless we are considering economy. A big difference in economy could be a factor, or the streamlining of it to help us get things done more efficiently and rapidly. If this change is going to do that, I will be happy about that. But it seems that on both of these it also fails. I cannot see any economy in the change suggested.

Relative to the streamlining, I think the changes in the terms of reference are going to do a great deal more to get early and proper adjudication than switching the adjudicating boards from one group to another. As the Woods Report had more time and went into it much more thoroughly than any one author of the White Paper, or any brief that we can get from you, or from anybody else, it seems to me that unless we have evidence to the contrary the Woods Report should be presumed to express the general feeling and need of the veteran; and unless that is disproved, we are right back into a sort of primary adjudication job.

The Chairman: Have members of the Committee any further questions? Mr. Peters?

Mr. Peters: When Mr. Bigg was speaking I was wondering—and perhaps Mr. Parsons could tell me—whether there was another rationale, perhaps, for this being suggested by the Department. Welfare seems to be going into a new phase in relation to government operations. That would obviously affect War Veterans Allowance and then the Department of Veterans Affairs would really have disappeared except for the Pension Commission.

In recent years has there been an increase or a decrease in the cases that go beyond the original adjudication at the lower level? Are there more cases going to appeal now than there were previously? I suppose there are peaks after a war for a 25-year period. There must be changes in the applications to the Canadian Pension Commission, or in the workload at various periods. Are we now coming to a period when the Canadian Pension Commission will be handling an increasing number of difficult cases because of the Second World War veterans?

[*Interprétation*]

partout, c'est que le système actuel de la Commission des pensions est excellent et qu'elle a fait un excellent travail dans les limites de ses pouvoirs.

M. Parsons: Bien.

M. Bigg: Par conséquent, je ne vois aucune raison d'apporter des modifications sauf en ce qui concerne peut-être la possibilité de faire des économies. Je sais que l'on tente partout de faire des économies aujourd'hui, c'est déjà un facteur important; il faut tenter de rationaliser le système et mettre de l'huile dans les rouages, si des économies étaient possibles j'en serais bien content mais enfin, je ne vois pas d'économie possible avec les modifications proposées. Je crois que les changements que l'on propose d'apporter aux conditions existantes permettront de mieux rendre les décisions, et beaucoup plus rapidement au lieu de déplacer les Bureaux d'appel d'un groupe à un autre. Évidemment, les auteurs du Rapport Woods ont eu le temps d'aller au fond des choses beaucoup plus que ceux qui ont rédigé le Livre blanc ou les mémoires que vous nous avez soumis. A moins de preuves du contraire, on peut penser que le Rapport Woods représente l'expression générale des besoins des anciens combattants et dans ce cas, le problème devant lequel nous nous retrouvons se rapporte en somme à la décision du stade initial.

Le président: Y a-t-il d'autres questions provenant des membres du Comité? M. Peters?

M. Peters: Quand M. Bigg parlait, quelque chose m'est venu à l'esprit, quelque chose que M. Parsons pourrait me dire. Je me demande quelles sont les raisons pour lesquelles on a proposé cela parce qu'il semble que le bien-être, la sécurité sociale entrent dans une nouvelle phase en ce qui concerne du moins le gouvernement. Cela affectera aussi la pension des anciens combattants. Le ministère des Affaires des anciens combattants risque de disparaître à l'exception de la Commission des pensions.

Au cours des dernières années, y a-t-il eu une augmentation ou une diminution des demandes de pensions qui sont allées plus loin que le stade initial? Y a-t-il plus de cas qui vont en appel qu'auparavant, je suppose qu'il y a des sommets, après la guerre, pendant 25 années. Il doit y avoir des différences dans le nombre de demandes qui arrivent à la Commission des pensions. Est-ce que nous en arrivons à une période d'augmentation en ce qui concerne la Commission des pensions,

[*Text*]

Mr. Parsons: I do not know what others are experiencing—and I see a fellow-advocate over there, Mr. Anderson—but of my cases usually about one in three has to go to appeal. The main reason for that is the lapse of time and the continuity of the evidence you must accumulate. Doctors die and their files are destroyed or lost. You have to establish the fact that it was attributable to or incurred in service, that he had it when he came out of the service, that he has had it ever since and has it now. It is the intervening years that make the work.

Quite often you have cases which are perhaps difficult to judge at the initial levels, and you have to bring the applicant in and let him tell his story. The only way you can do that is before an Appeal Board.

Mr. Peters: Has there been an increase in the number of difficult cases that you get? After the war there was initially a fairly easy situation where you established a great number of pension claims very easily because the evidence was self-evident. Now there must be an increase in the cases related to and arising out of wartime service that are certainly not self-evident. When can we expect the peak for the Canadian Pension Commission, and how long will it last?

1010

Mr. Parsons: Today it is not so much the number of cases; it is the fact that you have to go back over so many years. A high percentage of the cases going to appeal today are to get the man before a Board. In many cases you must take the man's word for it and judge whether or not he is telling the truth. You cannot always go back and get the evidence you want, no matter how you try, and we are now getting quite a number of consequential disabilities, conditions which arise from a pension condition, such as back injuries, arthritic cases, degenerative spinal conditions, and things of that nature, which in some cases take many years to show up. These are things that now quite often have to go through to the appeal board level.

Mr. Peters: Are there still a number, a certain percentage of cases remaining from World War I?

[*Interpretation*]

parce qu'il y a davantage de cas difficiles concernant les anciens combattants de la deuxième grande guerre?

M. Parsons: Je ne connais pas l'expérience des autres. Mon collègue M. Anderson pourrait peut-être vous renseigner à ce sujet, mais ordinairement un cas sur trois dont j'ai à m'occuper doit aller en appel. La principale raison pour cela, c'est le temps qui s'écoule. Vous avez accumulé des renseignements assez difficiles, le médecin décède les dossiers sont détruits ou perdus il faut alors prouver que le décès, la maladie, l'invalidité est attribuable, découle du service et cela est difficile. C'est le délai écoulé qui complique le travail. Très souvent il est difficile de juger d'un cas aux premiers stades, vous devez faire comparaître le requérant pour qu'il vous explique sa situation personnellement. La seule façon d'y arriver c'est de le convoquer devant une commission d'appel.

M. Peters: Est-ce qu'il y a une augmentation dans le nombre de cas difficiles que vous ayez à traiter et qui ont trait à la guerre? Après la guerre, la situation était assez facile, il était facile à ce moment-là de régler un grand nombre de demandes de pension. Les faits étaient évidents et les preuves faciles à recueillir. Aujourd'hui, il doit y avoir une augmentation du nombre de cas qui se rapportent ou découlent du service, sans que les fautes soient aussi évidentes. Devons-nous attendre à atteindre le maximum en ce qui concerne les demandes présentées à la Commission des pensions et pendant combien de temps?

M. Parsons: Aujourd'hui, ce n'est pas le nombre de cas qui compte, c'est la difficulté d'obtenir des preuves étant donné les nombreuses années écoulées depuis la guerre. Il y a un grand nombre de cas aujourd'hui qui doivent aller en appel afin de pouvoir faire comparaître le requérant devant une commission d'appel. A ce moment-là, vous devez vous fier à la parole du requérant, vous ne pouvez pas juger s'il dit ou non la vérité. On ne peut pas toujours revenir en arrière pour recueillir les preuves. Et un nombre assez élevé d'invalidités se présentent à nous, qui découlent d'états donnant droit à une pension telles les lésions dorsales, l'arthrite, les états dégénératifs de l'épine dorsale et autres affections du même genre qui ne se manifestent parfois qu'après plusieurs années. Autant d'états que le tribunal d'appel est aujourd'hui souvent appelé à considérer.

M. Peters: Y a-t-il encore quelques cas de la première guerre mondiale à traiter?

[*Texte*]

Mr. Parsons: Not very many.

Mr. Peters: I suppose this is very much on the decline.

Mr. Chadderton: Mr. Chairman, I have some information on that that I think would be helpful. The latest figures we have—and we are quoting from the Woods Committee Report specifically on it rather than the departmental report because it is up to the departmental officials to quote their own reports—indicate that in the fiscal year 1964-65, which is not too long ago, there were 2,900 initial applications from World War I veterans and the total applications that year numbered 7,000, of which approximately 1,500 eventually went to appeal boards, and I understand that ratio has not changed significantly since 1964-65. So, we still have a heavy volume of appeals.

Another thing that I think is most interesting, Mr. Chairman, is that in the Woods Committee Report they made a projection, and I quote from the introduction on page 14 of Volume I:

> . . . your Committee can foresee the need for an extensive pension administration for the World War II veterans for at least 25 years, bearing in mind the extent of the pension work still being done in 1967 for those who served during the 1914-18 war.

In other words, Mr. Chairman, the Woods Committee felt that quite an active pension administration would be required for another 25 years.

The Chairman: Are there any questions by other members of the Committee? Mr. Bigg.

Mr. Bigg: Do you think there is some confusion in the Department on the part of people who perhaps have not been with this problem for a long time and they confuse the war veterans' allowance with pensions. It seems to me that somebody is trying to streamline the whole affair and say, "If a veteran tries to get a pension and he cannot get one, he can always get the war veterans' allowance. Therefore why not combine them in one department, so that having" . . .

The Chairman: Surely that proposal is not before us. There is no suggestion of combining war veterans' allowances with pensions, and there is nothing in the White Paper . . .

[*Interprétation*]

M. Parsons: Très peu.

M. Peters: Je suppose, en effet, que ce nombre doit diminuer.

M. Chadderton: Monsieur le président, j'ai à ce sujet des renseignements qui pourraient être utiles. Les chiffres les plus récents que nous ayons,—et je les tire du Rapport Wood plutôt que du rapport du ministère, car c'est aux fonctionnaires supérieurs de chaque ministère qu'il appartient de citer leurs propres chiffres—ces chiffres indiquent que, au cours de l'année financière 1964-1965, ce qui est assez récent, il y a eu 2,900 demandes initiales provenant d'anciens combattants de la première guerre mondiale, tandis que les demandes pour cette même année s'élevaient dans l'ensemble à 7,000 dont 1,500 environ ont été formulées devant un tribunal d'appel—je crois savoir que cette proportion est sensiblement aujourd'hui ce qu'elle était en 1964-1965. Bref, nous avons encore en appel un grand nombre de demandes.

Autre fait très intéressant, monsieur le président, le rapport du Comité Wood renferme à la page 17 de l'Introduction du Volume 1 une prévision dont je cite les termes:

> . . .le Comité peut prévoir que s'imposera un fort travail de gestion des pensions en faveur des anciens combattants de la seconde guerre mondiale pendant au moins 25 ans, en tenant compte du travail relatif aux pensions que l'on accomplit encore en 1967 en faveur de ceux qui ont servi pendant la guerre de 1914 à 1918.

En d'autres mots, monsieur le président, le Comité Wood a pensé que des mesures énergiques s'imposeront encore au cours des 25 prochaines années aux fins de l'administration des pensions.

Le président: Les autres membres ont-ils des questions à poser? Monsieur Bigg.

M. Bigg: Croyez-vous qu'il y ait au ministère une certaine confusion parmi les gens qui y sont depuis peu et qui pourraient confondre la question des allocations aux anciens combattants avec celle des pensions? Il semble qu'on soit en train de simplifier cette affaire en disant: «Si un ancien combattant tente sans succès d'obtenir une pension, il peut toujours obtenir une allocation. Pourquoi alors ne pas confier l'administration de ces deux questions à un même ministère, de sorte que . . .

Le président: Nous n'avons pas à étudier une telle proposition. Il n'est pas question de combiner les Allocations aux anciens combattants avec les pensions, et rien dans le Livre blanc . . .

[*Text*]

Mr. Bigg: I am sorry, Mr. Chairman, but I am probing the group that is before us. I am quite sure that without their opinion I would not have an answer on this, and I do not know where else I can get it.

The Chairman: Mr. Bigg, we have another delegation waiting and we have a schedule for today, and this group has been good enough to stay over with us, but I think how far the questions can go with respect to the proposal before us is a matter that I have to raise at this point. I do not think the question of war veterans' allowances is before this Committee.

Mr. Bigg: Mr. Chairman, what is the rationale for combining all the veterans' legislation in one department and one commission? You are answering the question instead of the delegation.

Mrs. Heesaker: Mr. Chairman, perhaps both you and Mr. Bigg would give us an opportunity to answer that. I am going to ask our Dominion Honorary Vice-President if he would comment on that subject.

Mr. Chadderton: Without getting into any discussion of war veterans' allowances, I think we can take the first part of the question and give you an answer, because it does put its finger on one of the main problems. We are alarmed about the fact that the DVA people, who do a lot of good work in war veterans' allowances, are going to become too heavily involved in pension administration. I will cite an actual case without giving you the name, but the Chairman of the Commission knows it and he may wish to talk about it as well. This case concerned a double amputee and a departmental representative went out to do what is called a recheck because the man is receiving entitlement allowance. He went into the home and, instead of sticking to the point and ascertaining if this man still has a need for attendance, can he get in and out of the bathtub by himself, the young welfare officer in his zeal began asking the same questions he asks of a prospective WVA recipient, such as, "How much money do you have in the bank?", and so on.

• 1015

I brought this to the attention of the Chairman of the Commission and I must say that he very quickly gave me a very decent answer when he said—and in effect he apologized—that there was no requirement for this welfare officer to get that kind of information,

[*Interpretation*]

M. Bigg: Monsieur le président, je m'excuse, mais je cherche à me renseigner auprès du groupe qui comparaît devant nous. Sans l'opinion de ce groupe, il me faudra chercher ailleurs une réponse à ma question, mais où, je n'en sais rien.

Le président: Monsieur Bigg, une autre délégation attend de comparaître et l'ordre du jour est établi pour la journée. Nous sommes reconnaissants envers ce groupe qui a bien voulu se prêter à nos questions, mais il convient ici de fixer une limite aux questions qui se rapportent à la proposition en cours de discussion. Je ne crois pas que le Comité ait à étudier cette question des allocations aux anciens combattants.

M. Bigg: Alors, pourquoi confier à un seul ministère et à une seule commission toutes les mesures législatives concernant les anciens combattants? Vous répondez à la question au lieu de la délégation.

Mme Heesaker: Monsieur le président, permettez-nous, et vous aussi M. Bigg, de répondre à cette question. Je vais demander à notre vice-président honoraire national de commenter cette question.

M. Chadderton: Sans nous engager à fond dans une discussion sur les allocations aux anciens combattants, nous pouvons je crois répondre à la première partie de la question, parce qu'elle soulève de fait un des problèmes fondamentaux. Nous nous alarmons du fait que les gens du ministère des Affaires des anciens combattants, qui font un excellent travail dans le cas des allocations des anciens combattants, vont devenir trop engagés dans l'administration des pensions. Je vais vous exposer un cas réel, sans y mettre de nom, mais la Commission est au courant et voudra peut-être en parler aussi. Il s'agit d'un double amputé des deux membres. Un représentant du ministère a été faire ce qu'on appelle une revérification de son cas, parce que la personne reçoit des allocations de soins. Arrivé au domicile, au lieu de s'en tenir à la question et vérifier si l'invalide a encore besoin d'aide—peut-il prendre son bain seul, etc. . .,—le jeune agent du bien-être social s'est mis, dans son zèle, à poser les questions réservées aux anciens combattants qui désirent une pension, comme: «Combien d'argent avez-vous à la banque?» etc.

J'ai attiré sur ce cas l'attention du président de la Commission et je dois dire qu'il m'a rapidement donné une réponse—de fait, s'est excusé—car la Commission n'exige pas de tels renseignements, elle veut seulement connaître le besoin de soins, non la situation

[*Texte*]

the Commission does not want it, the Commission only wants to know the need for attendance, not the financial situation, and that is the problem which we see.

The Chairman: Thank you, Mr. Chadderton. As far as I am concerned, sir, we have to have some guidelines and relevance, and the war veterans' allowance is not before this Committee.

Mr. Peters: Mr. Chairman, I do not want to dispute this but to my mind, and I think other members of the Committee must feel somewhat the same way, we are concerned with why the White Paper proposals were made the way they were. The Department is now handling one side of it. If we put the Canadian Pension Commission into the Department, then obviously they will be handling both sides of it. To my mind you should know why somebody proposes something. I think it has been very well explained why the Woods Committee is making this proposition. However, we really have three propositions before us; the status quo, the DVA side of it, which is the White Paper, and the Woods Committee. I suggest we should not pursue it further, Mr. Chairman, but in the back of my mind, and I am sure in other members' minds, I want to know the rationale of the proposition which is made in the White Paper, I suggest that perhaps we should not talk about it, but we are all going to have to think about it.

Mr. Chairman: Do the Committee members have any other questions they would like to ask?

Mr. Leslie Crooks (First Vice-President, Canadian Corps Association): Mr. Chairman, we of the Canadian Corps Association want to go on record as stating that we emphatically do not want any department which is handling war veterans affairs to handle disability or pension claims.

The Chairman: I think your brief has been excellent on the point and I think that you have made it very clearly. I think you have done a very good job on that.

Mr. Whicher: Mr. Chairman, I would like to add that I think he has made a very strong point and I am sure that we will take this under consideration. I am sure that the people who wrote the paper had the good of the veterans at heart. We will take your arguments into account and I do not see why it cannot be changed to meet your require-

[*Interprétation*]

financière, et c'est là le problème que nous constatons.

Le président: Merci, monsieur Chadderton. Quant à nous, nous devons respecter notre mandat et ce comité n'a pas été chargé d'étudier la question des allocations aux anciens combattants.

M. Peters: Je suis d'accord, monsieur le président mais j'estime, et d'autres membres du Comité feront, je crois, de même, que nous sommes intéressés de savoir pourquoi les propositions du Livre blanc ont été faites de cette façon. Le ministère en administre présentement un aspect. Si on intègre la Commission des pensions au ministère, il administrera alors les deux aspects de la question. On doit, à mon avis, savoir pourquoi quelqu'un propose une chose. Je crois qu'il a été très bien établi pourquoi le Comité Woods fait cette proposition. Toutefois, nous sommes réellement en présence de trois propositions: le *statu quo*, le point de vue du ministère des Affaires des anciens combattants, soit le Livre blanc et le Comité Woods. Je propose qu'on s'en tienne là, monsieur le président, mais je ne puis m'empêcher de m'interroger, et d'autres font de même, j'en suis sûr, sur le motif de la proposition faite dans le Livre blanc. Peut-être vaudrait-il mieux n'en point parler, mais il nous faudra tous y penser.

Le président: Les membres du Comité ont-ils d'autres questions à poser?

M. Leslie Crooks (premier vice-président, Association du Corps canadien): Monsieur le président, nous, membres de l'Association voulons que soit officiellement enregistrée notre déclaration à l'effet que nous nous opposons catégoriquement à ce que le ministère préposé aux affaires des anciens combattants soit chargé de l'administration des réclamations relatives aux invalidités ou aux pensions.

Le président: Je crois que votre mémoire a très bien mis en lumière ce point sur lequel il n'est resté aucune ambiguïté. Vous avez à cet égard fait un très bon travail.

M. Whicher: Monsieur le président, je voudrais ajouter qu'il s'est exprimé avec vigueur et que nous en tiendrons compte. Ceux qui ont rédigé le rapport avaient à cœur le bien des anciens combattants. Nous tiendrons compte de vos arguments et je ne vois pas pourquoi cela ne peut être changé pour répondre à vos besoins. Tous, tant que nous

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ments. I think every one of us—the government and everyone around this table—has the good of the veterans at heart. You feel that this should be done and it certainly is not going to cost any more money. It is for the good of the veterans and your arguments have been given. Therefore I suggest that we are making a mountain out of a molehill. We are for you, so let us not get into a fight around this table.

The Chairman: Thank you, Mr. Whicher.

Mrs. Heesaker: Mr. Chairman and members of the Standing Committee, this concludes our brief which deals specifically with a few of the recommendations recorded in the Woods Report, and you will realize we have only touched on some of the major recommendations. We trust, however, that all of the 148 recommendations of the Woods Report will be reviewed in full by the Committee at your various sessions. The Canadian Corps Association wish to point out the the government's White Paper makes no reference to or did not accept 50 per cent of the recommendations, and in many instances the modifications referred to by the Minister of Veterans Affairs has nullified the intent of the recommendations in the Woods Report.

Our senior officer, Mr. Chairman, the Dominion First Vice-President, Mr. Leslie Crooks, will conclude our presentation to you this morning.

Mr. Crooks: Thank you, Mrs. Heesaker.

The Chairman: Mr. Crooks.

Mr. Crooks: Mr. Chairman and members of the Standing Committee on Veterans Affairs, at this point we wish to record that the Canadian Corps Association was pleased to join with all other national veteran organizations in the joint statement which was presented to you on Thursday, September 18.

As the joint statement is the unanimous opinion of all organizations, its importance cannot be emphasized too strongly, for to our knowledge it is the first time in Canada's History that any statement has had the combined Veteran strength of this country so fully united in support thereof.

In conclusion, we wish to express our appreciation to your Committee for presenting our Association with the opportunity of appearing before you today. The reading of this Brief to you, completes our formal

[*Interpretation*]

sommes, le gouvernement et ceux qui sont ici présents, ont à cœur le bien des anciens combattants. Il vous semble que cela doit être fait et il n'en coûtera certainement pas plus cher. C'est à l'avantage des anciens combattants, et vos raisons ont été présentées. Aussi, j'estime que nous sommes en train de faire une montagne d'un rien. Nous sommes en votre faveur, il n'y a donc pas lieu de nous quereller.

Le président: Merci, monsieur Whicher.

Mme Heesaker: Ceci termine la présentation de notre mémoire qui traite plus particulièrement de quelques-unes des recommandations faites dans le Rapport Woods, et vous concevez que nous n'avons qu'effleuré quelques-unes des recommandations les plus importantes. Toutefois, nous espérons que les 148 recommandations du rapport Woods seront étudiées à fond au cours des séances à venir du Comité.

L'Association du Corps canadien tient à souligner que le Livre blanc du gouvernement mentionne aucunement ou rejette 50 p. 100 des recommandations et, à maintes reprises, les modifications auxquelles le ministère des Affaires des anciens combattants fait allusion annulent l'effet des recommandations du rapport Woods.

Notre premier vice-président, monsieur Leslie Crooks va terminer la présentation de notre mémoire.

M. Crooks: Merci, madame Heesaker.

Le président: Monsieur Crooks.

M. Crooks: Monsieur le président, messieurs les membres du comité permanent sur les Affaires des anciens combattants: nous aimerions vous voir noter que l'Association du Corps canadien a été heureuse de se joindre aux autres associations nationales d'anciens combattants aux fins de la déclaration conjointe qui vous a été faite le jeudi 18 septembre.

Vu que cette déclaration conjointe représente l'opinion unanime de toutes les associations, on ne saurait trop insister sur son importance, car, à notre connaissance, c'est la première fois dans l'Histoire du Canada que toutes les associations d'anciens combattants du Canada se sont unies pour appuyer un témoignage.

Nous désirons remercier le Comité d'avoir fourni à notre Association l'occasion de témoigner devant lui. Nous avons terminé notre présentation formelle qui comprenait la lecture de notre mémoire, mais nous sommes

[*Texte*]

presentation, but we are prepared, if necessary, to discuss further any part of the same that you may desire. Thank you very much Mr. Chairman and Gentlemen.

The Chairman: Are there any questions that anyone wants to raise at this point? If not, in the name of the Committee I would like to thank the delegation very much for a very lucid and well-prepared brief which I am sure will be of great help to members of the Committee when they come to making their recommendations.

Mr. Crooks: Thank you very much, Mr. Chairman.

The Chairman: Will the meeting please come to order. We have with us today the Canadian Paraplegic Association. Mr. G. K. Langford, Q.C. is the Managing Director and Mr. A. C. Clarke the Assistant Managing Director of the Canadian Paraplegic Association. I understand that Mr. Langford is going to introduce the delegation and those present.

I have also suggested that the gentlemen who are likely to be speaking perhaps should position themselves as close as possible to the microphones. This will assist the transcription of the proceedings.

Mr. Langford, would you like to introduce your group?

Mr. G. K. Langford, Q.C., (Managing Director, The Canadian Paraplegic Association): Thank you, Mr. Chairman. We had hoped that John Counsell, the Chairman of the Association, would be able to be present this morning, but he has spent the last several weeks in hospital trying to cure a small pressure sore. He has just recently been discharged home but his doctors say "no travelling".

On my right is Andy Clarke who originated in Saskatchewan, served overseas with the RCAF, was injured back in 1944 while flying a Typhoon aircraft, was hospitalized eventually in Toronto, took his degree in economics and political science from the University of Toronto following discharge from hospital, came to work with the Canadian Paraplegic Association first as a Rehabilitation Officer and, more recently, as Assistant Managing Director.

Down at the other end of the table is Tony Damiano, another Toronto boy, who served with the Royal Canadian Regiment in Kerea. Unfortunately in 1952 he suffered an injury to his neck, damage to the spinal chord, and he is a quadriplegic as a result. At the

[*Interprétation*]

tout de même prêts à en discuter n'importe quelle partie, si vous nous le demandez.

Le président: Est-ce qu'il y aurait des questions à poser? S'il n'y en a pas, je voudrais remercier au nom du Comité la délégation pour son merveilleux mémoire et sa présentation très claire. Ceci aidera énormément les membres du Comité quand ils présenteront leurs recommandations. Merci messieurs.

M. Crooks: Merci beaucoup, monsieur le président.

Le président: Je rappelle le Comité à l'ordre. Nous avons aujourd'hui avec nous l'Association des Paraplégiques canadiens. M. G. K. Langford en est l'administrateur directeur et M. A. C. Clarke, l'administrateur directeur adjoint. M. Langford va faire les présentations. J'invite ceux d'entre vous qui voudraient participer à la discussion de s'asseoir le plus près possible des microphones.

Monsieur Langford, voulez-vous présenter les membres de votre groupe?

M. G. K. Langford, C. R. (Administrateur directeur de l'Association canadienne des paraplégiques): Nous avions espéré que le président de l'Association, M. John Counsell, serait ici avec nous ce matin, mais il a été retenu plusieurs semaines à l'hôpital et bien qu'il soit à la maison, son médecin lui a dit de ne pas voyager. A ma droite, Andy Clarke, natif de la Saskatchewan. Il a servi outre-mer dans le CARC et il a été blessé en 1944 alors qu'il pilotait un avion Typhoon. Il a été hospitalisé à Toronto. Après son séjour à l'hôpital, il a étudié l'économie politique à l'université de Toronto. Une fois diplômé, il est entré au service de l'Association canadienne des paraplégiques, d'abord en qualité d'agent de réadaptation, puis en qualité d'administrateur directeur adjoint. A l'autre extrémité de la table, vous voyez M. Tony Damiano, un autre citoyen de Toronto, qui a servi dans le Régiment *Royal Canadian* en Corée. En 1952, il a été blessé au cou. Sa moelle épinière a été endommagée et depuis lors il est quadriplégique. En ce moment, ses médecins lui ont permis de s'absenter deux jours de l'hôpital Sunnybrook où on essaie de le guérir d'infections récurrentes des voies urinaires.

[*Text*]

moment Tony is officially confined to Sunnybrook Hospital to clear up some recurring urinary infections but his doctors have let him out for two days in order to appear before the Committee.

With Tony is Major J. A. L. Robichaud. I think he is known to most members of the Committee. He served with the North Shore Regiment and was wounded in France in 1944.

Further to my right, another gentleman known to you, is Cliff Chadderton. We have asked him to sit in with the delegation, largely to save time, in that Cliff is far more knowledgeable of the details of the Woods Committee Report than I am.

Mr. Bill Handley, who served with the Black Watch Highlanders of Canada, is from Montreal. He was injured in England with resulting paraplegia back in 1941 and was I believe the first World War II paraplegic to be returned to Canada.

Mr. Harry Ward served with the North Nova Scotia Highlanders. He was injured in 1944 in France and since leaving hospital has been engaged as Executive Director of the Quebec Division of the Canadian Paraplegic Association.

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That brings the delegation down to myself. I managed to graduate from Osgoode Hall Law School just before going into the army, served with the Calgary Highlanders, was wounded in 1945 outside Nijmegen in Holland, on discharge from hospital in Toronto I took on the position of General Secretary of the Canadian Paraplegic Association and, more recently, that of Managing Director.

That completes the delegation, Mr. Chairman.

The Chairman: I would like to say at the beginning, Mr. Langford, that as our proceedings will be quite informal please do not hesitate to call on any members of your delegation whenever you see fit.

Mr. Langford: Thank you, sir.

Mr. Chairman and gentlemen, we are grateful for this opportunity of appearing before you and appreciate your interest in being here to listen to us. We know that you have come at some inconvenience to yourselves in that this Committee was convened a full month before the opening of the next session of Parliament.

We are very pleased that the government has clarified one point, has indicated that its

[*Interpretation*]

A côté de M. Damiano, vous voyez le major J.-A.-L. Robichaud. Membre du régiment *North Shore,* il a été blessé en France en 1944.

Plus loin, à ma droite, vous voyez M. Cliff Chadderton que vous connaissez bien. Nous l'avons demandé surtout pour épargner du temps, parce qu'il connaît beaucoup mieux que moi le rapport du Comité Woods.

M. Bill Handley, de Montréal, a servi dans le Régiment canadien des *Black Watch Highlanders.* En 1941, il a été blessé en Angleterre. Devenu paraplégique, je crois qu'il a été le premier des paraplégiques de la Deuxième guerre mondiale à revenir au Canada.

M. Harry Ward a servi dans le Régiment *North Nova Scotia Highlanders.* Il a été blessé en France en 1944 et depuis sa sortie de l'hôpital, il est directeur exécutif de la Division québécoise de l'Association canadienne des paraplégiques.

Enfin, moi-même je fais partie de la délégation. J'ai obtenu un diplôme en droit de Osgoode Hall juste avant de devenir membre de l'armée. J'ai servi avec les *Calgary Highlanders,* j'ai été blessé en 1945, près de Nymegen en Hollande. A ma sortie de l'hôpital, je suis devenu le secrétaire de l'Association canadienne des paraplégiques et plus récemment l'administrateur directeur.

Voilà, monsieur le président, la composition de la délégation.

Le président: Comme nos délibérations se feront sans formalité, n'hésitez pas, monsieur Langford, de vous adresser à n'importe quel membre de votre délégation quand vous le voudrez.

M. Langford: Merci monsieur. Monsieur le président, messieurs, nous vous remercions de nous avoir reçus et nous apprécions énormément l'intérêt que vous nous portez. Et nous savons que ceci peut vous avoir causé des inconvénients du fait que le comité c'est déjà réuni un bon mois avant la rentrée du Parlement.

Nous sommes très heureux de voir que le gouvernement a clarifié un point et a indiqué

[*Texte*]

general review and recommendations contained in the White Paper are to be considered flexible, and that the Minister is anxious to have our views and recommendations and your recommendations on this subject, which makes the job of veterans' organizations and of this Committee of vital importance to the war disabled of Canada.

We hope that we may speak frankly this morning, Mr. Chairman, and we know that you will hear us with understanding.

Before getting into the substance of the brief there are two points that I would like to mention that are not contained in the main brief. The first is to express our pleasure with the proposals in the White Paper relating to the Hong Kong veterans. This has been a very difficult matter to deal with and we are pleased to note that justice will at last be done for this very deserving group.

The second point came up a little earlier this morning and concerns the Canadian Pension Commission. We in the Canadian Paraplegic Association have happily enjoyed the most cordial relations with the members and personnel of the Canadian Pension Commission and the Department of Veterans Affairs. We feel that we have had reasonable treatment from both these branches and it is somewhat alarming to read that the government proposes in effect to break up the Canadian Pension Commission by the establishment of a Directorate of Pensions within the department. Now we say, without casting any aspersions on the department or any of its personnel, that as far as we are concerned the Canadian Pension Commission has served us well in the matters of initial adjudication and we see no reason for this change.

Mr. Chairman, if I may, I am fighting a bit of a sore throat this morning and I would like to call on Mr. Clarke to read the brief.

The Chairman: By all means.

Mr. A. C. Clarke (Assistant Managing Director of the Canadian Paraplegic Association):

Mr. Chairman and gentlemen, this brief is respectfully submitted on behalf of the paraplegic and quadriplegic veterans, who are those who suffered traumatic injury to the spinal cord during the course of their service in Canada's military forces. These people are among the most seriously disabled of all those whose disabilities stem directly from military service. The purpose of this brief is to draw to the attention of the Committee the follow-

[*Interprétation*]

que sa revue générale et ses recommandations qui figurent au Livre blanc ne sont pas définitives et que le ministère est très anxieux de connaître nos points de vue et commentaires ainsi que vos recommandations, ce qui rend le travail des associations d'anciens combattants et de votre Comité d'une grande importance pour les invalides de guerre.

Nous espérons, monsieur le président, que nous pourrons vous parler d'une manière très franche ce matin et que nous obtiendrons votre compréhension.

Avant de présenter notre mémoire, je voudrais exposer deux points très clairement qui ne font pas partie de notre exposé. Le premier point exprime notre joie face aux propositions du Livre blanc sur les anciens combattants de Hong Kong. Il s'agit d'une question délicate et nous sommes heureux de voir qu'enfin justice leur sera faite.

Le deuxième point est venu un peu plus tôt ce matin et concerne la Commission canadienne des pensions. Nous, de l'Association canadienne des paraplégiques, nous sommes très heureux de dire que nous avons de très bonnes relations avec les membres et le personnel de la Commission canadienne des pensions et du ministère des Affaires des anciens combattants. Nous avons été assez bien traités par ces deux organismes et c'est avec déception que nous apprenons que le gouvernement veut remplacer la Commission canadienne des pensions par une Direction des pensions à l'intérieur de son ministère. Sans vouloir discréditer le ministère ou son personnel, nous devons dire que la Commission canadienne des pensions nous a bien servis et que nous ne voyons aucune raison de l'abolir.

Monsieur le président, j'ai un léger mal de gorge et j'aimerais que M. Clarke lise le mémoire.

Le président: Allez-y.

M. A. C. Clarke (directeur adjoint de l'Association canadienne des paraplégiques):

Monsieur le président,
Messieurs,

Le présent mémoire est respectueusement présenté au nom des anciens combattants paraplégiques et quadraplégiques qui ont été blessés à la colonne vertébrale à l'occasion de leur service dans les Forces armées du Canada. Ils font partie du groupe de ceux qui sont le plus sérieusement handicapé à la suite d'une incapacité résultant directement de leur service militaire. Ce mémoire a pour

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ing matters which are of particular concern to the paraplegic veterans:

1. Payment of Pension in relation to the full extent of the disability incurred, in accordance with the intent of the Pension Act, Section 28(1). (Woods Committee recommendations nos 64, 65 and 74.)

2. Continuation of Attendance Allowance to a paraplegic or quadriplegic pensioner during periods of hospitalization for active treatment from time to time as required, for the full duration of any such period of treatment. (Woods Committee recommendation no. 85.)

3. Continuation of compensation at married rate to the widow of a pensioner in Classes 1 to 9, for a full year following the death of a pensioner. (Woods Committee recommendation no. 109.)

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The Disability of Paraplegia

It is interesting to note that over 80 per cent of the paraplegic casualties from World War I died within the first year following injury, while the life expectancy of the remainder was drastically shortened.[1] The reason for this lies in the complex nature of the disability.

A paraplegic is a person who is paralyzed from the waist down as a result of injury to the spinal cord. The actual level of the lesion to the spinal cord may vary from the cauda equina to the upper thoracic vertebrae. Normal voluntary and sensory functions are lost below the level of this injury. The individual is thus without the ability to move his legs, to stand or walk or even to change position. In the higher lesions, voluntary control over the muscles of the legs and trunk may be replaced by involuntary muscle spasms or jerks, which are in themselves further disabling and upsetting. He loses voluntary control over the evacuations of his bowel and bladder, which, apart from the social and psychological aspects, poses a constant threat

[1] Walsh, J. J., Understanding Paraplegia. Tavistock Publications, p. 2

[*Interpretation*]

but d'attirer l'attention des membres du Comité sur les points suivants qui présentent un intérêt particulier d'une extrême importance pour les vétérans paraplégiques et quadraplégiques:

1. Paiement d'une pension basée sur l'incapacité totale en vertu de l'article 28 (1) de la Loi sur les pensions (Recommandations 64, 65 et 74 du Comité Woods).

2. Continuité de l'allocation pour le service d'aide aux paraplégiques ou quadraplégiques pensionnés durant les périodes d'hospitalisation pour fins de traitements. Ces jours à l'hôpital sont nécessaires de temps à autre et l'allocation devrait être versée pendant tout le temps de chaque hospitalisation (Recommandation 85 du Comité Woods).

3. Continuité de la pension à la veuve au taux de personne mariée pendant un an après la mort d'un pensionné des classes 1 à 9 (Recommandation 109 du Comité Woods).

Invalidité résultant de la paraplégie

Il est important de noter que plus de 80 p. 100 des paraplégiques de la Première grande guerre sont décédés environ un an après avoir subi leur blessure, alors que les autres ont eu une survie relativement courte[1]. La raison de cet état de choses réside dans l'immense complexité de cette invalidité.

Le paraplégique est paralysé à partir de la taille à la suite d'une blessure à la moelle épinière. Le niveau de la lésion à la moelle épinière varie du coccyx à la vertèbre thoracique supérieure. A partir du niveau de la blessure, les mouvements volontaires et la sensation sont complètement anéantis. Le paraplégique ne peut pas mouvoir ses membres inférieurs et, par conséquent, il lui est impossible de marcher, de se tenir debout ou encore de changer de position. Lorsqu'une lésion se situe plus haut, le contrôle volontaire des muscles des jambes et du tronc est parfois remplacé par des spasmes musculaires involontaires, ce qui rend le handicap plus compliqué et plus pénible. Le paraplégique perd le contrôle volontaire du fonctionnement de ses intestins et de sa vessie, ce qui, en plus de poser un problème social et psychologique, constitue une menace constante pour sa vie et

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to his life and health through urinary tract sepsis.[2]

The management of his paralyzed bladder and bowel may, in the paraplegic, occupy a large part of his time, energy and thought. The mechanics of doing this in a way that will maintain a level of health and which will make him socially acceptable may require the use of indwelling catheters to drain the bladder, the wearing of external urinary devices and the daily practice of meticulous prophilactic measures designed to minimize infection. Despite careful attention to these details many paraplegics are subject to recurrent bouts of serious illness of urinary tract origin, which often require treatment in hospital and which are both debilitating and time consuming.

The paraplegic also becomes insensate below the level of his lesion. The ramifications of this loss are such that the individual, being unable to feel extremes of heat or cold or other pain stimuli, thus becomes liable to burns, freezing and injuries of which he may be unaware. He will not know where his feet are without looking at them, and this too may lead to injury. Most serious of all, with impaired feeling, muscle power, and circulation, the paraplegic is in constant danger of developing pressure sores, which once developed may take weeks, months or even years to heal.

His susceptibility to pressure sores and to urinary sepsis are leading threats to his general sense of well being and to his expectation of life.

Many paraplegics suffer from abnormal and distorted pain sensations of neurological origin not associated with external stimulation. This sort of pain does not serve any useful function and while it may not be continuous it can be crippling when it does strike.

Both the loss of sensation and the presence of abnormal pain make it difficult to distinguish the symptoms of illnesses, not related to his paraplegia, to which he may be subject from time to time.

[*Interprétation*]

sa santé en raison de l'infection des voies urinaires[2].

La paralysie de la vessie et des intestins force généralement le paraplégique à consacrer une partie considérable de son temps, de son énergie et de sa pensée au bon fonctionnement de ces organes. C'est un problème qui pèse constamment sur son esprit et sur son subconscient. Les moyens mécaniques de faire fonctionner ces organes de manière à maintenir un état de santé relativement bon et une vie sociale passable comprennent, entre autres, l'usage de la sonde interne qui draine la vessie et de l'urinoire de caoutchouc dissimulable. L'usage de ces deux appareils exige une attention méticuleuse et constante afin de prévenir ou de minimiser l'infection. Mais même s'ils prennent les plus grandes précautions, de nombreux paraplégiques sont sujets à de fréquentes infections urinaires qui exigent l'hospitalisation et une longue convalescence. Ces infections sans cesse renouvelées affaiblissent le paraplégique et prennent considérablement de son temps.

Le paraplégique a perdu toute sensation à partir du niveau de sa blessure. En conséquence il devient très sensible à la chaleur ou au froid extrêmes, ou à d'autres causes externes qui peuvent provoquer la douleur. C'est dire qu'il peut subir sans même s'en rendre compte des brûlures, des gelures ou d'autres blessures. Ainsi, pour savoir où sont ses pieds, il devra les regarder. Mais ce qui est encore plus sérieux, c'est qu'en raison de son manque de sensation et de l'atrophie musculaire, les plaies qu'il s'inflige peuvent prendre des semaines, des mois et même des années à guérir. Le fait d'être particulièrement exposé aux dangers mentionnés plus haut ainsi qu'aux infections urinaires, constitue une menace constante au bien-être et à la longévité du paraplégique.

Plusieurs paraplégiques souffrent de douleurs et de sensations anormales et intolérables d'origine neuroligique n'ayant aucun rapport avec un stimulus extérieur. Ces douleurs ne remplissent aucune fonction utile et, bien qu'elles ne soient pas continuelles, n'en sont pas moins paralysantes et démoralisantes. La perte de sensation et la présence de douleurs anormales rendent parfois très difficile le diagnostique des symptômes de maladies ou de malaises qui ne relèvent pas de la paraplégie. L'effet psychologique de cette condition varie en intensité avec les individus.

[2] Breithaupt, D. J.; Jousse, A. T.; Wynne-Jones, Megan; Late Causes of Death and Life Expectancy in Paraplegia, Canadian Medical Association Journal, 85:73-77, July 8, 1961.

[*Text*]

The male paraplegic also suffers the loss of his sexual powers, both capability and potency. The ramifications of this can only be guessed at in terms of the individual's self image and in terms of his relationships with the opposite sex.

As stated earlier, over 80 per cent of the spinal injury casualties, arising out of service during World War I, died during the first year following injury. Consequently the spinal injuries veterans of World War II comprise the first sizeable group of young men, previously in good health and physical condition, which can be used to observe and study the effects of this disability in terms of premature aging. The deterioration in bone structure, musculature, neurological system and general loss of sense of health, well-being and energy is very real to the older paraplegic. There is little doubt that such premature aging and deterioration takes place earlier in the life of a paraplegic or quadriplegic. Dr. Jousse and his associates have documented one facet of this.[3] It may be the effects of physical strain from lifting and throwing himself around the way he has to in the course of daily living, from improper muscular support when sitting and carrying out activities from this position,

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and of the frequent serious illnesses he is subject to with urological infections and pressure sores, but there is no doubt in the minds of the paraplegic and quadriplegic veterans that these changes do take place. In fact the life expectancy of these people, while dramatically improved from the experience of the era of World War I, is still much below the average for the general population.[4]

The quadriplegic suffers all of the disabilities and susceptibilities of the paraplegic plus several additional ones of his own. Most apparent, and not in any way to be underestimated, is the loss of use of his arms and hands either partially or completely. The lesion to the spinal cord in the quadriplegic is located in the cervical region and all normal voluntary and sensory functions are lost below the level of the lesion.

[*Interpretation*]

Comme nous l'avons déjà mentionné, plus de 80 p. 100 des paraplégiques de la Première grande guerre sont décédés au cours de l'année qui a suivi leur blessure et les autres n'ont pas survécu longtemps. C'est donc dire que les paraplégiques de la Deuxième grande guerre forment le premier groupe important de jeunes hommes qui étaient auparavant en bonne santé et en bonne condition physique, et chez qui on peut étudier maintenant le vieillissement prématuré causé par leur infirmité. La détérioration de la structure des os, des muscles, du système nerveux et la perte générale de la sensation de bien-être, de santé et d'énergie est quelque chose de bien réel pour le paraplégique plus âgé.

Il n'y a aucun doute possible que le vieillissement prématuré et la détérioration générale mentionnés ci-dessus apparaissent beaucoup plus tôt dans la vie d'un paraplégique ou d'un quadraplégique. Le docteur Jousse et son équipe ont fait des recherches importantes à ce sujet[3].

Les causes de ces phénomènes physiologiques sont diverses et multiples. Elles sont peut-être dues, en partie, à l'effort physique constant et souvent trop prononcé que le malade doit déployer pour se lever et se déplacer de toutes sortes de façons au cours des journées. Il est possible qu'une autre cause soit le support musculaire incorrect lorsque le paraplégique poursuit ses activités quotidiennes dans une position assise; ou encore les malaises fréquents et très sérieux causés par l'infection des voies urinaires et les plaies inguérissables. Quoi qu'il en soit, il ne fait aucun doute dans l'esprit du paraplégique ou du quadraplégique que ces changements physiologiques ne sont, hélas, que trop réels! En fait, la longévité de ces personnes, même si elle a été prolongée depuis la Première grande guerre, n'en reste pas moins beaucoup plus basse que la moyenne de longévité de la population en général[4]. En plus des difficultés

[3] Jousse, A. T.; Barnett, J.; Wynne-Jones, Megan;—article on the spontaneous development of secondary lesions in paraplegics—accepted for publication by the British journal "Brain".

[4] Breithaupt, D. J.; Jousse, A. T.; Wynne-Jones, Megan;—Late Causes of Death and Life Expectancy in Paraplegia. The Canadian Medical Association Journal, 85: 73-77, July 8, 1961.

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The loss of use of arms and hands, either completely or partially, makes the quadriplegic dependent to a very great extent on the assistance of others for even the most basic of functions, e.g., elimination, eating, dressing and even turning in bed. It seriously limits his opportunities for the enjoyment of life, particularly if he is not intellectually well endowed and educated. Only those quadriplegics who are well educated and who have outstanding personalities with special skills of an intellectual nature to offer, are able to engage in a useful occupation.

In addition to the obvious limitations in the use of his arms and hands, the quadriplegic is subject to respiratory problems, to disabling and distressing spasms, to uncontrolled sweating, and to the loss of feeling and normal sensation over a greater part of his body.[5] He is susceptible to a greater degree to the dangers of pressure sores and of urinary infection.

Gentlemen, these are the disabilities suffered by the paraplegics and quadriplegics. They may not be very visible when you see these people dressed up in their best suits, sitting apparently comfortably in wheelchairs, putting their best foot forward so to speak. However appearances are sometimes deceiving.

We believe that it was clearly the intent of Parliament as expressed in the Pension Act to award pensions in accordance with the full extent of the disabilities incurred (Section 28(1) of the Pension Act. We are pleased that the government in its recent White Paper has recognized the exceptional burden of disablement which the multiple disability pensioners carry. However we are most disappointed with the philosophy, the method and the amount of the government's proposal as we

[5] Scott, John W.; Disturbances of Functions of Paraplegic Patients. Outline of Research Work from 1950 to 1961 under DVA Research Project 46-50. Medical Services Journal Canada, Vol. XVIII, No. 8, pp. 605-608, Sept. 1962.

[*Interprétation*]

particulières au paraplégique le quadraplégique doit supporter de nombreux autres malaises qui lui sont propres. Le plus apparent et non le moindre, c'est la perte partielle ou totale de l'usage de ses bras et de ses mains. La blessure à la moelle épinière chez le quadraplégique se situe dans la région cervicale et toutes les fonctions normales volontaires et sensorielles sont détruites à partir du niveau de la blessure.

La perte partielle ou totale de l'usage des bras et des mains rendent le quadraplégique presque entièrement et constamment sous la dépendance des autres, même pour les fonctions les plus usuelles: éliminer, manger, faire sa toilette, s'habiller et même se tourner dans son lit. Il est facile de comprendre qu'un tel état limite cruellement sa joie de vivre, surtout si le développement intellectuel et l'éducation laissent à désirer. Seuls les quadraplégiques qui ont l'avantage d'avoir une bonne éducation et une belle personnalité et qui sont doués de talents spéciaux sont réellement capable de s'adonner à une occupation utile ou, tout au moins à une activité qui peut les délasser.

En plus d'être limité dans ses mouvements, le quadraplégique est sujet à des troubles respiratoires parfois très sérieux, à des spasmes angoissants qui augmentent considérablement son infirmité. Souvent aussi il transpirera abondamment et d'une façon incontrôlable. Et pour lui la perte d'une sensation normale affectera une plus grande partie de son corps[5]. Il est aussi plus exposé aux dangers des plaies et des infections urinaires.

Voilà les infirmités dont souffrent les paraplégiques et les quadraplégiques. Cela n'est peut-être pas très évident lorsqu'on voit les gens bien habillés, bien assis, semble-t-il du moins dans une chaise roulante. Toutefois, les apparences sont souvent trompeuses.

Nous croyons que le Parlement a vraiment l'intention comme cela est exprimé dans la Loi sur les pensions d'accorder des pensions en fonction de l'invalidité subie (article 28 (1) de la Loi sur les pensions). Nous sommes heureux de voir que le gouvernement dans sa Loi sur les pensions reconnaisse sa dette. Toutefois, nous sommes vraiment désappointés par la philosophie, les méthodes et l'ensemble des propositions du gouvernement en ce qui concerne les infirmités multiples.

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understand it, to compensate the multiple disability pensioners for their exceptional burdens of disablement.

It appears to us that this proposal is for another discretionary allowance. It has a welfare connotation to it and it puts both the person who must exercise the discretion and the applicant in an intolerable position.

We do not understand what the government intended when it referred to:

> "specified amenities to relieve pain and disconfort, and to increase as far as possible the enjoyment of life for the pensioner and to provide for him the essential will to live".

We, the paraplegic and quadriplegic war disability pensioners, have the will to live or we would not be here today. All that is necessary to die is to relax the constant 24 hour a day vigilance that is required to avoid urinary tract infections and pressure sores and life can be brought to an unobtrusive, undramatic close. The will to live is not the problem.

Further, most special amenities known to date, which relate directly to our disabilities, are already provided by the Department. For the more general amenities, we would prefer to arrange them ourselves, according to individual interest and taste.

The crux of the matter is that we, as disability pensioners with disabilities assessable several times beyond the 100 per cent level, can see no reason why we should not be compensated for the true assessable extent of the disabilities we carry. As to the method of doing this we urgently request the implementation of the Woods Committee recommendations numbers 64, 65 and 74.

We do not believe that the costs involved are out of line in view of the small number of pensioners to whom they are applicable. There are approximately 165 paraplegics and 15 quadriplegics entitled to treatment and compensation for their primary disabilities. Including the blind and the multiple amputees there are fewer than 500 pensioners in all who would qualify. We estimate that an addi-

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tional expenditure of less than $2 million would permit the implementation of the Woods Committee recommendations and that the total pension expenditures on the multiple disability casualties would then be under $3.5 million annually. It should be added that the multiple disability casualties are diminishing

[*Interpretation*]

Il nous semble que la proposition laisse trop de pouvoirs discrétionnaires au gouvernement. Elle renferme connotations de bien-être qui placent le requérant et l'autorité compétente dans une position insupportable.

Nous ne comprenons pas ce que le gouvernement entendait faire lorsqu'il a dit qu'il voulait «améliorer la situation des pensionnés pour lui redonner le maximum de goût à la vie.» Nous, pensionnés quadraplégiques et paraplégiques, ne serions pas ici si nous n'avions pas le goût de vivre. Tout ce qu'il faut pour mourir, c'est d'arrêter la vigilance de 24 heures qui est nécessaire pour éviter et éliminer les infections des voies urinaires entre autres. Le désir de vivre n'est pas un problème, nous avons goût à la vie.

Il y a des commodités reliées directement à notre invalidité, dont s'occupe d'ailleurs le ministère. Pour ce qui est des autres d'ordre général, nous préférons nous en occuper nous-mêmes suivant nos goûts.

Enfin, en tant que pensionnés pour infirmités ou invalidités, nous devrions recevoir des indemnités proportionnelles à nos invalidités, celles-ci dépassant de beaucoup le 100 p. 100 d'évaluation. Quant aux méthodes d'applications, nous vous demandons d'adopter au plus vite les recommandations 64, 65 et 74 du Comité Woods.

Nous croyons que le coût n'est pas si élevé, vu le nombre de personnes en cause. Environ 165 paraplégiques, et 15 quadraplégiques ont droit à des traitements et une compensation. Si l'on tient compte des aveugles et des amputés multiples, il y aurait moins de 500 personnes. Il en coûterait 2 millions de dollars de plus pour mettre en application les recommandations du Comité Woods, ce qui porterait le chiffre total des dépenses à 3.5 millions de dollars par année. Il faudrait ajouter que les cas d'infirmités multiples diminuent en nombre et continueront de diminuer très rapidement. L'engagement financier n'est que pour une période limitée.

[*Texte*]

in numbers and will do so at an increasingly rapid rate. The financial commitment involved is for a limited period of years only.

We believe the people of Canada would agree that those who have helped make Canada the great nation it is today and who have suffered so heavily in the service of their country, who are barred from so many of the normal enjoyments of life, should be compensated at realistic rates.

We do believe that the provision of supplementary pension by right as recommended by the Woods Committee would be the most appropriate way within the power of the government to increase as far as possible the enjoyment of life of the pensioner and provide for him and his family the financial well being and security that he is unable to provide with his limited or, in some cases, non-existent earning power.

The Chairman: I wonder Mr. Clarke if I could interrupt and suggest we break at this point for five minutes or so. Would that be convenient? I think we have some coffee provided.

After recess

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The Chairman: I am going to invite Mr. Clarke to resume. I think at this stage there is a logical break in the brief and I wonder Mr. Clarke was it your wish that there should be questioning at this period or how would you like to proceed?

Mr. Clarke: Mr. Chairman, that would be our preference if the Committee would indulge us in that. If there are any questions we would . . .

The Chairman: Are there any questions by members? Mr. Whicher.

Mr. Whicher: Mr. Chairman, I think all of us are impressed with your views of attendance allowance. We have had other people before us who stressed this point and certainly I agree with what you say. There is just one thing, how long do you think this should go on? As I understand, it is cut off immediately if the veteran goes in the hospital. If he is away for a month it is cut off or if he is away for two months, but supposing that unfortunately the veteran had to be in the hospital say, for a year. What would your views be then? Do you think that it should be fully paid?

[*Interprétation*]

Nous croyons que les Canadiens seront d'accord que ceux qui ont aidé à faire du Canada le grand pays qu'il est aujourd'hui, qui ont sacrifié leur corps au service de leur pays et qui ont perdu plusieurs des joies de la vie par suite de ce sacrifice ont droit à des compensations équitables. Cela leur revient de droit, cela devrait être fait pour accroître la joie de vivre du pensionné et le bien-être de sa famille. Enfin, il est souvent incapable d'obtenir la sécurité dont il a besoin, vu ses pensions et la pauvreté de ses revenus, s'il en a.

Le président: Puis-je vous interrompre, monsieur Clarke, et proposer que nous arrêtions pour 5 minutes. Cela vous convient-il? Je crois qu'il y a du café à notre disposition.

(Pause de 5 minutes)

Reprise de la séance.

Le président: Alors, je demanderai à M. Clarke de reprendre son travail. Je pense qu'il y a, à ce point une interruption logique du mémoire et je me demande si vous ne désiriez pas, M. Clarke, que nous posions maintenant les questions ou alors que nous procédions d'une autre façon?

M. Clarke: M. le président, ce serait là notre intention si le comité nous le permettait. Nous ne serions que trop heureux de répondre aux questions...

Le président: Y-a-t-il des questions? M. Whicher?

M. Whicher: Monsieur le président, nous sommes tous impressionnés par les propositions que vous faites au sujet de l'allocation de soins. D'autres personnes qui ont comparu ici partageaient votre point de vue, et je ne peux manquer d'être d'accord avec ce que vous avez dit. Une question se pose pourtant: pendant combien de temps croyez-vous que cette situation peut se perpétuer? Si je le comprends bien, dès qu'un ancien combattant va à l'hôpital, s'il est absent pendant un mois, cette allocation est supprimée, ou s'il manque pendant deux mois; mais supposons que ce malheureux ancien combattant soit à l'hôpital pendant disons un an, qu'est-ce que vous

[*Text*]

Mr. Clarke: Mr. Chairman, would you like a comment on that now? I think we deal with that one in the next section.

The Chairman: Oh, all right. We will hold it then.

Mr. Whicher: I see. It was mentioned earlier in the brief. One thing more, later on in the brief are you suggesting that instead of 100 per cent pension it should be 300 per cent or 200 per cent? Do you take a figure?

Mr. Langford: I think, sir, our recommendation is that the Woods Report be implemented which in that case would be 350 per cent or three and a half times the basic rates as a reasonable comparative compensation level for paraplegics.

Mr. Knowles (Winnipeg North Centre): May I ask one question of fact, Mr. Chairman? Does the figure of 165 paraplegics include veterans who suffered spinal injury of an external nature and does it also include veterans who have contracted any diseases while they were on service which produced spinal injury and the same kind of effects? I have in mind multiple sclerosis, for example.

Mr. Langford: No, sir. We have not dealt with the disease situation. We were talking in terms of actual traumatic injury to the spine.

Mr. Knowles (Winnipeg North Centre): But there are such persons who are drawing pension.

Mr. Langford: Yes, there can be.

The Chairman: Are there other questions? Would you like to resume then, Mr. Clarke? Possibly some members may come back at the end of your brief, sir.

Mr. Clarke: Mr. Chairman, may I just comment that not included as part of the brief, but supplementary to it, we have filed a couple of papers. One outlines our estimate of what this would cost in some detail and then there is another supplementary paper which contains Dr. Jousse's remarks to the Woods Committee on what is entailed in the disability of paraplegia. It amplifies a little bit on what we have said in describing the disability. I may say that Dr. Jousse is recognized as

[*Interpretation*]

feriez? Pensez-vous que l'allocation devrait être intégralement versée?

M. Clarke: Monsieur le président, voulez-vous que nous discutions maintenant sur ce sujet. Je pense que cette question fait l'objet de la prochaine section d'étude.

Le président: Oui, bien sûr, nous attendrons donc.

M. Whicher: Bon, on en a parlé plus tôt dans le mémoire. D'autre part, j'aimerais savoir si, plus loin dans votre mémoire, vous proposez qu'au lieu de 100 p. 100 l'on verse des pensions pouvant atteindre 300 p. 100 ou 200 p. 100? Choisissez-vous un chiffre?

M. Langford: Nous recommendons que le rapport Woods soit appliqué. Alors, ce qui signifierait dans ce cas 350 p. 100, trois fois et demie le taux de base qui est accepté et admis actuellement comme compensation raisonnable dans le cas des paraplégiques.

M. Knowles (Winnipeg-Nord-Centre): Puis-je, monsieur le président, poser une seule question de fait? Le chiffre de 165 pour les paraplégiques s'applique-t-il aux anciens combattants ayant subi des blessures de nature externe à la moelle épinière, et s'applique-t-il aussi aux anciens combattants qui ont contracté des maladies alors qu'ils étaient en service, maladies ayant causé des dommages à la moelle épinère ou des suites de ce genre? Je songe aux scléroses multiples par exemple.

M. Langford: Non, monsieur, nous n'avons pas traité des maladies. Nous avons parlé des blessures traumatiques, rélles à la moelle épinière.

M. Knowles (Winnipeg-Nord-Centre): Mais il y a des cas où ces personnes reçoivent des pensions pour cela?

M. Langford: Oui cela se peut.

Le président: Y a-t-il d'autres questions? Voulez-vous reprendre la lecture de votre mémoire, monsieur Clarke? Il se peut que certains membres du Comité posent des questions à la fin du mémoire, monsieur.

M. Clarke: Monsieur le président, puis-je apporter quelque réflexions additionnelles, supplémentaires à notre mémoire? J'ai ici un document qui donne notre évaluation des coûts avec ventilation et j'ai un autre document supplémentaire (dont l'interprète n'a pas l'exemplaire) qui donne les remarques faites au Comité Woods par le docteur Jousse concernant ce qui fait partie de l'invalidité des paraplégiques. Ceci s'ajoute quelque peu à notre description de l'invalidité. J'ajouterai

[*Texte*]

one of the world's leading authorities on the disability of paraplegia or spinal injuries.

The Chairman: I am sure the members of the Committee will be very happy to have this and we will append it as part of the transcript; the estimated costs and the breakdown which you provided and Dr. Jousse's testimony. Is that agreeable to the members of the Committee?

Some hon. Members: Agreed.

Mr. Clarke: Mr. Chairman, Mr. Chadderton has a point that he would like to clarify.

The Chairman: Mr. Chadderton.

Mr. Chadderton: Mr. Chairman, you will recall yesterday that in speaking of this 350 per cent, if my memory serves me correctly, a figure of $20,000 or somewhere in that neighbourhood was used. This might be the time to say that using the Woods Committee assessment basis and using the present or current rates of pension at single rates of $3,180, this would bring the paraplegic to a pension, not of $20,000 but of $11,130 a year at single rates. If you add the $864 for his wife you are still only at $11,994 which is a long way from that $20,000 figure.

• 1110

It is quite possible that in using the $20,000 figure someone may be adding in attendance allowance and if so I think all we can do is bring you back to the judgment right in the White Paper where at long last it clarifies that attendance allowance is not part of pension. Attendance allowance is encumbered income. It does not come to the man to compensate him for his injury. It comes to him and every cent of it goes out again because of the added cost of his disability.

So I think the record should be clear that 350 per cent at current rates of interest even for a married pensioner is still only $11,900 and nowhere near the $20,000 figure which I heard quoted yesterday.

The Chairman: Mr. Chadderton, I believe the figure that you recommended is something like $4,150 or that order for a base and 350 per cent of that would be in excess of $14,500, would it not?

Mr. Chadderton: Oh, quite, but if we can have the assurance of the majority of members of the Committee that they are going to

[*Interprétation*]

que le docteur Jousse est l'une des autorités mondialement reconnue sur le cas des paraplégiques ou des malades de la moelle épinière.

Le président: Je suis certain que les membres du Comité seront très heureux d'avoir ce document et nous l'adjoindrons à la copie en appendice; ainsi que les estimations des coûts et la ventilation que vous avez fournie et le témoignage déposé par le docteur Jousse. Est-on d'accord pour inclure ce document au procès-verbal?

Quelques voix: D'accord.

M. Clarke: Monsieur le président, M. Chadderton aimerait clarifier un point.

Le président: Monsieur Chadderton.

M. Chadderton: Monsieur le président, vous vous rappellerez que, hier, lorsque nous avons parlé du 350 p. 100, si ma mémoire est bonne, un chiffre de 20 mille dollars ou dans ce genre a été cité. Et il serait peut-être opportun de signaler à ce moment-ci, qu'en utilisant la base d'évaluation du Comité Woods et en utilisant les taux actuels de pension de 3,180 dollars, cela permettra aux paraplégiques d'obtenir une pension de non pas 20 mille dollars mais de 11,130 dollars par année pour une personne. Si vous ajoutez 864 dollars pour son épouse, vous avez 11,994 dollars, ce qui est bien loin du chiffre de 20 mille dollars. Il est fort probable qu'en utilisant le chiffre de 20 mille dollars, on y comprenne l'allocation de soins et s'il en est ainsi, tout ce que nous pouvons faire est de vous renvoyer au jugement du Livre blanc qui, enfin, clarifie la question de l'allocation de soins en décidant qu'elle ne fait pas partie de la pension. Il s'agit d'un revenu engagé. Elle n'est pas versée pour compenser l'ancien combattant des blessures qu'il a reçues parce que chaque penny qu'il reçoit s'en va à nouveau en frais supplémentaires causés par son invalidité.

Ainsi, il est bien certain que 350 p. 100 au taux courant d'intérêt, même pour pensionné qui est marié, ne représente que 11,900 dollars, ce qui est bien loin du chiffre de 20,000 dollars que j'ai entendu citer hier.

Le président: Je pense, monsieur Chadderton, que le chiffre était de 4,150 dollars et que les 350 p. 100 de cela seraient 14,500 dollars. C'est exact?

M. Chadderton: C'est exact. Mais si nous pouvons être assurés que la majorité des membres du Comité va recommander ceci au

[*Text*]

recommend to the government tomorrow morning that the basic rate of pension go up to $4,150, we would be very happy. However, you and I know that that recommendation is not going to be made.

The other thing that bothers us is that there is an announcement in the White Paper which we take to mean that any increase in the basic rate of pension is going to await the decision of this government in regard to the social fabric of the country and all these other things. We can only deal, Mr. Chairman, with the known factors and the known factors do not come to $20,000, they simply come to about $11,900.

The Chairman: Mr. Chadderton, just to get the record straight. As I understand the reference, it was to analyze the recommendations which were in the Woods Committee and certainly this was the group of recommendations in the Woods Committee Report; just to set the records straight.

Mr. Chadderton: I will say this, that Mr. Justice Woods in his Committee did state that if this 350 per cent were put into effect that it would apply on whatever the current rate of pension is. If the current rate of pension is $4,150 then..

The Chairman: That was recommended by the Committee.

Mr. Chadderton: Right. But by your own mathematics then, Mr. Chairman, you still only get the $14,000 and not $20,000.

The Chairman: Mr. Chadderton, one of the things, I think, that the Committee do is to have a research paper prepared in this respect outlining what this would be and also, I presume, just what is involved because I do not think they can approach it in a piecemeal fashion. I think it has to be looked at in relationship to the structure of pension rates. But that is another problem which we will certainly be looking at in some detail, I am sure.

Mr. Chadderton: Yes, this is true, Mr. Chairman, but at least two members of this Committee were completely scared off this recommendation yesterday in terms of $20,000, because they buttonhoied me right outside that door. I said I thought we had better set the record straight that it is not $20,000, and that is what we are trying to do here, sir.

Mr. Peters: Mr. Chairman, if we are discussing the feelings that we had, I suggest that it has to be discussed in terms of what the pension is now, not what we recommend

[*Interpretation*]

gouvernement demain matin, que le taux de base de la pension monte à 4,500 dollars, nous en serons très content. Mais nous savons que cette recommandation ne sera pas faite et de plus ce qui nous inquiète aussi c'est qu'il est indiqué dans le Livre blanc que toute augmentation dans le taux de base de la pension devra attendre la décision rendue par le gouvernement en ce qui a trait à l'édifice social du pays et ces autres sujets. Monsieur le président, ainsi nous devons de nouveau travailler avec les choses qui nous sont connues et les choses qui nous sont connues ne se montent pas à $20,000, elles s'arrêtent simplement à $11,900.

Le président: Mettons les choses au point, monsieur Chadderton, si je comprends bien nous sommes ici pour analyser les recommandations qui sont présentées dans le rapport du Comité Woods et ceci touche précisément les recommandations du rapport Woods.

M. Chadderton: Bien, d'accord, je dirais que si le juge Woods et son comité dirait que les 350 p. 100 devaient s'appliquer, ceci s'ajusterait immédiatement sur le taux de pension actuel, si le taux de pension actuel est de $4,150, alors...

Le président: C'est ce que recommandait le Comité.

M. Chadderton: Mais même d'après vos propres calculs vous voyez que nous n'arrivons qu'à $14,000 et non pas au $20,000 mentionnés plus tôt.

Le président: Mais monsieur Chadderton, je dois vous faire savoir que le Comité doit considérer tous ses mémoires comme des recherches afin de pouvoir en discuter et non de discuter des choses point par point. Il faut regarder ces choses en considérant le taux actuel des pensions. Mais ce dernier problème il est certain que nous allons l'examiner dans les détails.

M. Chadderton: Oui d'accord, c'est vrai, monsieur le président, mais deux membres de ce Comité ont été tellement effrayés par les recommandations de ce Comité à cause de ce $20,000 qu'ils m'en ont parlé quand je suis sorti de la séance. Je crois que nous devrions nous rappeler que ce n'est pas de $20,000 qu'il s'agit.

M. Peters: Je soutiens, monsieur le président, que ceci devrait être discuté en ce qui concerne le taux actuel des pensions, et non en ce qu'il devrait être parce que notre rôle

[*Texte*]

that it may be because we are really not involved in studying the pension rates. We are only involved really in deciding whether or not we change the formula for paraplegics and multiple disabilities in terms of 100 per cent and that really the discussion is not on a proposed amount but should be on the amount that we now have. That would bring it up to a figure of approximately $11,000.

Mr. Chadderton: Excuse me, $11,900; I think it is important. The $900 means a lot, one way or the other.

Mr. Peters: $12,000.

The Chairman: Are there any other comments by members of the Committee?

Mr. Clarke: I will go on.

The Attendance Allowance

The second matter of great concern to the paraplegic and quadriplegic veterans is that of attendance allowance.

With regard to this there are some proposals which we approve and some which we regret in the White Paper. We welcome the proposed amendment which will state unequivocally that attendance allowance will not be considered part of any pension paid for any disability. We also endorse the government's proposal to continue to maintain the present arrangement under which this allowance may be awarded to a pensioner on the basis of his need for an attendant, regardless of whether or not he has pension entitlement for the disability which creates the need. We are aware of pensioners who have become paraplegic in civilian life who have been helped by this provision.

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We regard the proposal to provide that attendance allowance be continued for one month following the death of the pensioner as an improvement, although the Woods Committee Report recommended two months.

We very much regret the proposed reduction of payment of attendance allowance to a blind pensioner during periods when he is necessarily detained on treatment in hospital, to one month from the present legislative provision for paying the allowance throughout the period of his necessary hospitalization, and we regret the implied introduction of the means test if it is to be continued in pay beyond one month. We respectfully submit that the reasons which have made the provisions of Section 33(3) of the Pension Act valid in their application to blind pensioners

[*Interprétation*]

n'est pas d'établir précisément ces taux. Nous sommes ici pour discuter les détails à savoir si nous devons, oui ou non, changer la formule qui s'applique aux paraplégiques et aux invalidités multiples et de savoir si leur pension de 100 p. 100 pourrait être relevée, c'est-à-dire si elle devrait atteindre approximativement $11,000.

M. Chadderton: Pardon, monsieur, je corrige, $11,900. Je crois que c'est important. Neuf cents dollars, c'est quelque chose.

M. Peters: $12,000.

Le président: Est-ce qu'il y aurait des explications à donner?

M. Clarke:

L'allocation de soins

Un deuxième problème qui affecte beaucoup le paraplégique et le paraplégique total, c'est l'allocation de soins. A ce sujet il y a quelques propositions que nous approuvons et d'autres dont nous regrettons la présence dans le Livre blanc. Nous applaudissons à la modification proposée qui dit sans équivoque que l'allocation de soins ne sera en aucun cas considérée comme faisant partie d'une pension quelconque payée pour une invalidité quelconque. Nous acceptons aussi la proposition du gouvernement aux fins de continuer l'arrangement actuel en vertu duquel cette allocation peut être accordée à un pensionné quant à ses besoins en soins, sans compter s'il a droit à une pension pour invalidité ou non. Nous avons eu connaissance de pensionnés qui sont devenus paraplégiques dans leur vie civile, et qui ont été aidés par cette disposition.

Nous regardons la proposition de pourvoir à l'allocation de soins pendant le mois qui suit la mort du pensionné comme une amélioration, même si le rapport du comité Woods recommandait un délai de deux mois.

Nous regrettons profondément la réduction proposée du paiement de l'allocation de soins à un pensionné aveugle pendant les périodes durant lesquelles il est sous traitement à l'hôpital. Cette allocation était d'un mois en vertu des dispositions de la loi actuelle, et elle est réduite au paiement de l'allocation pendant la période nécessaire d'hospitalisation. Nous regrettons l'introduction du contrôle des revenus si cette allocation devait être continuée à être versée après ledit mois. Nous disons respectueusement que les raisons qui ont rendu valables les disposi-

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in the past continue to be valid, and we had hoped that these provisions would be extended to cover those with spinal injuries, entitled to attendance allowance, as recommended by the Woods Committee, No. 85. We also submit that there should be no thought of the introduction of a means test when a pensioner otherwise entitled to attendance allowance is necessarily detained on treatment in hospital. In our view the means test has no place in war disability pension legislation at all.

Section 30(1) of the Pension Act reads:

> "A member of the forces who is totally disabled and helpless, whether entitled to a pension of class one or a lower class, and who is, in addition, in need of attendance, is entitled, if he is not cared for under the jurisdiction of the Department of Veterans Affairs in a hospital, to an addition to his pension, subject to review from time to time, of an amount in the discretion of the Commission of not less than four hundred and eighty dollars per annum and not more than three thousand dollars per annum."

This allowance assists the paraplegic in meeting the additional expenses which he encounters in living with his disability. At the maximum rate, the allowance is at a level where it may be possible to hire an attendant for one eight-hour shift, five days a week. In practice, however, a more efficient solution is to use this money to purchase occasional attendance as required and as an allowance to compensate the pensioner for the many additional expenses occasioned by his disability.

The paraplegic must live within a controlled environment if he is to function with any degree of self sufficiency. Being confined to a wheelchair for mobility, he is restricted in his living accommodation, his transportation and in most of his daily activities. His living accommodation whether it be in a house, an apartment or a hotel must be accessible to a wheelchair and it must be spacious enough, especially in hallways, doorways, and bathrooms, to accommodate a wheelchair. He is restricted to the one-floor house which is more expensive per square foot than the two-storey or split-level house. Despite the extra cost per square foot he needs more square feet of space in which to

[*Interpretation*]

tions de l'article 33(3) de la Loi sur les pensions dans leur application aux pensionnés aveugles au cours du passé continuent à être valables, et nous avions espéré que ces dispositions auraient été étendues aux pensionnés souffrant de blessures à la colonne vertébrale, du fait qu'ils soient eux aussi admissibles à l'allocation de soins, comme la recommandation n° 85 du rapport Woods le mentionne. Nous proposons aussi que l'on ne devrait absolument pas penser à l'introduction d'un contrôle des revenus lorsqu'un pensionné qui reçoit une allocation de soins est pendant une certaine période, sous traitement à l'hôpital. A notre point de vue, ce contrôle des revenus n'a pas sa place dans une législation sur les pensions d'invalides de guerre.

L'article 30 (1) de la Loi sur les pensions dit ceci:

> «Un membre des forces qui est atteint d'invalidité et d'impotence totale, qu'il ait droit à une pension de la première catégorie ou d'une catégorie inférieure, et qui, de plus requiert des soins, a droit, s'il n'en reçoit pas sous la juridiction du ministère des Affaires des anciens combattants, à un supplément de pension, sous réserve de révision de temps à autre, d'un montant, à la discrétion de la Commission, d'au moins quatre cent quatre-vingts dollars par année et d'au plus trois milles dollars par année».

Cette allocation a pour but d'aider le paraplégique ou le paraplégique total à subvenir aux dépenses supplémentaires qu'entraîne nécessairement son handicap. A son taux maximum, l'allocation peut permettre l'engagement d'un aide à raison de huit heures par jour, cinq jours par semaine. Cependant, il semble que la manière la plus efficace d'utiliser cette allocation consiste pour l'invalide à engager de l'aide occasionnelle, quand besoin il y a, et à se servir du reste de l'allocation pour régler les multiples dépenses supplémentaires occasionnées par son invalidité.

Afin de pouvoir jouir d'une certaine autonomie, le paraplégique est forcé de vivre dans un environnement contrôlé et restreint. Confiné dans une chaise roulante, son espace vital, ses mouvements et la plupart de ses activités quotidiennes sont considérablement réduits. L'endroit où il vit, que ce soit une maison, un appartement ou un hôtel, doit être facilement accessible en chaise roulante. Il doit offrir assez d'espace surtout dans les corridors, les portes et la chambre de bain pour que le paraplégique puisse circuler sans trop de difficultés en chaise roulante. A moins qu'il y ait un ascenseur facile d'accès, le malade doit demeurer dans une plain-pied, ce qui est plus dispendieux s'il s'agit d'une maison. Il

[*Texte*]

manoeuvre with a wheelchair. He also needs level or ramped access to his house, which in the Canadian climate, should be covered. Ideally, his garage should be big enough to permit him to get out of his automobile inside the garage into his wheelchair and enter the house all under shelter from the weather. This requires a larger than average garage.

In apartments, usually only the more expensive buildings offer sheltered car parking, sheltered access from garage to elevator and enough space in the apartment, particularly in the bathroom to manage with a wheelchair.

If he goes travelling, in order to get manageable accommodation in hotels, motels, and so on, he has to pick the more expensive accommodation. He cannot make shift. For similar reasons, it is advisable that he choose the more expensive means of transportation, for the demands of other travellers may be somewhat less, the service people may be able to give him more assistance and the accommodation may be more suitable.

For daily transportation, the only conveyance a paraplegic can use is a hand controlled car or a taxi. The use of less expensive public transportation by persons in wheelchairs is just not feasible. In addition to the metered fare the taxi driver should be, and expects to be, tipped for lifting a wheelchair in and out of the taxi trunk and for the extra time a disabled fare requires.

• 1120

When it comes to maintenance of a house and yard the paraplegic must hire all his work done, from cutting the grass, to painting, to snow shovelling. Even the most trifling repair and maintenance jobs are beyond the reach and the physical capacity of most paraplegics. For these he is dependent upon the plumber, the carpenter or the service man or upon the kindness of his friends and neighbours. If he goes to the theatre he has to sit in readily accessible seats on the ground floor, usually the most expensive in the house. If he goes on a holiday, he has to choose expensive accommodation in order to get a layout of facilities in which he can manage with a wheelchair. He is not able to rough it for fear of pressure sores or breakdown in health.

Curiously, the more active and busy the paraplegic is, the more attendance and assistance he requires. If he sits at home watching television in a controlled environment he needs less help than if he is living life as fully as is possible for him. Yet he must avoid the life of a recluse if he is to maintain his health both physically and psychologically.

[*Interprétation*]

doit, en outre, avoir une rampe d'accès qui, à cause du climat canadien, doit être couverte. Son garage devrait être assez spacieux pour lui permettre de sortir de son automobile, de s'installer dans sa chaise et de pénétrer sous couvert dans sa maison, sans trop de difficultés.

S'il vit en appartement, il devra opter pour une conciergerie où la vie coûte plus cher, mais qui offre un endroit de stationnement couvert avec un ascenseur et assez d'espace pour circuler librement en chaise roulante.

S'il voyage, il doit s'arrêter à des hôtels ou à des motels plus dispendieux afin d'obtenir les services dont il a besoin. Il doit aussi généralement prendre le transport qui lui offre plus de facilité de mouvement, mais qui coûte plus cher.

Pour ses déplacements quotidiens, il n'a à sa disposition que deux moyens de transport: une auto conduite entièrement à la main ou le taxi. S'il prend le taxi, le conducteur exigera avec raison un montant supplémentaire pour l'aide qu'il sera appelé à donner.

Il devra nécessairement engager de l'aide pour tous ses travaux domestiques (tondre le gazon, enlever la neige, peinturer, etc.). Il lui est même impossible d'effectuer les plus petites réparations et les travaux d'entretien courants qu'une personne ordinaire peut accomplir. En un mot, il doit constamment débourser pour les plus menus services.

Il est assez paradoxal de constater que plus le paraplégique est actif, plus il a besoin d'aide. Par exemple, s'il se contente de s'asseoir chez lui pour regarder la télévision, il aura moins besoin d'assistance que s'il s'efforce de vivre une vie aussi remplie que possible. Le paraplégique doit éviter de vivre en reclus, s'il veut conserver une santé physique, psychologique et morale relativement bonne.

L'allocation de soins n'est pas une compensation additionnelle pour incapacité mais bien une allocation permettant de faire face à des dépenses supplémentaires et inévitables causées par la paraplégie.

[*Text*]

The Problem Pertaining to Attendance Allowance

Under the present provisions of the Pension Act, whenever a paraplegic is admitted to hospital under the jurisdiction of the Department of Veterans Affairs, attendance allowance is suspended during his period of hospitalization. For the first two months of his hospitalization for active treatment an equivalent amount is paid to him through the Treatment Services. However, this treatment allowance ceases completely after two months. This is a matter of great concern to the paraplegic who, as has been pointed out above, uses this allowance to provide for himself accommodation in which he can manage and a variety of other services in the nature of, or in lieu of, attendance. He does not sell his house or give up his apartment or other accommodation while he is in hospital. If he has a housekeeper or cleaning lady, he does not release her from service or he may not find a suitable one when he is ready for discharge from hospital. In other words, his overhead of expense carries on without much diminution simply because he is temporarily in hospital. With the complications of paraplegia and quadriplegia, necessary hospitalization can easily run beyond two months. There should be no cessation or limitation of attendance allowance to a veteran necessarily hospitalized or detained in hospital for active treatment. It should be continued without reduction for those paraplegic and quadriplegic veterans who normally live out of hospital, whenever they require admission for active treatment, regardless of the duration of the period of treatment. We request the retention in the Pension Act of the present Section 33(3) which states that attendance allowance shall be paid to a blind member of the forces while he is an in-patient under treatment or care from the Department, and that this provision be extended to cover those with spinal injuries who are entitled to attendance allowance. (Woods Committee recommendation No. 85.)

[*Interpretation*]

Le problème de l'allocation de soins

Lorsque le paraplégique est hospitalisé sous les auspices du ministère des Affaires des anciens combattants, son allocation de soins cesse. Pendant les deux premiers mois de son hospitalisation seulement, les services de traitements lui versent un montant équivalent. Les deux mois écoulés, il ne reçoit plus aucune allocation de service, peu importe la durée de son hospitalisation, durée qui peut facilement se prolonger bien au delà de deux mois. La situation devient alors précaire et déprimante. Pendant son absence, il doit assurer un entretien raisonnable de sa maison, son appartement ou de sa chambre pour son retour. C'est dire que la très grande partie des services dont il a besoin doivent continuer même pendant son hospitalisation. Nous sommes donc d'avis que cette allocation ne devrait ni cesser, ni être limitée lorsqu'un vétéran doit être hospitalisé. L'article 33(3) de la Loi sur les pensions dit bien que l'allocation d'hospitalisation à un vétéran aveugle sera payée pendant son hospitalisation. Nous maintenons que cette disposition de la Loi devrait s'étendre aux vétérans qui ont été blessés à l'épine dorsale (Recommandation 85 de la Commission Woods).

The Chairman: Do you want to interrupt at this point for comments? Mr. Whicher had a question some time ago about the attendance allowance. Perhaps this would be the time to put it, Mr. Whicher?

Mr. Whicher: I think the brief is quite explicit but my question was how long this attendance allowance should be paid when the veteran is in the hospital? I agree that he should not be cut off if he goes in for a month or two months, and you have covered that. You say in your brief, "regardless of the duration of the period of treatment." We have

Le président: Est-ce que quelqu'un veut faire des commentaires à ce point-ci? Monsieur Whicher avait une question au sujet de l'allocation de soins. Peut-être est-ce le temps de la poser, monsieur Whicher?

M. Whicher: Je pense que le mémoire explique très bien la situation mais ma question portait sur le temps pendant lequel cette pension doit être payée lorsque l'ancien combattant est à l'hôpital. Je suis d'accord que cette allocation ne devrait pas être supprimée si le pensionné passe un mois ou deux à l'hôpital. Vous avez déja couvert le sujet. Nous

[*Texte*]

to have some figure there. We could not have it continue if the treatment was taking a year. I use that as an example. Have you any suggestion about when the cut-off should be?

The Chairman: Mr. Clarke?

Mr. Clarke: Mr. Chairman, we think that the attendance allowance to a veteran should be continued, who normally lives out of hospital, throughout the period of his necessary detention for treatment in hospital, regardless of how long the treatment takes.

Mr. Langford: This essentially, I believe, is a medical decision. If the man is detained and not permitted to go home for medical reasons he presumably has to maintain his home and services in the community awaiting discharge. As you probably know, discharge is sometimes unpredictable; it may be a month, or two months, or it may be six months.

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Another period of possible long-term hospitalization, which arises from time to time, is the serious illness, or the terminal illness situation, which may well drag on up to a year. We feel that if the stay in hospital is medically necessary this is no time to bother the man and his wife about changing their living arrangements and cutting down expenses.

The Chairman: Mr. MacRae, Mr. Peters.

Mr. MacRae: How many paraplegics have been completely confined to hospital since the end of the war and have never been allowed out? Have there been some in that category?

Mr. Langford: I am not sure that I can answer that in terms of paraplegics. There are a number of quadriplegics who are permanently resident in hospital.

Mr. MacRae: And have never been out?

Mr. Langford: And who only go out possibly for short periods, for a holiday, or to visit members of the family, to provide a break; but who cannot survive or manage outside of hospital for any prolonged length of time.

It was our thinking that these people are normally resident in hospital, so that the attendance allowance in that case would be payable just for the period they are out of hospital.

[*Interprétation*]

devrions avoir quelques chiffres à ce sujet. Nous ne pouvons continuer à verser l'allocation si le traitement dure pendant un an. Je donne ce chiffre comme exemple. Avez-vous des suggestions en ce qui concerne la date à laquelle il faudrait couper cette allocation?

Le président: Monsieur Clarke?

M. Clarke: Nous pensons que l'allocation de soin doit continuer lorsqu'un ancien combattant vit normalement à l'extérieur de l'hôpital, tout au long du traitement, sans que la durée du traitement soit en cause.

M. Langford: Je pense qu'il s'agit là d'une décision purement médicale. Si l'ancien combattant est sous traitement et qu'il ne peut pas retourner chez lui pour des raisons médicales, il doit présumément continuer à entretenir la maison et payer les services nécessaires en attendant sa sortie de l'hôpital. Il y a aussi une autre possibilité en ce qui concerne la durée de l'hospitalisation, c'est-à-dire le moment où le vétéran contracte une maladie très grave ou que son affection est dans sa phase terminale. Nous pensons que tant que le vétéran doit rester à l'hôpital pour des raisons médicales, que ce n'est pas le temps d'ennuyer cet homme et sa femme afin de modifier leur train de vie et couper leurs dépenses.

Le président: Monsieur MacRae, puis monsieur Peters.

M. MacRae: Je voudrais vous demander si vous pouvez nous faire savoir combien d'anciens combattants ont été admis dans les hôpitaux à la fin de la guerre et qui n'en sont jamais sortis?

M. Langford: Je regrette mais je n'ai pas, je crois, les renseignements que vous demandez surtout en ce qui concerne les paraplégiques, mais il y a plusieurs quadriplégiques qui sont en résidence permanente à l'hôpital.

M. MacRae: Et qui n'en sont jamais sortis?

M. Langford: Qui peuvent sortir peut-être pour des périodes très courtes ou pour des vacances ou encore pour visiter des membres de leur famille, afin de leur changer les idés; mais ces personnes sont obligées de rester à l'hôpital parce qu'elles ne pourraient pas survivre si elles étaient en dehors de l'hôpital pendant une longue période. Nous pensons que dans les cas où ces personnes sont normalement des résidents de l'hôpital, que l'alloca-

[*Text*]

Mr. MacRae: Yes; of course.

Mr. Langford: Mr. Damiano, who is present, is one who is not permanently resident in hospital. He happens to be in at the moment, and may be for a period of few months, for treatment of a urinary infection. Although, as you can see, his disability is quite severe, he and his wife and adopted children are able to manage out of hospital for the basic part of the year and his hospitalization is a temporary matter of clearing up this particular infection. As soon as that can be cured there will be no one more anxious to be discharged from hospital than Tony.

Mr. MacRae: Thank you.

The Chairman: Possibly he might want to say something at this point. I do not know.

Mr. Anthony Damiano (Scarborough, Ontario): I could say that I do not think I would be able to manage out of the hospital if the Ontario Government did not pay part of my rent. I pay only $88 a month, I live in an apartment that is not suitable. I cannot get into the bathroom. I do not like to talk about people, but I live in an area that perhaps you people would call a slum.

Mr. Badanai: Do you have any children?

Mr. Damiano: Yes, two.

Mr. Badanai: And you live in an apartment?

Mr. Damiano: Yes—the Ontario Housing Corporation.

Mr. Badanai: I see; and are you on the main floor?

Mr. Damiano: No; the ninth floor. In the last two years I have had to call the fire department three times to get me upstairs.

Mr. Badanai: You require help going up and down?

Mr. Damiano: I require help for everything.

Mr. Badanai: Everything?

Mr. Damiano: If it were not for my wife I would never be able to survive outside.

[*Interpretation*]

tion de soins ne devrait être versée que lors du séjour à l'extérieur de l'hôpital.

M. MacRae: Oui, bien sûr.

M. Langford: Monsieur Damiano ici présent est une personne qui n'est pas résidente en permanence dans un hôpital. Il est actuellement à l'hôpital parce qu'il suit un traitement pour enrayer une infection urinaire.

Comme vous le constater, même si son invalidité est grave, lui, sa femme et ses enfants adoptifs se tiennent à l'écart de l'hôpital la majeure partie de l'année, et son hospitalisation est temporaire, afin de le débarrasser de cette infection. Aussitôt qu'il sera guéri, il n'y en aura pas de plus impatient que Tony pour demander son licenciement de l'hôpital.

M. MacRae: Merci.

Le président: Peut-être que monsieur Damiano aimerait dire quelque chose? Je ne sais pas.

M. Anthony Damiano (Scarborough, Ontario): Je ne pense pas que je serais capable de me débrouiller si le gouvernement de l'Ontario ne payait pas une partie de mon loyer. Je ne paie pourtant que $88 de loyer par mois pour un appartement qui ne me convient pas. Je ne peux pas aller à la salle de bain. Je n'aime pas dire du mal des gens, mais je dirai que mon quartier peut s'appeler un quartier de taudis.

M. Badanai: Avez-vous des enfants?

M. Damiano: Oui, deux.

M. Badanai: Et vous vivez dans un appartement?

M. Damiano: Oui, un appartement de la *Ontario Housing Corporation.*

M. Badanai: Au rez-de-chaussée?

M. Damiano: Non. J'habite le neuvième étage. J'ai dû appeler trois fois les pompiers pour me remonter chez moi au cours des deux dernières années.

M. Badanai: Vous avez besoin d'aide pour monter et descendre?

M. Damiano: Oui, j'ai besoin d'aide pour tout.

M. Badanai: Pour tout?

M. Damiano: Si ce n'était pas pour ma femme, je n'aurais jamais été capable de vivre à l'extérieur de l'hôpital.

[*Texte*]

Mr. Peters: Is it your wife who is your attendant?

Mr. Damiano: Yes. My wife has never had a holiday in the twelve years that we have been married. We cannot afford a holiday.

Mr. Whicher: May I ask what your cheque is per month with the attendance allowance?

Mr. Damiano: With the attendance allowance and having two children—they deduct veterans insurance—$639 a month.

Sometimes I have to hire outside help. To give you an example, two months ago my wife hurt herself lifting me. She could not lift me. I went to the hospital to try to get in. They will only admit you if there is something wrong with you. They did not consider there was anything wrong with me at that time. I did not have an infection. You cannot be admitted now through the University of Toronto, as they have it arranged, unless you have an infection, or a high temperature, or something like that.

Mr. Badanai: I have one further question, Mr. Chairman. Mr. Damiano, are you taking a course at the university?

Mr. Damiano: No; I did not.

Mr. Badanai: You do not do anything?

Mr. Damiano: No, I do not do anything.

Mr. MacRae: I was trying to say, Mr. Chairman, that just for this veteran to survive has been a tremendous accomplishment in view of his very serious disability.

Mr. Damiano: You will have to credit my wife with that.

Mr. MacRae: Yes; and you, too.

The Chairman: Mr. Whicher?

Mr. Whicher: I think, Mr. Chairman, that a fellow like Tony should be able to get into the hospital at any time he wants to; that is what I think. I think there is something wrong when he cannot get in unless under certain conditions . . .

Mr. Damiano: They did let me in, but after I had waited three hours in the admitting part of the hospital and I had tried to explain the case. It was late at night, so they had to phone the head of Sunnybrook and he said to let me in under active treatment. I stayed in

[*Interprétation*]

M. Peters: Est-ce que je peux vous demander, monsieur, si c'est votre femme qui s'occupe de vous?

M. Damiano: Oui, monsieur. Ma femme n'a pas pu prendre de vacances depuis les douze années que nous sommes mariés. Nous ne pouvons pas nous payer de vacances.

M. Whicher: Puis-je vous demander à combien se monte votre chèque mensuel, y compris l'allocation de soin?

M. Damiano: Avec l'allocation de soin et en ayant deux enfants, mais moins l'assurance des anciens combattants, je reçois $639 par mois.

Je suis obligé quelquefois d'engager de l'aide. Il y a deux mois, ma femme s'est blessée en me levant, et de ce fait ma femme ne pouvait plus me lever. J'ai dû aller à l'hôpital pour essayer d'obtenir mon admission. La seule façon pour qu'on vous admette à l'hôpital, c'est d'être malade. Mais à ce moment-là, comme il n'y avait rien qui n'allait pas avec moi, on n'a pas voulu m'accepter. Vous ne pouvez pas être admis à l'hôpital universitaire de Toronto à moins que vous ayiez une maladie très spéciale comme une infection, une fièvre assez élevée et des choses comme ça.

M. Badanai: Est-ce que vous suivez des cours à l'université?

M. Damiano: Non.

M. Badanai: Vous ne faites rien?

M. Damiano: Non. je ne fais rien.

M. MacRae: Je vous disais, monsieur le président, que pour ce vétéran, survivre, c'est déjà une prouesse extraordinaire, pour un invalide.

M. Damiano: C'est à ma femme que je le dois.

M. MacRae: Oui, et à vous aussi.

Le président: Monsieur Whicher?

M. Whicher: Monsieur, je vous dirais, je trouve que des personnes comme Tony devrait être à même de pouvoir être admis dans un hôpital comme il le veut. Il y a donc quelque chose qui ne va pas s'il ne peut entrer que dans certaines conditions.

M. Damiano: Il m'ont admis après que j'eus attendu pendant trois heures dans la section des admissions et c'était déjà tard la nuit. Il fallait demander au surintendant de Sunnybrook qui a ordonné de m'admettre sous traitements actifs. J'y suis resté quelques jours et

[*Text*]

just a couple of days and I got my brother-in-law in Toronto to help until my wife got over this thing.

Mr. Whicher: We should appreciate, Mr. Chairman, that a fellow like Tony waiting for three hours is the same as many of us waiting for three days. He should not have to wait more than three minutes. I think these doctors should be told this, too.

The Chairman: Are there any further comments or questions?

Mr. Marshall: You do not have to answer this, Tony, but how do you manage on the $600 and some odd dollars a month?

Mr. Damiano: I have a very hard time.

Mr. Marshall: You have a pretty hard time.

Mr. Damiano: My wife does not go anywhere.

Mr. Marshall: Have you got in debt because of it?

Mr. Damiano: Oh yes, I am quite in debt. I have a car which I am still making payments on, otherwise I would not have one. Every Christmas I get farther in debt. My son, who is 11 years old, he has not been to Expo. He went to the Exhibition once. This year he did because he has a paper route.

Mr. Guay (St. Boniface): Who drives the car, your wife?

Mr. Damiano: My wife.

Mr. Knowles (Winnipeg North Centre): This $600 is the total of your cheque, including the attendance allowance. How much is that? What is the attendance allowance?

Mr. Damiano: Yes, the attendance allowance is $250 a month, $3,000 a year.

Mr. Bigg: Twenty-four hours a day.

Mr. Damiano: Yes. If I had to hire an attendant, I would never be able to do it.

Mr. Bigg: Your wife is on three shifts a day?

Mr. Damiano: That is right.

Mr. Whicher: Mr. Chairman, I wonder if we can ask Tony because I know that he wants to help and we are trying to help to;—do you have special costs? We know you have to hire people when your wife hurts herself, for example, but your food costs for your family would not be any greater than they would be

[*Interpretation*]

mon beau-frère naturellement est venu m'aider car ma femme ne pouvait y voir.

M. Whicher: Il ne faut pas oublier que trois heures d'attente pour Tony équivaut à 3 jours pour une personne comme nous. Il ne devrait pas attendre plus de 3 minutes. Les médecins devraient être mis au courant.

Le président: Y a-t-il d'autres questions ou commentaires?

M. Marshall: Vous n'êtes pas tenu de répondre, mais comment vous débrouillez-vous avec 600 dollars par mois Tony?

M. Damiano: Bien, c'est très difficile.

M. Marshall: Vous avez beaucoup de difficulté.

M. Damiano: Ma femme ne sort pas.

M. Marshall: Avez-vous contracté des dettes?

M. Damiano: Oui, j'en ai. J'ai une voiture, que je paye par versements. Chaque fois, que Nôel arrive je m'endette d'avantage. Mon fils qui a 11 ans, n'est jamais allé à l'Expo. Cette année il est allé à l'exposition parce qu'il a livré les journaux.

M. Guay (Saint-Boniface): Qui conduit la voiture, votre épouse?

M. Damiano: Mon épouse.

M. Knowles (Winnipeg-Nord-Centre): Ce montant de 600 dollars, comprend donc toutes les pensions que l'on vous donne? Quelle est la pension de soin qu'on vous donne?

M. Damiano: Oui, l'allocation est de 250 dollars par mois, à peu près 3,000 dollars par année.

M. Bigg: Vingt-quatre heures par jour.

M. Damiano: Oui. Si je devais engager quelqu'un, je ne pourrais pas y arriver.

M. Bigg: Votre épouse est sur trois équipes par jour?

M. Damiano: C'est exact.

M. Whicher: Je voudrais questionner Tony. Il sait que nous voulons l'aider et il est prêt à collaborer. Est-ce que vous avez des frais spéciaux, par exemple quand votre femme a été blessée, avez-vous engagé quelqu'un? Vos dépenses de nourriture sont les mêmes que pour tout le monde je suppose. Et vous me

[*Texte*]

for others and your rent is $88 a month you said?

Mr. Damiano: Yes.

Mr. Whicher: Is your car the main extent of your indebtedness?

Mr. Damiano: The car, no, a finance indebtedness too, because every time Christmas comes around we never have enough money out of our cheque to buy any presents for the children or something like that and they have to have some presents of some kind. So as long as you pay your bills each month it is not hard to get credit.

Mr. Legault: Mr. Chairman could I ask Tony, have you ever experienced some time when your attendance allowance has been cut?

Mr. Damiano: I would not let it be cut because I would not stay in the hospital. I would get out myself.

Mr. Legault: So you cannot afford to stay in the hospital?

Mr. Damiano: No. I am in there now. The first time was 10 days now this time it has been about 18 days. If I had come close to the two months, if they would not let me out, I would try to make some excuse to see if they would discharge me and then let me come back in another week or something, so it would continue.

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Mr. Legault: You are not able to afford the luxuries, such as today, you would be most occupied, I would say, at times just to look at TV. You would not be able to afford a colour TV.

Mr. Damiano: You can afford a colour TV as long as you have a good credit rating, if you pay your debts.

Mr. Legault: Yes, but you would be constantly in debt in order to keep up some of the things.

Mr. Bigg: Some paraplegics have automobiles. Have we any idea how much it would cost to maintain one of these special automobiles, these electric controlled ones and so on? Could you tell us that? How much would it cost, for instance, to get a car that Tony could drive.

Mr. Damiano: I could never drive a car, sir.

[*Interprétation*]

dites que votre loyer est de 88 dollars par mois.

M. Damiano: Oui.

M. Whicker: Votre voiture constitue votre dette la plus importante?

M. Damiano: Non. J'ai aussi une dette financière. Mais parce que je n'ai jamais assez d'argent pour Noël, je dois emprunter de l'argent et de ce fait, je suis constamment en dettes. Tant que vous payez vos comptes tous les mois, on vous fait crédit facilement.

M. Legault: Avez-vous eu des cas déjà où vos allocations ont été coupées?

M. Damiano: Non, je serais sorti de l'hôpital avant.

M. Legault: Vous ne pouvez pas vous permettre de rester à l'hôpital?

M. Damiano: Non. J'y suis présentement. Voyez-vous, je suis allé une fois pour dix jours, et cette fois-ci ça fait dix-huit jours. Si je devais y aller pour plus de deux mois, il faudrait que je m'arrange pour trouver une raison pour sortir de l'hôpital pour revenir une semaine plus tard peut-être pour que l'allocation continue. Je ne peux pas me permettre de rester plus de deux mois à l'hôpital et perdre mon allocation.

M. Legault: Vous ne pouvez pas vous offrir de luxe, par exemple, vous avez peut-être un téléviseur, mais vous ne pouvez pas avoir la télé-couleur?

M. Damiano: Vous pouvez en avoir un si vous payez bien vos dettes.

M. Legault: Oui, mais vous seriez toujours endetté si vous voulez être à la page.

M. Bigg: Certains paraplégiques ont des automobiles, combien en coûte-t-il pour obtenir ces automobiles fabriquées spécialement avec une direction manuelle électrique? Combien en coûterait-il pour avoir une voiture que Tony pourrait conduire?

M. Damiano: Je ne pourrais pas conduire une automobile.

[*Text*]

Mr. Bigg: Some of your boys can, if they have the very up-to-date automobiles. Do you have any idea what that would cost?

Mr. Langford: Tony could not; a few partial quadriplegics do manage to drive cars. Most paraplegics manage to drive cars as the only method of available transportation. The cost is essentially the normal cost of operating an automobile. Fitting it with handcontrols is a minimal cost of possibly $75 or so.

Mr. Guay (St. Boniface): It is the initial cost, I guess that is the burden when you purchase a car with the additional equipment required; is that it?

Mr. Langford: No, the additional equipment is not essentially expensive. It is the normal cost of operating an automobile, but it ties a car up completely to the paraplegic. It is normally not available to the rest of his family because he has to keep it with him all the time. It is his only means of transportation.

Mr. Guay (St. Boniface): I have one further question, Mr. Chairman. Is your insurance—are you a risk? Are you considered at a higher rate?

Mr. Langford: Normally at a bit higher rate.

Mr. Bigg: If he ties up the automobile it means he would have to have a special automobile for his use in other words. If he wants to drive a car he has to have a second family car.

Mr. Langford: If you get into a situation here you need a car to work, he needs the car all day long there is no car at home for the rest of the family.

Mr. Bigg: That would double his transportation cost.

The Chairman: Are there other questions?

Mr. Guay (St. Boniface): I am sure that Tony's wife does not want to go out, if Tony stays home. I guess if she cannot go out, and she cannot leave, you cannot go out at all. She is your only source of help.

Mr. Damiano: I could probably stay two or three hours and if nobody is there I have a urinal bag on that will fill up; if it is not emptied, I will sweat or spasm, or get headaches; the urine just backs up into your kidneys.

[*Interpretation*]

M. Bigg: Certains le font avec une voiture très moderne. Avez-vous une idée de ce que ça pourrait coûter?

M. Langford: Tony ne pourrait pas. Certains des quadraplégiques partiels peuvent conduire des automobiles. Plusieurs des paraplégiques ont des autos, car c'est leur seul moyen de transportation. Leur coût de fonctionnement est à peu près le même que pour une autre automobile. Le coût d'installation de système spécial de direction est d'environ 75 dollars.

M. Guay (St-Boniface): C'est le coût initial qui est élevé lorsque vous achetez une voiture équipée en conséquence?

M. Langford: Non, l'équipement additionnel n'est pas très dispendieux. Les frais d'entretien sont les mêmes que pour une automobile ordinaire. La famille ne peut se servir de la voiture car il doit l'avoir continuellement à sa disposition.

M. Guay (Saint-Boniface): Une autre question, monsieur le président. Au point de vue assurance, êtes-vous un risque spécial, payez-vous un taux plus élevé?

M. Langford: Ordinairement, oui, nous avons à payer des taux plus élevés.

M. Bigg: Si cette voiture est uniquement à son usage alors il lui faut une autre voiture pour la famille.

M. Langford: S'il a besoin de l'auto pour aller travailler, l'auto est à sa disposition toute la journée et il n'y a pas de voiture à la maison pour le reste de la famille.

M. Bigg: Cela doublerait son coût de transport.

Le président: Y a-t-il d'autres questions?

M. Guay (Saint-Boniface): Si votre épouse ne peut pas vous laisser, elle ne peut pas sortir du tout car elle est votre seule aide.

M. Damiano: Je peux rester peut-être deux ou trois heures seul, mais s'il n'y a personne mon sac urinoire sera plein et s'il n'est pas vidé je commence à avoir mal à la tête, à transpirer abondamment et avoir des spasmes. Alors je ne peux pas rester plus de trois heures sans surveillance.

[*Texte*]

Mr. Clarke: Could I just make one further comment. I think Tony exemplifies the person who is willing to take the exceptional risk of living out of hospital so that he can have a more normal life with his wife and children. I think there are other quadriplegics who choose to remain in hospital because they are not willing to undergo the financial privation which Tony feels is worth it in order to live in the community in a normal fashion. I think there are few quadriplegics who would attempt to live out if they did not have to experience the sort of thing that he has described.

Mr. Bigg: Mr. Chairman, is this the point where I could ask the question about the $400 and the $1,200. What do the paraplegics think about this as an alternative to the percentage which the Woods Report asks for? If it is not out of order, I would like to ask Mr. Clarke what he thinks about that.

Mr. Clarke: Mr. Bigg, I think we tried to express our views on that in the earlier section. We feel that we have a disability. We feel that the quadriplegics have a disability and we would like to be compensated for the disabilities we have. We certainly do not like the idea of having to apply for a lumpsum grant on an annual basis. There is a table of disabilities at present which works fine till you reach the 100 per cent level and then it stops.

We do not see anything wrong with that yardstick of measurement except that we wish it could be applied when you have these disabilities multiplied a number of times over. We do not want to have to apply for a grant on a welfare basis.

Mr. Bigg: Thank you, Mr. Clarke.

The Chairman: Mr. Guay.

Mr. Guay (St. Boniface): I have a supplementary, Mr. Chairman. Do you feel then that the manner in which it has been recommended is in line with what the Canadian Corps Association told us yesterday, that it is more or less a means test?

Mr. Clarke: That is certainly the way we read the recommendation in the White Paper. That is the way it looked to us. Perhaps this Committee has information that we do not have, but all we have to go on is what we have seen in the White Paper and it certainly implies a means test to us.

[*Interprétation*]

M. Clarke: Puis-je faire un autre commentaire? Je crois que Tony est un excellent exemple de la personne qui est un risque exceptionnel, et qui préfère vivre en dehors de l'hôpital et mener une vie assez normale avec son épouse et ses enfants. Il y a d'autres paraplégiques qui préfèrent demeurer à l'hôpital, plutôt que de subir le fardeau financier nécessaire pour vivre dans la collectivité d'une façon normale avec sa famille. Il y a peu de quadraplégiques qui tenteraient de vivre à l'extérieur s'ils n'avaient pas à subir l'expérience que Monsieur vient de mentionner.

M. Bigg: Puis-je poser une question au sujet du 400 dollars et du 1,200 dollars? Qu'en pensent les paraplégiques comme option au pourcentage proposé dans le rapport Woods? Qu'est-ce que vous en pensez de toute façon M. Clarke?

M. Clarke: M. Bigg, je crois que nous avons tenté d'exprimer notre point de vue à ce sujet dans les sections précédentes de notre mémoire. Nous croyons que nous sommes des invalides. Nous croyons que les quadraplégiques souffrent d'infirmité et nous aimerions avoir des indemnités, des compensations pour les infirmités que nous avons. Nous n'aimons pas l'idée que nous devons nous mettre à genoux pour essayer d'obtenir une allocation du moins sur une base annuelle. Il y a un tableau pour les invalidités qui est utile jusqu'au niveau de 100 p. 100, mais ensuite hélas, il s'arrête là.

Nous n'avons pas d'objection à cette façon de calculer les indemnités, mais, il faudrait qu'elle s'applique lorsque les infirmités se multiplient, à plusieurs reprises. Nous ne voulons pas devoir demander des allocations qui ressembleraient à de l'aide venant du bien-être social.

M. Bigg: Merci, M. Clarke.

Le président: M. Guay.

M. Guay (Saint-Boniface): Une question supplémentaire M. le président, croyez-vous que la façon dont les recommandations sont présentées correspond à ce que l'Association du Corps canadien nous disait hier, qu'il s'agit plus ou moins d'une vérification des revenus?

M. Clarke: Enfin, c'est ce que nous avons compris en lisant le Livre blanc. Peut-être le comité a-t-il des renseignements que nous, nous ne possédons pas. Pour nous tout ce que nous savons c'est ce que nous avons lu dans le Livre blanc et il y est certainement question d'une vérification des revenus.

[*Text*]

Mr. Langford: I think, Mr. Chairman, what is really needed here is not a grant for special amenities, no matter how generously it is handled, but an extension of the pension or a supplement to pension, as you wish, to cover these greater disabilities which would be part and parcel of the compensation for the disability incurred.

The Chairman: Thank you, Mr. Langford.

Mr. Bigg: Mr. Clarke, I gather from the last witness that there seems to be some kind of a gap in the attendance allowance which has not been covered in that in some cases the attendance allowance is not only inadequate as to amount for a full-time attendant, whether it be his wife, a nurse or some other competent woman, but it is a three-shift job in many cases and the allowance does not appear to cover that emergency. In the hospitals, I gather, the nurses have some kind of union hours and although it is very expensive, no doubt, they are able to give 24-hour attendance to a paraplegic. In some cases he might prefer to be in hospital rather than put such a burden on his wife or on one woman who might be willing to give him 24-hour service. I think if this were broken down in this way we might have a better idea of why the total cost should look so heavy on paper and yet be a fair adjustment. Could you enlarge on that a little?

Mr. Langford: I think, Mr. Chairman, with adequate compensation as suggested in the Woods Committee Report and with the attendance allowance, bearing in mind that rarely would this mean a hired attendant—this would not be a feasible way of spending the money—that paraplegics and quadriplehardship or certainly with less hardship and gics like Tony could manage without undue less financial worry on the part of a family.

I believe the last time I appeared before a parliamentary committee on this subject to present a brief dealing with the attendance allowance, Bill Purvis was with us—I do not know whether any of you gentlemen recall Bill, but he was one of the few quadriplegics who did hire a full-time attendant. Bill was a lawyer working with the Attorney General's office, I believe, in Ontario. He hired an attendant and he had to get housing that involved a separate room and bath wing for the attendant as the attendant lived in. I do not recall the actual figures, but his costs for this were somewhat astronomical because the attendant had to drive him everywhere he

[*Interpretation*]

M. Langford: Je crois, monsieur le président, que ce dont nous avons besoin ici ce ne sont pas des allocations de compensations particulières même si elles sont très généreuses, mais une extension de la pension qui tienne compte de toutes les infirmités dont souffre chaque personne.

Le président: Merci, monsieur Langford.

M. Bigg: M. Clarke, après avoir entendu le dernier témoin, il me semble qu'il y a une carence dans les allocations de soins dont nous n'avons pas parlé. Il semble que pour certains cas le montant soit nettement insuffisant pour une garde à plein temps que ce soit par sa femme, une infirmière ou une garde-malade. Il peut se faire que dans certains cas il faille trois infirmières par jour, pour le garder à tour de rôle, l'allocation versée ne semble pas tenir compte de cette situation. Dans les hôpitaux, les infirmières observent des horaires fixés par les syndicats et bien que ce soit très coûteux, elles peuvent assurer la garde d'un paraplégique vingt-quatre heures sur vingt-quatre. Parfois celui-ci préférera être à l'hôpital plutôt que d'imposer un tel fardeau à sa femme ou à une garde qui pourrait lui donner un service de vingt-quatre heures. Si nous considérons la situation de cette façon nous comprendrons peut-être mieux pourquoi le coût total peut sembler si important sur le papier et malgré tout être parfaitement justifié. Pourriez-vous nous donner votre point de vue à ce sujet?

M. Langford: Je crois qu'avec une compensation suffisante comme il est proposé dans le Rapport Woods et avec l'allocation de soins, en tenant compte du fait qu'il s'agira rarement d'engager une garde à plein temps, ce ne serait pas une bonne manière de dépenser l'argent, alors que des paraplégiques ou des paraplégiques comme Tony peuvent s'en sortir sans trop de problèmes pour la famille.

Je crois que la dernière fois que j'ai participé au travail d'un comité parlementaire à ce sujet, pour présenter un mémoire qui parlait justement des allocations de soins, Bill Purvis était avec nous. Je ne sais si vous vous souvenez de lui; il était l'un des quelques paraplégiques qui avaient engagé un garde à plein temps. Bill était avocat qui travaillait pour le bureau du Procureur général en Ontario je crois. Il avait engagé un garde-malade qui devait avoir sa chambre particulière avec salle de bains. Je ne me rappelle pas les chiffres exacts mais le coût était absolument astronomique; le garde devait le conduire partout où il voulait aller, s'occuper de lui vingt-quatre

[*Texte*]

went, had to look after him during the night and had to take care of him essentially on a 24-hour basis although it was not continuous attendance during that period. Fortunately, probably for the finances of the company, but unfortunately for Bill, he did not survive more than about two or three months after that last meeting.

[*Interprétation*]

heures par jour même si la surveillance n'était pas continuelle. Heureusement pour les finances de la compagnie mais malheureusement pour Bill, il n'a pas survécu longtemps après notre dernière rencontre.

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I do not know of anyone else at the moment who is trying to manage with a full-time attendant on a 24-hour basis. Most of this is taken over by members of the family.

Je ne connais personne d'autre pour l'instant qui essaie de s'en sortir en engageant un aide vingt-quatre heures par jour. En général, c'est la famille qui est mise à contribution.

Mr. Bigg: My daughter recently graduated as a nurse. Her starting pay will be $465 a month. If she were unfortunate enough to be married to a soldier and had to give up her profession in order to give him 24-hour attendance her income would drop to $250 a month immediately for 24-hour duty.

M. Bigg: Ma fille vient d'être reçue infirmière. Elle reçoit, pour débuter, quelque chose comme $465 par mois. Si elle devait épouser un soldat et abandonner sa profession pour s'en occuper, vingt-quatre heures par jour son revenu tomberait à $250 par mois pour un travail de vingt-quatre sur vingt-quatre.

Mr. Langford: And there would be additional expenses beyond the amount of effort she had to...

M. Langford: Il y aurait des frais additionnels en plus de la somme d'efforts qu'elle aura à fournir à ce moment-là.

Mr. Bigg: Yes, but I was just talking about straight take-home pay as far as the woman is concerned who is willing to give up her profession and time to look after a crippled husband.

M. Bigg: Il faudrait qu'elle abandonne sa profession pour s'occuper de son mari infirme.

Mr. Peters: Mr. Chairman, could I ask if the Department of Veterans Affairs has ever discussed with you the possibilities of additional assistance to allow you to buy a home or have one built to your requirements?

M. Peters: Monsieur le président, puis-je demander à M. Parsons si le ministère des Anciens combattants a déjà envisagé la possibilité d'accorder une aide additionnelle pour vous permettre d'acheter une maison ou en faire construire une.

Mr. Damiano: No, but on my own in 1961 I did apply under VLA. I was accepted and did get a house, an older house which cost $10,000. I only needed $1,600, which I borrowed, and because the payments were low under VLA at that time I could afford it, but after I had been in the house for three years everything started falling apart. I could not make any repairs and I could not afford to pay someone to come to fix the house, so I had to sell it. I sold it in 1964 before real estate started going up for $11,000 and now that same house is worth $24,000.

M. Damiano: J'y ai pensé moi-même en 1961. J'ai demandé un prêt en vertu de la Loi sur les anciens combattants. Il s'agissait d'une vieille maison qui coûtait $10,000. J'avais besoin seulement de $1,600 que j'ai empruntés. Les versements étaient assez bas à ce moment-là, je pouvais les payer, mais au bout de trois ans, il fallu réparer. Je ne pouvais pas les faire moi-même et je ne pouvais payer quelqu'un, aussi j'ai dû revendre la maison. Je l'ai vendue en 1964 pour $11,000 avant le boom sur les biens immobiliers, maintenant la même maison vaut $24,000.

Mr. Peters: But there has not been any discussion since of DVA building you a house that would meet your requirements?

M. Peters: Depuis le ministère des Anciens combattants n'a-t-il pas parlé de vous faire construire une maison qui répondrait à vos besoins?

Mr. Damiano: No.

M. Damiano: Non.

Mr. Peters: Mr. Chairman, if your pension, Mr. Damiano, were increased to 350 per cent

M. Peters: Si votre pension, monsieur Damiano, était accrue jusqu'au maximum de

[*Text*]

of maximum then would you be able to have a house built for yourself that would...

Mr. Damiano: I do not imagine I would be able to get the initial down payment because real estate is so expensive in Toronto. I imagine it is expensive in Ottawa, too.

Mr. Peters: Could I ask you another question? Because of your condition you would almost have to remain in the immediate vicinity of one of the highly qualified hospitals?

Mr. Damiano: That is right, and that is why I live in Toronto.

Mr. Peters: This, of course, makes your cost of living considerably higher than it would be in an outside area.

Mr. Damiano: That is right...

Mr. Peters: The normal hospital really would not be adequate.

Mr. Damiano: No, because they are not equipped for quadriplegics. They do not even know them, really. If I went to a normal hospital they would not know what to do with me. They would switch me to a veterans hospital that is equipped for such cases and I think that is part of the trouble.

Mr. Peters: So you are limited in choosing a location to one within close proximity to a major hospital, preferably a DVA hospital?

Mr. Damiano: Yes, that is right.

The Chairman: Are there any other questions? I have in mind that the brief still has some sections to be covered and I wonder if members of the Committee would invite Mr. Clarke to continue at this point. Yes, Mr. Clarke.

Mr. Clarke: Mr. Chadderton has a comment he would like to make, Mr. Chairman.

The Chairman: Mr. Chadderton.

Mr. C. H. Chadderton (Dominion Honorary Vice President, Canadian Corps Association): Mr. Chairman, the paraplegics have asked me to raise one point for the information of the Committee because no one so far has touched upon the rather strange situation where the Pension Act provides attendance allowance for the war blinded while they are in hospital without restriction, but under the treatment regulations the paraplegics are allowed two months when they go into hospital.

[*Interpretation*]

350 p. 100, seriez-vous en mesure à ce moment de faire construire une maison?

M. Damiano: Je n'aurais pas le montant qu'il faut pour donner au début parce que les maisons sont très chères à Toronto, à Ottawa aussi j'imagine.

M. Peters: Est-ce que je peux vous poser une autre question? Du fait de votre condition, vous devez demeurer près d'un hôpital qui soit à même de vous donner vos soins?

M. Damiano: C'est la raison pour laquelle je vis à Toronto.

M. Peters: Et de ce fait le coût de la vie est beaucoup plus élevé que si vous habitiez hors de la ville, n'est-ce pas?

M. Damiano: Oui, c'est exact.

M. Peters: Un hôpital ordinaire ne conviendrait pas dans votre cas?

M. Damiano: Non, parce que les autres hôpitaux ne sont pas équipés pour soigner les quadriplégiques. Si j'allais dans n'importe quel hôpital ils ne sauraient pas comment prendre soin de moi. Ils m'enverraient dans un hôpital d'anciens combattants qui est équipé pour les gens dans mon cas.

M. Peters: De ce fait, vous êtes limité dans le choix de l'endroit où vous pourriez habiter, de ce fait vous devez habiter à proximité d'un hôpital et de préférence, un hôpital des anciens combattants.

M. Damiano: Oui, c'est cela.

Le président: Y a-t-il d'autres questions? Sinon, nous pourrions continuer à lire le mémoire que M. Clarke avait commencé car il y a d'autres parties à étudier.

M. Clarke: Monsieur Chadderton a un petit commentaire à faire, monsieur le président.

Le président: Monsieur Chadderton?

M. C. H. Chadderton (vice-président honoraire de l'Association des Corps canadiens): M. le président, les paraplégiques m'ont demandé de porter un point à l'attention de ce comité parce que personne n'a parlé de cette situation plutôt étrange, la Loi sur les pensions prévoit une allocation de soins pour les aveugles de guerre qui sont à l'hôpital sans restriction alors qu'on n'accorde cette allocation aux paraplégiques qui sont à l'hôpital que pendant deux mois seulement aux termes du règlement des traitements.

[*Texte*]

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I think the interesting thing about this is the reference in the Woods Committee Report, Volume II, Chapter 17, page 659, wherein the Woods Committee quotes a letter from the Acting Chairman of the Pension Commission to the then Minister of Veterans Affairs in which he said that he had had representations from the paraplegics concerning the continuation of attendance allowance while in hospital, and he said:

> I feel that it is highly inadvisable, if not impossible, to amend the Pension Act by Order in Council when Parliament is in Session. It is also undesirable to throw the Pension Act open for amendment so soon after the recent Parliamentary Committee on Veterans Affairs.

Then the suggestion is made that under the treatment regulations they could do this for two months. Incidentally, this was in 1947 and we submit that that was temporizing; there was good reason for not amending the Pension Act at that time, as the acting chairman of the commission says, but what happened is that the paraplegics have been stuck with a two-month temporary situation since 1947.

On behalf of the paraplegic delegation we wish to suggest that the compromise suggested in the White Paper of 1969 certainly does not give effect to the representations that some of the same people before you this morning have been making to the government since 1947, and I think it is a rather strange coincidence that this should have remained within the purview of the treatment regulations of the Department since 1947, when the whole idea originally was to put it in the Pension Act. However, it was not practical, let us say, to put it into the Pension Act in 1947, so you still have this temporary situation on your hands. I think that might well be taken into account in your deliberations.

The Chairman: Mr. Peters and Mr. Bigg.

Mr. Peters: I am curious about a person who is not married and decides to live out. Is it difficult to hire a suitable attendant for a quadriplegic?

Mr. Langford: I would think, sir, that it would be very difficult to hire a suitable attendant and to retain him for any length of time.

[*Interprétation*]

La partie la plus importante en ce qui concerne ceci, c'est la référence dans le Rapport Woods, volume II chapitre 17, page 754, le rapport Woods cite une lettre du président suppléant de la Commission des pensions adressée au Ministre des Affaires des anciens combattants d'alors, dans laquelle il lui fait part des représentations des paraplégiques en ce qui concerne la continuation du versement de l'allocation de soins alors qu'ils sont à l'hôpital. Il dit et je cite:

> J'estime qu'il n'est pas du tout à conseiller, voir qu'il est impossible, de modifier la loi sur les pensions au moyen d'un décret du Conseil lorsque le Parlement siège. En outre, il ne sied pas d'exposer la loi sur les pensions à des modifications si tôt après le récent Comité parlementaire chargé d'étudier les Affaires des anciens combattants.

Il ajoute ensuite qu'en vertu des règlements sur les traitements, il pourrait verser cette allocation pour deux mois.

C'était en 1947, et il s'agissait d'une situation temporaire. Il y avait une bonne raison de ne pas amender la loi sur les pensions à cette époque comme nous l'a dit le président suppléant de la Commission, mais ce qui est arrivé c'est que les paraplégiques se sont vus bloqués par cette politique temporaire de deux mois depuis 1947.

Au nom des paraplégiques, nous désirons faire remarquer que le compromis proposé dans le Livre blanc de 1969 ne tient aucun compte des représentations qui ont été soumises au gouvernement depuis 1947 par les mêmes personnes qui comparaissent devant vous.

Je crois qu'il est plutôt étrange que cette question relève toujours des règlements sur les traitements du ministère des Anciens combattants depuis 1947, alors qu'il était tout d'abord question de l'inclure dans la Loi sur les pensions. Cependant, en 1947, il n'était pas facile de l'inclure dans la loi, c'est pourquoi vous avez toujours cette situation temporaire sur les bras. Je crois qu'il faudrait en tenir compte dans vos délibérations.

Le président: M. Peters et M. Bigg.

M. Peters: Je vous remercie, monsieur. Puis-je vous demander si pour une personne qui n'est pas mariée, et qui n'est pas hospitalisée, il est très difficile d'engager une garde compétente si elle est quadraplégique?

M. Langford: Oui, monsieur. C'est extrêmement difficile de trouver une aide compétente pour soigner un quadraplégique pour n'importe quelle période de temps.

[*Text*]

Mr. Peters: If, because of the two-month period and your inability to pay them, you lost that person whom you were able to hire, it would be almost impossible to get that particular attendant back again.

Mr. Langford: They might have to stay in hospital and not be able to make these arrangements again. This is quite true.

Mr. Peters: And would the fact that you were in hospital not create an almost impossible situation with respect to looking the market over? You would not really be in a position to shop around, so to speak, as you might be in other circumstances. You would be very restricted in the method by which you could hire these people. If you had an attendant who was copacetic and you lost that person, it probably would not be possible to hire someone else.

Mr. Langford: Normally what happens is that an attendant as such is not hired but that extra expenses are incurred to provide sufficiently convenient living arrangements so that a member of the family can match the..

Mr. Peters: In fact, then,...

Mr. Langford: The attendant then boils down to a whole series of people who come into the picture over a 24-hour period to provide various services, rather than a single person trying to provide these services.

Mr. Peters: In fact, you have really only known one person out of the 300, 400 or 500 who really had a full-time attendant who was not a member of the family.

Mr. Langford: It was a rare situation, yes.

Mr. Peters: So, with this one exception, it has not really been possible to in fact hire an attendant for the money that is available. Of course, his circumstances were such that he could afford to supplement the attendance allowance out of his other income. So, we have not really been paying enough money to allow full-time attendants unless there were other circumstances surrounding it. We say that we are paying this attendance allowance, but we are really not paying it, we are pro-

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viding certain compensation so that members of the family can assist, but we have never paid enough money to allow a full...

[*Interpretation*]

M. Peters: Si vous perdez cette personne que vous avez engagée parce que vous n'avez que deux mois à recevoir l'allocation et que vous ne pouvez la payer, il est presque impossible d'obtenir à nouveau les services de cette personne.

M. Langford: Et peut-être il vous sera nécessaire de rester à l'hôpital et vous ne savez ensuite ce que vous ferez. C'est tout à fait vrai.

M. Peters: Cette situation ne devient-elle pas difficile du fait que vous êtes à l'hôpital, vous n'êtes pas en mesure de faire les recherches nécessaires. Vous êtes très limité car si vous perdez un bon garde-malade il vous est impossible d'en trouver un autre.

M. Langford: Ce qui arrive en général, monsieur, c'est qu'on ne peut engager ce genre de personne. Mais des dépenses sont consenties pour fournir des arrangements assez satisfaisants pour qu'une personne de la famille...

M. Peters: En fait, alors...

M. Langford: Le garde est alors remplacé par toute une série de gens qui fournissent les divers services plutôt que par une seule personne au cours de la journée.

M. Peters: En somme, vous voulez dire que vous connaissez seulement une personne sur un chiffre de 300, 400 ou 500 qui a pu se procurer un aide à plein temps qui n'était pas un parent.

M. Langford: C'est exact, monsieur. C'est exact.

M. Peters: Ainsi il n'a pas été possible, à cette exception près, d'engager quelqu'un avec l'argent qui est alloué?

Encore dans ce cas-là, ses moyens lui permettent que de compléter l'allocation de soins. En résumé, nous pouvons dire que nous ne payons pas suffisamment pour que le malade puisse obtenir une aide continuelle sauf dans des cas particuliers. En somme, que nous payons une allocation de soins, fournissant une certaine compensation pour les membres de la famille qui aident le malade mais elle est insuffisante pour permettre d'engager un aide à plein temps.....

[*Texte*]

Mr. Langford: I think that is right.

Mr. Peters: In other words, we pay an amount of money indirectly to the paraplegic in hospital for three-shift service, but we are not providing an alternative by saying that we provide attendance allowance. We are really not doing this, and it is not quite correct to say that this is an attendance allowance because we have never really engaged in duplicating the service that we discontinued when we closed some of the hospitals.

Mr. Langford: I think it would be incorrect to think of this as a salary for a single attendant. In practice this is an expense allowance to cover a host of additional expenses which enables the paraplegic or quadriplegic and his family to manage by themselves. The last thing I would want is an attendant following me around all day. I would like to have enough income so that I could arrange my environment and purchase the necessary services as required in order to manage comfortably without undue strain on either my family or my neighbours.

Mr. Bigg: That answer my question too, Mr. Chairman.

The Chairman: Mr. Marshall.

Mr. Marshall: On page 11 of the brief you ask for retention of the present Section 33(3) of the Pension Act and the implementation of Woods Committee Recommendation No. 85. We heard from Mr. Ward that Recommendation No. 85 was accepted but modified. I wonder if it would be in order, Mr. Chairman, if I were to ask Mr. Ward if he would repeat the modification. It would clear up a lot of further questioning.

The Chairman: I will put it to the Committee. I see Mr. Ward is here. I do not know whether he is prepared to speak to this point or whether he would prefer to do so later. What is the wish of the Committee?

An hon. Member: What is the wish of Mr. Ward?

The Chairman: Mr. Ward, would you like to comment at this point? There is a microphone beside Mr. Peters which you can use.

Mr. Harry Ward (Chief Pensions Advocate): I am not exactly sure of the question Mr. Peters asked.

An hon. Member: It was Mr. Marshall.

[*Interprétation*]

M. Langford: C'est exact.

M. Peters: En somme nous payons indirectement pour les paraplégiques dans les hôpitaux pour des soins de 24 heures. Mais l'allocation de soins que nous leur versons ne représente rien d'équivalent. En fait il n'est pas jus e de dire que nous donnons une allocation de soins parce que nous n'avons jamais cherché à remplacer le service que nous avons discontinué lorsque nous avons fermé quelques-uns des hôpitaux d'anciens combattants.

M. Langford: Monsieur, ce serait erroné d'envisager l'allocation de soins comme un salaire pour payer un aide.

En pratique, il faut la considérer comme une allocation de frais permettant au paraplégique et à sa famille de faire face à des dépenses supplémentaires. Je ne voudrais moi-même pour rien au monde avoir quelqu'un sur mes talons à longueur de journée mais j'aimerais avoir assez de revenu pour me permettre de vivre confortablement et d'acheter les services nécessaires et sans constituer un fardeau pour ma famille et mes voisins.

M. Bigg: Cela répond à mes questions M. le président.

Le président: Monsieur Marshall?

M. Marshall: Dans le mémoire, à la page 11, vous demandez que l'on conserve le paragraphe (3) de l'article 33 de la Loi sur les pensions et vous demandez aussi que la recommandation 85 soit mise en vigueur. Nous avons entendu M. Ward nous dire que la recommandation 85 a été acceptée mais avec des modifications.

Je voudrais demander à M. Ward s'il voudrait bien répéter la modification qui a été apportée?

Le président: Je vois que M. Ward est ici. Nous pourrions peut-être le lui demander? M. Ward voudrait-il nous renseigner maintenant ou plus tard. Quel est le désir de ce Comité?

Une voix: Quel est le désir de M. Ward plutôt.

Le président: Monsieur Ward, est-ce que vous seriez prêt à nous expliquer? Vous avez un microphone près de M. Peters, dont vous pouvez vous servir.

M. Harry Ward (Avocat en chef des pensions): Je ne suis pas certain exactement du sens de la question de M. Peters.

Un membre: C'était M. Marshall.

[*Text*]

Mr. Ward: It was Mr. Marshall, I beg your pardon.

Mr. Marshall: I will repeat it, Mr. Ward. You gave us a resume of recommendation No. 85, and the witnesses are asking for this in their brief. On page 11 they say that they are requesting the retention of Section 33 of the Pension Act and also recommendation No. 85 of the Woods Committee Report, and in your explanation to us a few days ago you mentioned that No. 85 was accepted but modified. Do you remember what the modification was, or could we have that this afternoon?

Mr. Ward: If I could see the recommendation I think I would remember the modification.

Mr. Marshall: I am prepared to wait until this afternoon if you are going to be coming back.

Mr. Ward: I think the intention of the modification was to endeavour to create equality for all persons in receipt of an attendance allowance so that there would no longer be special categories. For instance, the blind pensioner, as you know, who is in receipt of attendance allowance has one provision which applies solely to his case. The paraplegics, through the veterans treatment regulations, have certain provisions that apply solely to their case. Amputees—and it may be a multiple amputee—are in an entirely different category.

I believe the intention was to create a universal and equal application for attendance allowance, and the proposal was that the attendance allowance be continued for the month of admission to hospital plus one month as of right for all categories. Then, at the discretion of the authorities, it could be extended for an indefinite period of time depending on certain circumstances. There was some mention of a means test but it is my understanding that there is no means test as such envisaged by this proposal. That is to say, the income of a person would probably not be taken into consideration in deciding whether to exercise the discretion of paying attendance allowance for an extended period, but more to look at the person's individual circumstances, his environment—his need in that sense, but not in the money sense. That may be a means test, but it is not a money means test situation. Does that answer your question, Mr. Marshall?

[*Interpretation*]

M. Ward: Oui, en effet.

M. Marshall: Je répète ma question M. Ward. Lorsque vous avez donné un résumé de la recommandation n° 85, les témoins disent à la page 11 qu'ils demandent que soit conservé l'article 33 de la Loi sur les pensions, et que la recommandation n° 85 du Comité Woods soit mise en vigueur. Il y a quelques jours vous nous avez dit que la recommandation n° 85 avait été acceptée mais modifiée. Vous rappelez-vous quelles sont les modifications qui ont été apportées ou pourriez-vous nous le dire cet après-midi?

M. Ward: Si vous m'apportiez la recommandation, je pourrais peut-être me souvenir de la modification.

M. Marshall: Je suis prêt à attendre jusqu'à cet après-midi si vous revenez.

M. Ward: Je crois que ce que l'on proposait grâce à la modification, c'était de créer une certaine égalité pour toutes les personnes qui reçoivent des allocations de soins afin qu'il n'y ait plus de catégories spéciales. Par exemple pour le pensionné aveugle qui comme vous savez touche une allocation de soins il existe une disposition qui ne s'applique qu'à son cas. Le paraplégique dans les règlements des traitements des anciens combattants a des dispositions qui ne s'appliquent qu'à lui. Les gens qui souffrent d'infirmités multiples sont aussi placés dans une catégorie entièrement distincte.

Je crois que l'intention était de créer une admissibilité aux allocations de soins uniforme pour tous et il était proposé que le versement de l'allocation continue un mois après l'admission à l'hôpital plus un autre mois, pour toutes les catégories. Ensuite, on laisserait à la discrétion des autorités la possibilité de continuer, pour une période indéfinie de temps, le versement de cette allocation de soins selon les circonstances. Il n'était pas question, je pense bien, d'une vérification du revenu. D'après moi, il n'y a pas de véritable vérification des possibilités de gain et de revenu. On ne tiendrait vraiment pas compte du revenu d'une personne dans la décision de verser des allocations de soins pour une plus longue période, mais on étudierait davantage la situation particulière dans laquelle se trouve cette personne, son milieu, ses besoins, mais non pas sur le plan financier. Cela peut être une vérification des moyens et non pas des revenus. Est-ce que cela répond à votre question, monsieur Marshall?

[*Texte*]

Mr. Marshall: That answers my question. I feel it is wise to have it on the record in relation to the attendance allowance.

The Chairman: Again, once we start examining additional witnesses we are going to open up a whole series of matters that the Committee will be looking at. I am bearing in mind consideration for the witnesses before us this morning, who have been waiting for some time and have not yet completed their brief. I know that other members, such as Mr. Guay and Mr. Whicher, want to ask questions.

Mr. Guay (St. Boniface): I had two, but Mr. Ward has answered one.

The Chairman: There is no end, once we start this. This is my concern. Because I am sure members of the Committee have a series of questions they wish to ask.

Mr. Guay (St. Boniface): My question to Mr. Ward would have been...

The Chairman: Perhaps we could call him back. All right; proceed.

Mr. Guay (St. Boniface): No, in view of the time I will go along with your wishes. I have noted the questions and I can ask them later on, if you wish.

The Chairman: I do not like to embarrass our witnesses by saying this, but they have waited for some time. Not all of us suffer the same inconveniences as they do, Mr. Guay.

Mr. Guay (St. Boniface): In view of that I will wait and question Mr. Ward later on.

Mr. Clarke: Mr. Chairman, may I make one comment?

The Chairman: Yes, Mr. Clarke.

Mr. Clarke: It is in connection with Mr. Ward's testimony. I think we have to agree that all those who are entitled to attendance allowance should be treated alike. We applaud, and would like to see everyone so treated, the way the blind are presently treated in the Pension Act; that is, if they are necessarily detained in hospital under treatment their attendance allowance is not cut.

The Chairman: That is your point, and I think it is clearly and well made, Mr. Clarke. Members of the Committee have your testimony on this point.

[*Interprétation*]

M. Marshall: Oui, cela répond très bien à ma question. Je crois qu'il est sage de l'insérer au compte rendu sur les allocations de soins.

Le président: Dès que nous commencerons à interroger d'autres témoins, nous allons soulever toute une série de questions que le Comité étudiera. Je respecte les témoins de ce matin qui ont attendu quelques instants et qui n'ont pu compléter leur mémoire. Je sais que d'autres personnes, comme messieurs Guay et Whicher désirent poser des questions.

M. Guay (Saint-Boniface): J'en avais deux, mais monsieur Ward a déjà répondu à une.

Le président: A mon avis, on n'en finira pas avec ce genre de remarques. Je suis convaincu que les membres du Comité ont une série de questions qu'ils désirent poser.

M. Guay (Saint-Boniface): La question destiné à monsieur Ward était la suivante . . .

Le président: Nous pourrions peut-être lui demander de revenir. Très bien, continuez.

M. Guay (Saint-Boniface): Étant donné le temps qui nous est alloué, je préfère suivre vos conseils. J'ai noté les questions que je voulais poser et je pourrai les poser plus tard, si vous le désirez.

Le président: Je ne veux pas mettre notre témoin dans l'embarras en disant . . ., mais ils ont attendu quelque temps. Nous ne connaissons pas tous les inconvénients qu'ils ont, monsieur Guay.

M. Guay (Saint-Boniface): Enfin je pourrai poser ma question plus tard à monsieur Ward.

M. Clarke: Monsieur le président, puis-je faire un commentaire?

Le président: Oui, monsieur Clarke.

M. Clarke: Au sujet du témoignage de monsieur Ward, je crois que nous devons avouer que tous ceux qui ont droit à une allocation de soins devraient être traités sur un pied d'égalité. Nous sommes donc d'accord, nous voudrions que chacun soit traité de la même façon que les aveugles le sont en vertu de la Loi sur les pensions, c'est-à-dire que s'ils sont hospitalisés pour être traités, leur allocation de soins n'est pas suspendue.

Le président: C'est ce que vous voudriez nous faire comprendre et cela nous l'avons bien compris, monsieur Clarke. Avec la permission des membres du Comité, pourriez-vous poursuivre la lecture du mémoire.

[*Text*]

• 1205

With the permission of the Committee, perhaps we should proceed with the brief.

Mr. Clarke:

Continuation of Compensation (Pension) to Widow

With the paraplegics, and indeed with other multiple disability casualties, war disability compensation (pension) comprises either the bulk of the individual's income, or a large part of it. On the death of the pensioner, his wife and family are almost immediately faced with a sharp drop in income to the widow's rate, although expenses carry on much as before until alternative arrangements for living accommodation and other arrangements to retrench can be effected. These arrangements take some time to complete and should not be rushed nor even proceeded with until the widow is in a position to do so objectively. It is, therefore, recommended that compensation be continued at full married rate to the widow of a pensioner in Classes 1 to 9 for a full year following the death of the pensioner.

This practice is already followed in War Veterans Allowance cases and should be extended to those who have entitlement for war disability compensation. (Woods Committee recommendation No. 109.)

Summary

These are the matters urgently in need of change which are of greatest concern to the veterans who have suffered spinal injuries:

1. Payment of Pension in relation to the full extent of the disability incurred in accordance with the intent of the Pension Act, Section 28(1). (Woods Committee recommendations Nos. 64, 65 and 74.)

2. Continuation of Attendance Allowance to a paraplegic or quadriplegic pensioner during periods of hospitalization for active treatment from time to time as required, for the full duration of any such period of treatment. (Woods Committee recommendation No. 85.)

3. Continuation of compensation at married rate to the widow of a pensioner in Classes 1 to 9, for a full year following the death of the pensioner. (Woods Committee recommendation No. 109.)

Gentlemen, we appreciate this opportunity which has been made available to us to bring these matters to your attention.

[*Interpretation*]

M. Clarke:

Maintien des indemnités (Pension) de la veuve

Pour les paraplégiques et pous tous les autres qui sont atteints d'infirmités multiples, les indemnités pour infirmités de guerre (pension) constituent le revenu total d'une personne ou une grande partie de ce revenu. A la mort du pensionné, l'épouse et la famille reçoivent alors presque aussitôt un revenu très faible, au taux de la veuve, même si les dépenses sont aussi nombreuses, et cela, jusqu'à ce qu'on ait pris d'autres dispositions. Ces arrangements prennent un certain temps et de toute façon, la veuve ne devrait pas se presser ni s'en occuper avant qu'elle ne soit en mesure d'agir de façon objective. Il est donc recommandé que les indemnités de la veuve d'un pensionné qui fait partie des catégories 1 à 9 soient maintenues au taux de la femme mariée pendant toute l'année qui suit la mort du pensionné.

Cette méthode est actuellement adoptée pour les cas d'allocations des anciens combattants et devrait aussi s'appliquer aux personnes qui ont droit aux allocations d'infirmité de guerre (Recommandation n° 9 du Comité Woods).

Sommaire:

Voici les questions qui appellent des changements et qui intéressent au plus haut point les anciens combattants qui ont reçu des blessures à la colonne vertébrale:

1. Le versement de la pension par rapport à l'importance de l'infirmité, conformément au paragraphe (1) de l'article 28 de la Loi sur les pensions (Recommandations n°s 64, 65 et 74 du Comité Woods).

2. Le maintien de l'allocation de soins à un paraplégique ou quadraplégique au cours de son hospitalisation pour un traitement périodique, pendant toute la durée de la période de traitement (Recommandation n° 85 du Comité Woods).

3. Le maintien des indemnités pour la veuve d'un pensionné qui appartient aux catégories 1 à 9, au taux de la femme mariée pendant l'année qui suit la mort du pensionné (Recommandation n° 109 du Comité Woods).

Messieurs, nous sommes très heureux d'avoir eu l'occasion de soumettre ces questions à votre attention.

[*Texte*]

This presentation is respectfully submitted by the Canadian Paraplegic Association, John G. Counsell, S.M., O.B.E., M.C., Chairman.

The Chairman: Thank you, Mr. Clarke. Have members of the Committee questions they wish to put to the delegation at this point? If not, on behalf of the Committee I would like to thank you very much for appearing, and for your brief, and say that if there are further observations at this stage we have no intention of closing the door. But we are very pleased to hear what you have had to say this morning.

Mr. Clarke: Thank you very much, Mr. Chairman. We appreciate the hearing.

AFTERNOON SITTING

• 1408

The Chairman: I will now call the Committee to order.

This afternoon we have the submission of The Sir Arthur Pearson Association of War Blinded. Mr. F. J. L. Woodcock, the Executive Secretary of the Association, will introduce the delegation. Mr. Woodcock.

Mr. F. J. L. Woodcock (Executive Secretary, The Sir Arthur Pearson Association of War Blinded): Mr. Chairman, for the benefit of our group, the Chairman of this Committee is Mr. Lloyd Francis.

I would like to introduce first our President, Mr. Chris Davino. Chris was RCR and was wounded at Ortona. His disability is total blindness. He has one eye out and the other has no remaining sight in it, with facial scars.

Next we have Johnny Dion, as he is known to us—Charlemagne by first name. He lost an arm and is totally blind. It was one of those unfortunate training accidents in England during the war—a grenade explosion. With him, of course, is his lifetime companion and constant escort, Madame Dion.

• 1410

We also have Mr. John Henry, a man who lost one eye in the Air Force and the other on civvy street. He is totally blind and wears two plastic eyes. John Henry and Mrs. Henry, his escort. We also brought along for the Committee's benefit more or less a cross section of the ambulatory group among our war blinded. There is Lorne Smith. We call him "Lewis Gun", because he too was a fighting soldier in the same regiment. He is well known and quite a friend of Tony Damiano, who was here this morning. Mr. Smith's escort is Mr. Simpson.

[*Interprétation*]

Cet exposé a été respectueusement soumis par l'Association canadienne des paraplégiques.

Le président: Merci monsieur Clarke. Est-ce qu'il y a d'autres questions? S'il n'y en pas, je tiens à vous remercier au nom des membres du Comité pour votre participation à notre travail et pour la qualité du mémoire que vous avez présenté. Si vous désirez faire d'autres déclarations, nous serons heureux de vous entendre comme nous l'avons été ce matin.

M. Clarke: Merci beaucoup, monsieur le président et croyez bien que nous partageons votre opinion.

SÉANCE DE L'APRÈS-MIDI

Le président: Attention, la séance débute, messieurs. Cet après-midi, nous avons l'Association des aveugles de guerre Sir Arthur Pearson. Nous avons M. F. J. L. Woodcock, le secrétaire exécutif de l'Association qui présentera la délégation. M. Woodcock a la parole.

M. F. J. L. Woodcock (Secrétaire exécutif de l'Association des aveugles de guerre Sir Arthur Pearson): Monsieur le président, au bénéfice de tout le groupe, le président du Comité est M. Lloyd Francis. J'aimerais d'abord présenter le président, M. Chris J. Davino R.C.R., un blessé de guerre d'Ortona, il est complètement aveugle. Il a perdu un œil et l'autre ne voit plus loin et il a des cicatrices au visage.

Nous avons ici aussi M. Dion connu sous le nom de Charlemagne et qui a perdu un bras, et qui est complètement aveugle aussi. Il s'agit d'un de ces accidents malheureux lors de l'entraînement en Angleterre au cours de la guerre soit l'explosion d'une grenade. Son escorte coutumière, sa femme M^me^ Dion l'accompagne.

Nous avons M. John Henry ici présent. Il a servi dans les Forces aériennes où il a perdu un œil; il a perdu l'autre œil alors qu'il était dans la vie civile il est maintenant complètement aveugle, et a les deux yeux en plastique maintenant.

Avec M. John Henry nous avons aussi ici présent M^me^ Henry qui lui sert d'escorte.

Nous avons cru bon d'amener aussi au bénéfice du Comité, quelques représentants du groupe itinérant des aveugles de guerre. Il s'agit de monsieur Lorne Smith que nous

[*Text*]

Have I forgotten anyone? I am sorry, I have left out one of the important ones. Perhaps I will be a little facetious here when I introduce W. N. Mayne, the Assistant Secretary of the Association. W. N. Mayne was wounded, as he says, from stem to gudgeon—he was a Hong Kong prisoner of war. I am sure, Mr. Chairman and the Committee, you realize the seriousness of that particular group and what maltreatment did to them. Unfortunately Al Martiro, another badly handicapped war blinded with two artificial eyes and severe amputations, was unable to be here today because of ill health.

I might add that in the main this group are employed in some form. I say "in some form" because in the case of John Henry, I only hope that any member of this Committee or the government, for that matter, has the opportunity to meet John Henry on his farm up near Campbellville, where he himself has built a workshop and has all the machine tools. It is merely a remunerative hobby with him and it just pays for itself, but one must admire the guts of a man who will do that sort of thing rather than to sit in the old arm chair of helplessness.

Mr. Mayne works for CNIB. Chris Davino works for CNIB. Tony Dion very fortunately has a s'and of his own, one of these canteen stands in the explosive division in Sorel, I think. Smitty, with no face, has good guiding vision in his one remaining eye. He has had 42 operations attempting to build him a nose. Why does he travel with an escort? I would only add, Mr. Chairman, that I think you would get sick and tired of being called monkey face and names of that type by unthinking, cruel children. Smitty works. He sees the floor but does not see the dirt on it. He sweeps twice, three times, to make sure he has got the dirt cleaned up. That is Smitty's job. Mr. Chairman, that is our delegation today.

I am the Executive Secretary of the Association and work for CNIB. You will read in our brief "Thank God for CNIB."

[*Interpretation*]

appelons «Lewis Gun» parce que lui aussi était très combattif dans le même régiment. Il est bien connu et c'est un assez bon ami de monsieur Tony Damiano, que vous avez rencontré ce matin. Monsieur Simpson lui sert d'escorte.

Est-ce que j'ai oublié quelqu'un? Je m'excuse mais j'ai oublié l'une des personnes importantes. Je semblerai peut-être un peu facétieux de présenter monsieur W. N. Mayne, secrétaire adjoint de l'Association. Monsieur Mayne a été blessé comme il le dit, des pieds à la tête, il a été prisonnier de guerre de Hong Kong.

Je suis certain monsieur le président et messieurs les membres du Comité que vous comprenez la gravité des blessures subies par les prisonniers de Hong Kong. Malheureusement, monsieur Al Martiro une autre personne gravement handicapée, un aveugle de guerre qui a deux yeux artificiels et qui a subi de graves amputations a été dans l'impossibilité de venir aujourd'hui parce qu'il était malade.

Permettez-moi d'ajouter que dans l'ensemble ces personnes ont trouvé de l'emploi, de façon ou d'une autre comme monsieur John Henry.

J'espère que les membres du Comité ou du gouvernement auront l'occasion de rencontrer monsieur John Henry sur sa ferme près de Lampbellville où il s'est installé un atelier muni de toutes les machines-outils nécessaires. C'est presque un passe-temps qui lui permet de gagner suffisamment d'argent pour vivre. Il préfère travailler plutôt que de rester simplement assis dans une chaise à ne rien faire.

Monsieur Wayne travaille pour I.N.C.A. tout comme monsieur Chris Davino. Monsieur Tony Dion possède une cantine à Sorel, dans la partie populeuse, je crois. Sans visage, monsieur Smitty, peut bien se diriger avec le seul œil qui lui reste. On a pratiqué 42 opérations pour tenter de lui refaire un nez. Pourquoi est-il accompagné d'une escorte? Vous comprendrez, je le crois, que vous seriez fatigué de vous faire traiter de face de singe ou d'autres noms semblables par des enfants cruels, sans cervelle. Il travaille. Il voit le plancher, mais il ne voit pas la poussière qu'il y a dessus. Il balaie deux, trois fois pour être certain qu'il a bien enlevé la saleté. C'est son travail. Monsieur le président, voilà notre délégation.

Je suis secrétaire exécutif de l'Association et je travaille à l'I.N.C.A.. Vous lirez dans notre mémoire notre gratitude envers l'I.N.C.A.

[*Texte*]

The Chairman: Thank you, Mr. Woodcock. I understand it was your intention to ask Mr. Chadderton to read the brief for you. Is that right?

Mr. Woodcock: Last, but by no means least, is the honourary life member of our Association, because of the devotion he has shown not just on the Woods Committee but devotion to work for veterans, Mr. C. H. Chadderton, whom I am going to ask to read our brief in its entirety and our reaction to the White Paper, which I would then ask you to take up point by point.

The Chairman: Fine.

• 1415

Mr. Chadderton: Mr. Chairman, the first brief is the one in the light coloured jacket with the plastic hinges. You will notice that this brief is dated December 1968. It was prepared after the Woods Commit'ee Report but, of course, before the White Paper.

Submission of the Sir Arthur Pearson Association of War Blinded
to
The Standing Committee on Veterans Affairs
December 1968

Mr. Chairman and Gentlemen:

We sincerely appreciate the opportunity to appear before the Standing Committee on Veterans Affairs and to express our appreciation of the Woods Committee Report, which recommends solutions to so many of the interrelated problems which have disturbed the War Blinded for many years, and we trust our appearance will create a better understanding of the problems of the War Blinded in particular.

This is the second time only in the history of the Sir Arthur Pearson Association of War Blinded, since it was formed in 1922, that we have appeared before a parliamentary committee on Veterans Affairs as a separate organization, although we have always appeared with the National Council of Veterans Associations in Canada, giving full support to the briefs submitted on those occasions.

In 1961 we appeared before the entire Pension Commission as a group on the matter of the cost of blindness in relation to the then inadequate awarding of Attendance Allow-

[*Interprétation*]

Le président: Merci, monsieur Woodcock. Je crois que vous avez l'intention de demander à monsieur Chadderton de lire le mémoire pour vous n'est-ce pas?

M. Woodcock: Le dernier mais non pas le moindre, je vous présente le membre honoraire à vie de notre Association à cause de son dévouement non seulement au Comité Woods, mais aussi à l'ensemble du travail pour les vétérans, monsieur C. H. Chadderton qui, à ma demande aura l'obligeance de lire l'ensemble du mémoire et nos réactions au Livre blanc que nous espérons avoir la possibilité d'étudier point par point.

Le président: Très bien.

M. Chadderton: Le premier mémoire possède une couverture bleue pâle brochée. Vous remarquerez que le mémoire est daté de décembre 1968. Il a donc été préparé après le Rapport du Comité Woods, mais avant le Livre blanc.

SOUMISSION DE L'ASSOCIATION DES AVEUGLES DE GUERRE SIR ARTHUR PEARSON
AU COMITÉ PERMANENT
DES AFFAIRES DES ANCIENS COMBATTANTS
Décembre 1968

Monsieur le président
Messieurs,

Nous sommes heureux d'avoir l'occasion de témoigner devant le Comité permanent des Affaires des anciens combattants et de pouvoir donner notre avis sur le Rapport du Comité Woods qui préconise des solutions à un si grand nombre de problèmes reliés entre eux qui ont intéressé les aveugles de guerre pendant plusieurs années. Nous croyons aussi que notre témoignage fera naître une meilleure compréhension des problèmes des aveugles de guerre.

C'est la deuxième fois dans l'histoire de l'Association des aveugles de guerre Sir Arthur Pearson, depuis sa formation en 1922, que nous témoignons devant un comité parlementaire sur les Affaires des anciens combattants à titre d'organisme indépendant, quoique nous ayons toujours comparu avec le Conseil national des Associations des anciens combattants en appuyant entièrement les mémoires soumis à ce moment-là.

En 1961, notre groupe a témoigné devant la Commission des pensions, au sujet du coût de la cécité par rapport à l'allocation insuffisante pour soins aux diverses catégories de notre

[*Text*]

ance to the various categories within our group. We were most grateful for the co-operation of the Canadian Pension Commission on that occasion for providing the minimum Attendance Allowance for all War Blinded whose sight loss was assessed at 100 per cent and thereafter increased by multiples of $300 according to the degree of visual loss, up to the maximum permissible for blindness for those who are totally blind. We still feel this method of assessment to be fair and equitable, although far too inadequate for the present day cost of blindness.

In order to better understand the diverse and interrelated problems affecting the War Blinded, we again submit an item, entitled:—*Cost of Blindness.*

Our past experience with legislative and administrative group sleads us to believe that blindness, as a disability, is vastly underra'ed and all too often our battle casualties suffer additional disabilities which increase—and sometimes double—the serious disability of blindness. They partly blame themselves because, in general, the blind—a minority group—have had to minimize their disabili'y in order to retain a place on the fringe of the sighted world. Then, too, sighted groups, such as the one assembled here today, form an impression of the blind as a whole, from a few outstanding exceptions. The entire social structure of the world is based on sight. They do feel the main cause of their present problems is a complete misunderstanding of the disabili'y of blindness and in particular those who are totally blind. As was aptly put by one member—"It is bad enough to be shut in by blindness, but far worse to be shut out by sighted misunderstanding."

Our members feel that blindness requires more assistance at all times than any o'her disability, except for the bedridden, and it costs just as much, or more, to maintain their place in the social order of community life, especially as prostheses for the blind in no way restore independence in whole, or in part, and in the main serve a cosmetic purpose only.

It has been stated that 85 per cent of continued education is visual. We firmly believe this and note that, as the years pass, we are rapidly losing touch with modern developments in many fields. The casual daily sighted glances at prin', prictures and material objects are denied to our group, who depend mainly on hearing and sense of touch. (We

[*Interpretation*]

groupe. Nous avions apprécié au plus haut degré la collaboration de la Commission canadienne des pensions en cette occasion qui avait accordé l'allocation minimum pour les soins nécessaires à tous les aveugles de guerre dont la perte de la vue était évaluée à 100% et, par la suite, augmentée par des multiples de $300, conformément de degré de la perte visuelle, jusqu'au maximum permis pour la cécité de ceux qui sont complètement aveugles. Nous estimons encore que cette méthode d'évaluation est juste et équitable, même si elle est tout à fait insuffisante pour le coût de vie réel des aveugles.

Afin de mieux comprendre les problèmes divers et étroitement liés des aveugles de guerre, nous soumettons une autre rubrique intitulée: *Coût de la cécité.*

Notre expérience passée avec les groupes législatifs et administratifs nous amène à croire que la cécité, en tant qu'infirmité est largement sous-estimée et, trop souvent, nos blessés de guerre souffrent d'infirmités supplémentaires, lesquelles augmentent et souvent doublent la gravité de la cécité. Ils se blâment eux-mêmes en partie, parce que les aveugles forment un groupe minoritaire et à ce titre, ils ont dû minimiser leur infirmité afin de pouvoir occuper une place dans le monde des voyants. Ainsi, les groupes normaux, tels que celui qui se trouve dans cette enceinte aujourd'hui, considère les aveugles comme un tout, à part quelques rares exceptions. Toute la structure sociale du monde est basée sur la vue. Ils pensent que leurs problèmes actuels viennent principalement de la mauvaise compréhension de l'infirmité de l'aveugle et en particulier ceux qui le sont tout à fait. Comme l'a bien expliqué un de nos membres: Il est assez dur d'être fermé au monde par la cécité, mais il est encore pire d'être rejeté par l'incompréhension des voyants.»

Nos membres affirment que la cécité demande plus d'assistance en tout temps que n'importe quelle autre infirmité excepté pour ceux qui sont cloués au lit, et il en coûte autant sinon plus pour maintenir leur place dans l'ordre social de leur vie communautaire. Car les prothèses pour aveugles ne rendent l'indépendance, soit totale ou partielle et elles ne servent qu'un but esthétique uniquement.

Il a été démontré que 85 p. 100 de l'éducation permanente est visuelle. Nous le croyons fermement et notons que, comme les années passent, nous perdons rapidement la notion des perfectionnements de notre époque dans plusieurs domaines. Les regards furtifs sur les quotidiens, les images et les objets sont refusés à notre groupe qui dépend

[*Texte*]

do, however, have a fairly accurate impression of mini skirts and hippies!!).

Mr. Woodcock: I would like to comment, if I may, Mr. Chairman.

It is a facetious remark in some respects, but on the other hand "hippies" and "mini skirts" have been on the lips of so many people around us that we have a fairly accurate description of them. That is aside from the fact that we have to look at them with these things—and I am using my fingers now, Mr. Chairman.

Mr. Chadderton: In attempting to assess the cost of blindness, there are several points which should be kept in mind:

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1. The entire social structure of the world is based on the ability to see.

2. The blind are attempting, by various methods and determination, to retain a place in the sighted world.

3. The ability to read and to see printed materials is an all-important key to progressive gainful earning power denied to the blind.

4. Cost cannot be measured merely by enumerating the day-to-day out-of-pocket cash expenses so necessary if the blind are to retain the maximum mobility and independence possible in blindness, or to take part in the every day living in a sighted community.

5. Also keep in mind that the cost of blindness is an expenditure over and above the cost of living.

6. The many frustrations experienced by the blind contribute to health conditions, difficult to prove as consequential disabilities.

(a) Out-of-pocket cash expenditures—Mobility.

Extra cash must be expended to retain mobile independence. The moment the totally blind leave the narrow confines of familiar surroundings, they are forced to make out-of-pocket expenditures—cost of cabs and all-important tips, far more excessive than their sighted counterpart. On strange ground the totally blind cannot move without sighted assistance and unless accompanied by a sighted escort he must pay, one way or another, to get from point to point. This sighted assistance is paid for by various forms of gratui-

[*Interprétation*]

principalement de l'ouïe et du toucher. (Toutefois, nous avons une idée assez juste des mini-jupes et des hippies!)

M. Woodcock: Monsieur le président, j'aimerais faire un commentaire si vous me le permettez.

Il s'agit d'une remarque assez facétieuse d'une façon, mais d'un autre côté les hippies et les mini-jupes ont fait l'objet de tant de conversations que nous en avons maintenant une assez bonne idée, car nous ne pouvons les examiner qu'avec nos doigts, monsieur le président.

M. Chadderton: En essayant d'évaluer le coût de la cécité, il y a plusieurs points à considérer:

1. Le système social mondial s'appuie sur la vue.

2. Les aveugles essaient, par détermination avec diverses méthodes d'occuper une place dans le monde des voyants.

3. L'aptitude à lire et à voir les caractères imprimés est un moyen très important pour mieux gagner sa vie, ce qui est refusé aux aveubles

4. le coût de la cécité ne peut pratiquement pas être calculé en énumérant les dépenses quotidiennes pour que l'aveugle puisse conserver la liberté de mouvement et le degré d'indépendance permis par la cécité, ou de prendre part à la vie de chaque jour dans la communauté des voyants.

5. Il faut aussi tenir compte du fait que le coût de la cécité est une dépense qui dépasse le coût de la vie.

6. Les frustrations éprouvées par l'aveugle influencent sa condition de santé et elles entrent difficilement dans le cadre des infirmités conséquentes.

a) *Dépenses pour les déplacements*

On doit dépenser plus d'argent pour conserver une liberté de mouvement. Dès qu'une personne totalement aveugle quitte son entourage, elle est forcée de faire des dépenses additionnelles—taxis, pourboires, etc.. qui excèdent celles des voyants. Dans un endroit inconnu, l'aveugle dont la cécité est totale ne peut se déplacer sans l'assistance d'un voyant ou sans la compagnie d'une escorte qu'il doit payer d'une manière ou d'une autre pour se déplacer. L'assistance d'un voyant est payée sous différentes sortes de pourboires. Quand

[*Text*]

ties. When travelling, the blind are forced into higher cost accommodation, in order to acquire adequate and convenient facilities and personnel, which necessitates unavoidable expenses, and naturally, higher cost meals through the inability to seek out lower cost restaurants, unless, of course, sighted guides are retained.

In this do-it-yourself age, the blind are forced to pay for all forms of maintenance at current rates; therefore, they are unable to protect their cash income, as do their sighted neighbours. The blind pay for their independence in many ways, even within the confines of their home terrain, resorting to taxis, hired help, paid readers and repayment of friends and acquaintances for gratuitous services rendered. The blind either meet these costs, or retrench and take no part in the normal activities of the sighted community. It is our experience that all too often the blind are forced to do just that, a cost they must pay for being blind. With but few exceptions, sports activities are denied the blind because of their handicap. The few exceptions permitting participation cost the blind more than the sighted participants in that they require sighted assistance on a paid, or voluntary, basis. The above applies to almost all other recreational outlets.

(b) Hidden Costs of Blindness

The hidden costs of blindness are impossible to assess and yet, in actual fact, are very costly to the blind. The very narrow field of employment, through the inability to see, is the more apparent. Not only are the job opportunities few and far between, when compared to their sighted, disabled counterparts, but the normal progress and promotion, with accompanying salary increases, are in the main denied to those who cannot see, regardless of their intelligence and ability. This, in effect, confines the blind to a specific form of employment in a firm, over a long period of time, with no hope of promotion, or increased responsibilities and corresponding increase in income. To combat a DVA administrator's statement—made during a discussion on pension increases—"Yes, but you are all working...", a recent survey indicates that a little less than half of the 237 war blinded veterans of World War II are unemployed and are mainly depending on pension incomes to raise families. Of the employed, it is interesting to note that 45 are employed by CNIB, thank God for CNIB!

[*Interpretation*]

l'aveugle voyage, il est forcé d'être servi et de réserver des installations convenables, qui exigent des dépenses supplémentaires, et naturellement, des repas plus dispendieux à cause de son incapacité de chercher des restaurants à prix modeste, à moins, bien sûr, qu'il soit accompagné d'un voyant.

Dans ce siècle du bricolage, l'aveugle est obligé de payer toute forme de maintien au tarif courant, c'est pourquoi, il est incapable de protéger son revenu comme le fait son entourage. L'aveugle paye son indépendance de plusieurs façons, même dans sa propre demeure; en recourant aux taxis, en engageant de l'aide, des lecteurs, en récompensant ses amis et connaissances pour services rendus bénévolement. L'aveugle n'arrive à rencontrer ces dépenses ou se retire et ne prend aucune part aux activités normales de la communauté des voyants. C'est par expérience que nous disons que l'aveugle est obligé de faire tout cela—c'est le prix qu'il paye pour sa cécité. A part quelques exceptions, les activités sportives sont refusées à l'aveugle à cause de son handicap. Les quelques exceptions auxquelles il peut participer, lui coûtent plus cher qu'aux voyants car cela nécessite l'assistance d'un voyant bénévole ou rémunéré. Les exemples énumérés plus haut s'appliquent à presque toutes les autres sorties récréatives.

b) *Dépenses cachées de la cécité.*

Les dépenses cachées de la cécité sont impossibles à évaluer, cependant elles sont en fait très élevées pour l'aveugle. Les possibilités d'emploi très limitées à cause de sa cécité en sont la preuve. Non seulement les occasions d'emploi sont minimes par rapport à celles des voyants, mais le progrès normal et la promotion qui s'accompagnent d'augmentations de salaire sont en principe écartées dans le cas des aveugles, sans tenir compte de leur intelligence et leur habileté. Cela a pour effet de restreindre l'aveugle à une forme spécifique d'emploi dans une entreprise et ce pour une période de temps très longue sans espoir d'avancement ou de responsabilités accrues et d'augmentations de salaire correspondantes. En réponse à un administrateur du ministère des Affaires des anciens combattants qui a dit: «Oui, mais vous travaillez tous...», lors d'une discussion sur l'augmentation des pensions, une enquête récente démontre que près de la moitié des 237 aveugles anciens combattants de la Seconde Guerre mondiale sont sans emploi et dépendent principalement des revenus de leur pension pour élever leur famille. Parmi ceux qui ont du travail, il est intéressant de noter que 45 d'entre eux sont au service de l'I.N.C.A., Dieu merci!...

[*Texte*]

Can anyone assess the cost of blindness to the wives and families of the blind? Even we who live under these conditions cannot fully appreciate the full extent to which we depend on the eyes of our loved ones. We do, however, have tangible proof of this dependence when the wife of one of our comrades dies. We see the degree of helplessness thrust on our comrade when he loses the second pair of eyes, through the loss of his lifelong companion. Our wives willingly perform many additional tasks because of our blindness. They are on duty every minute of every day, providing, in addition to their household responsibilities, service such as reader, guide, valet, chauffeur, interrupting their normal routine to perform one hundred and one little tasks which require sight. It includes additional responsibilities necessary in family life. We

[*Interprétation*]

Est-il possible d'évaluer le coût de la cécité pour la femme et la famille des aveugles? Même en vivant dans ces conditions, nous ne pouvons voir vraiment jusqu'à quel point nous comptons sur les yeux de nos plus proches parents. Nous constatons toutefois cette dépendance quand l'épouse de l'un de nos camarades meurt. Nous voyons le degré d'impuissance dans lequel se trouve notre camarade lorsqu'il perd une seconde paire d'yeux, en perdant la compagne de sa vie. Nos femmes font de bon gré des travaux supplémentaires qu'entraînent notre cécité. Elles travaillent chaque minute de la journée à remplir, en plus de leurs responsabilités de ménagères, les fonctions de lectrice, de guide, de valet, de chauffeur, interrompant ainsi leur routine normale pour faire mille et une choses qui exigent l'usgae de la vue. Cela comprend

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depend on their eyes to keep us in touch with the every day world—its colour, its beauty, its shape, its size, its constant activities; in other words, what you, a sighted person, see every waking minute of every day. Our wives, with but few exceptions, are unable to accept gainful employment as is the trend to-day. What is the cost of blindness to their health and happiness?

What is the cost of blindness to the health of the blind? Only those who live it can appreciate the tuned-in nervous tension required to retain mobility and independence. What contribution does frustration and tension make to nerve conditions, stomach troubles, sleepless nights and general health breakdown? What is the cost of blindness through inability to participate in healthy outdoor sports, with a very few exceptions, and for that matter, many other recreational outlets included? Remember, we only have free treatment and hospital services for our pensionable conditions. We pay medical and hospital expenses for many conditions that we consider connected with our pensionable disability.

These are the intangibles that cannot be proven, and yet we know they cost the blind a great deal.

The foregoing, in part, emphasizes our reasons for supporting the Woods Committee Report in general, and in particular the items that follow.

Woods Committee Report.

Most of the dissatisfaction of our members is created by the interpretation of a number

d'autres responsabilités nécessaires à la vie familiale. Nous dépendons de leurs yeux pour rester en contact avec le monde, sa couleur, sa beauté, ses formes, ses dimensions, ses activités constantes, en d'autres mots, ce que vous, une personne voyante, voyez à chaque instant de la journée. A part quelques exceptions, nos épouses ne peuvent accepter un emploi rémunérateur comme on a tendance aujourd'hui. Quel est le coût de la cécité par rapport à leur santé et leur bonheur?

Quel est le coût de la cécité par rapport à la santé de l'aveugle? Seulement celui qui la vit peut évaluer la tension nerveuse requise pour se déplacer et être indépendant. Quelle contribution apportent la frustration et la tension aux conditions nerveuses, troubles d'estomac, insomnies et dépérissement de la santé en général? Quel est le coût de la cécité entraîné par l'impossibilité de participer aux sports extérieurs qui nous gardent en forme, à part de très rares exceptions et pour celà, plusieurs autres évènements récréatifs? Souvenez-vous que nous avons des traitements et services médicaux gratuits seulement pour l'invalidité qui ouvre droit à pension. Nous payons les frais médicaux et hospitaliers pour plusieurs conditions que nous considérons comme liés à notre invalidité ouvrant droit à pension. Il s'agit de facteurs intangibles qui ne peuvent être prouvées et cependant, nous savons qu'elles coûtent cher à l'aveugle.

Ce qui précède, augmente en partie les raisons que nous avons d'appuyer le rapport du Comité Woods en général, et en particulier ce qui suit:

Rapport du Comité Woods

Une grande partie du mécontentement de nos membres vient de l'interprétation d'un

[*Text*]

of sections of the Pension Act. These interpretations have been established by one or two officials at various times in the past and it seems to us that, in spite of the wording of the Act, a one-man interpretation of those words becomes a hard and fast law, which others administering the Act over the years have not had the initiative to interpret for themselves.

Sections 20, 21 and 22 read as follows:—

20. (1) Where a death or disability for which pension is payable is caused under circumstances creating a legal liability upon some person to pay damages therefor, if any amount is recovered and collected in respect of such liability by or on behalf of the person to or on behalf of whom such pension may be paid, the Commission, for the purpose of determining the amount of pension to be awarded shall take into consideration any amount so recovered and collected in the manner hereinafter set out.

(2) In any such case the Commission may require such person or anyone acting on his behalf as a condition to the payment of any pension, to take all or any steps that it deems necessary to enforce such liability and for such purpose shall agree to indemnify such person or anyone acting on his behalf from all or any costs incurred in connection therewith.

21. Where a disability or death for which pension is payable is caused under circumstances by reason of which compensation is payable in respect of such disability or death under any provincial Workmen's Compensation Act or legislation of a similar nature either in the place of, or as additional to, or apart altogether from any amount that is recovered or collected in respect thereof under section 20, if any compensation is awarded to or on behalf of any person to or on behalf of whom such pension may be paid, the Commission, for the purpose of determining the amount of pension to be awarded shall take into consideration any compensation so awarded in the manner hereinafter set out.

22. (1) Where any amount so recovered and collected or the capitalized value of any compensation so awarded, or both, is greater than the capitalized value of the pension that might otherwise have been

[*Interpretation*]

certain nombre d'articles de la Loi sur les Pensions. Ces interprétations ont été faites par un ou deux fonctionnaires supérieurs à divers moments dans le passé et il nous semble que, en dépit du texte de la loi, une interprétation personnelle de ces mots devient une loi difficile et très vite faite, que d'autres, qui administrent la loi depuis plusieurs années n'ont pas eu l'initiative d'interpréter pour eux-mêmes. Les articles 20, 21, et 22 se lisent comme il suit:

20. (1) Lorsque le décès ou l'invalidité pour laquelle une pension est payable a été causée dans des circonstances en vertu desquelles une personne est légalement obligée de payer des dommages-intérêts pour cette invalidité ou ce décès, si une somme est recouvrée et perçue, en ce qui concerne cette responsabilité, par ou pour la personne à qui ou pour le compte de laquelle cette pension peut être payée, la Commission, en vue de déterminer le montant de la pension à accorder, doit tenir compte de la somme ainsi recouvrée et perçue de la manière énoncée ci-après.

(2) En pareil cas, la commission peut enjoindre à cette personne ou à toute autre agissant en son nom comme condition de paiement d'une pension, de prendre toute mesure que la Commission juge nécessaire pour faire valoir son droit et, à cette fin, elle peut consentir à tenir cette personne ou toute autre agissant en son nom indemne de tous frais occasionnés de ce chef.

21. Lorsque l'invalidité ou le décès pour lequel une pension est payable résulte de circonstances entraînant l'exigibilité d'une indemnité concernant cette invalidité ou ce décès sous le régime de toute loi provinciale sur les accidents du travail ou d'une législation du même genre, soit au lieu, soit en sus ou à l'exclusion complète de toute somme recouvrée ou perçue à l'égard de ladite invalidité ou dudit décès sous le régime de l'article 20, si une indemnité est accordée à ou pour une personne à qui ou pour le compte de qui cette pension peut être payée, la Commission, en vue de déterminer le montant de la pension à accorder, doit tenir compte de toute indemnité ainsi accordée de la manière énoncée ci-après.

22. (1) Lorsqu'une somme ainsi recouvrée et perçue ou la valeur capitalisée d'une indemnité ainsi accordée, ou l'ensemble des deux, excède la valeur capitalisée de la pension qui aurait pu autre-

[*Texte*]

payable under this Act, no pension shall be paid.

(2) Where any amount so recovered and collected or the capitalized value of any compensation so awarded, or both, is less than the capitalized value of the pension that might otherwise have been awarded under the provisions of this Act, a pension in an amount that, if capitalized equals the difference between such amount or the capitalized value of such compensation, or both, and the capitalized value of the pension that might otherwise have been payable under this Act, may be paid.

(3) If any amount so recovered and collected, or any part thereof, is paid to Her Majesty, a pension that, if capitalized equals the amount so paid but is not in any event greater than the total pension that, apart from this section, would be payable under this Act, may be paid.

Sections 20, 21 and 22 were designed, we feel sure, for those still in uniform, but in no way intended to affect the 100 per cent disabled battle casualty. We have, at the moment, Case A, assessed at 100 per cent disability and receiving 100 per cent pension for several disabilities other than blindness, but who has recently been rendered totally blind as a result of an automobile accident.

As a passenger, the accident may very well prove to be the fault of other person, or persons. He will, if awarded a sum of money by the civil court, have to turn same over to the Receiver General, or have his pension decreased over a period of time by an amount determined on his life expectancy. Case A had good vision; the recent accident has caused total blindness.

We have, in the past, through the National Council of Veterans Associations, pointed out the serious effect this Section has on widows, who are not even allowed to deduct from the amount of the civil court award, the cost of the ambulance, the lawyer, and other costs involved in establishing a claim.

We feel that the original intent of these Sections 20, 21 and 22 being incorporated into the Pension Act was to govern those who were still in uniform, who could either accept the civil court award for a disability for

[*Interprétation*]

ment être payable sous le régime de la présente loi, il n'est payé aucune pension.

(2) Lorsqu'une somme ainsi recouvrée et perçue ou la valeur capitalisée d'une indemnité ainsi accordée, ou l'ensemble des deux, est moindre que la valeur capitalisée de la pension qui aurait pu autrement être accordée sous le régime des dispositions de la présente loi, il peut être payé une pension représentant un montant qui, s'il est capitalisé égale la différence entre ce montant ou la valeur capitalisée de cette indemnité, ou les deux, et la valeur capitalisée de la pension qui autrement aurait été payable sous le régime de la présente loi.

(3) Si une somme ainsi recouvrée et perçue, ou toute partie de ladite somme, est versée à sa Majesté, il peut être payé une pension qui, si elle est capitalisée, égale la somme ainsi payée mais n'est en aucun cas supérieure à la pension totale qui, à l'exclusion du présent article, serait exigible sous le régime de la présente loi.

Les articles 20, 21 et 22 ont été conçus, nous en sommes certains, pour ceux qui sont encore en uniformes, mais en aucune manière à l'intention des blessés de guerres dont l'invalidité est évaluée à 100 p. 100. Nous avons en ce moment le cas A, dont l'incapacité a été évaluée à 100 p. 100, qui reçoit une pension de 100 p. 100 pour plusieurs infirmités autre que la cécité, qui est devenu complètement aveugle à la suite d'un accident d'automobile dans laquelle il avait pris place. On peut fort bien prouver que l'accident a été causé par une ou d'autres personnes.

Si une somme d'argent lui est accordée par le Tribunal civil, il aura à la remettre au Receveur Général ou sa pension sera diminuée pendant une certaine période de temps d'un montant déterminé, d'après son espérance de vie. Le cas A avait une bonne vue, mais son récent accident l'a rendu complètement aveugle.

Par l'entremise du Conseil National de l'Association des Anciens Combattants, nous avons dans le passé signalé les effets graves que cet article avait sur les veuves qui n'ont même pas le droit de déduire le coût de l'ambulance, de l'avocat et autres dépenses occasionnées par la présentation d'une plainte du montant adjugé par le tribunal civil.

Nous avons l'impression que les articles 20, 21 et 22, incorporés dans La loi sur les pensions étaient destinés à ceux qui étaient encore en uniformes qui pouvaient, soit accepter le montant adjugé par le tribunal

[*Text*]

which the government of the day was not responsible, or a disability pension.

We fully support the Woods Committee Recommendation No. 19 and urgently plead that Sections 20, 21 and 22 be deleted from the Pension Act.

Balance of Pension Payable on Death.

Section 24. (sub-section (4)):

Any pension, or balance of pension, whether unpaid or held in trust by the Commission or the Department, due to a deceased pensioner at the time of his death, or, in the case of a person whose death occurred after the coming into force of this sub-section, due on the day following his death or the first day of the month following that in which his death occurred, as the case may be, does not form part of the estate of such deceased pensioner.

Sub-section (5):

The Commission may, in its discretion, direct the payment of such pension, or balance of pension, either to the pensioner's widow or his child or children, or the widow and child or children, or may direct that it be paid in whole or in part to any person who has maintained him or been maintained by him or towards the expenses of the pensioner's last sickness and burial.

Sub-section (6):

If no order for the payment of such pension, or balance of pension, is made by the Commission, such pension, or balance of pension, shall not be paid."

Under Section 24, permitting the Canadian Pension Commission to exercise its discretion, there was a case which caused considerable unrest among our members—Case B, who, through illness was unable to sign his last one or two pension cheques (his War Disability Compensation cheques) and on the death of the veteran they were returned to the Receiver General, with no re-issuing of a cheque to next-of-kin (children). We would add that this case was an appalling shock to the welfare officers of St. Dunstan's for the Blind in England, where Case B died. War disability cheques are paid in arrears. Therefore, to be fair and just, we feel that the $337.35 returned to the Receiver General should have been repaid to his surviving daughters. Canada profited by his death by the return of money which should have gone to his daughters. How would you feel if your last one or

[*Interpretation*]

civil pour une infirmité dont le gouvernement actuel n'était pas responsable, ou une pension d'infirmité.

Nous appuyons pleinement la recommandation n° 19 du rapport du Comité Woods et nous demandons urgemment que les articles 20, 21 et 22 soient rayés de la Loi sur les pensions.

Balance de la pension payable au décès

Les paragraphes 4, 5 et 6 de l'article 24:

(4) Le montant d'une pension ou d'un reliquat de pension, dû à un pensionné défunt, à l'époque de son décès survenu avant ou après l'entrée en vigueur du présent paragraphe, qu'il soit impayé ou détenu en fiducie par la Commission ou par le Ministère, ne fait pas partie de la succession dudit pensionné défunt.

(5) La Commission peut, à sa discrétion, ordonner le paiement de ladite pension ou dudit reliquat de pension à la veuve et à son enfant ou ses enfants, ou ordonner qu'il soit versé en totalité ou en partie à toute personne qui a eu le pensionné à sa charge ou qui a été à la charge du pensionné, ou aux fins de frais de sa dernière maladie et de ses funérailles.

(6) Si la Commission n'émet aucun ordre pour le paiement de cette pension ou du reliquat de pension, la pension ou le reliquat ne doit pas être payé.

En vertu de l'article 24, qui autorise la Commission canadienne des pensions d'exercer sa discrétion, il y avait un cas qui a causé une grande inquiétude parmi nos membres; il s'agit du cas B, qui, en raison de sa maladie, était incapable de signer son dernier ou avant dernier chèque de pension (ses chèques d'indemnités pour l'infirmité de guerre), et à la mort de l'ancien combattant, ils ont été retournés au Receveur Général, sans que l'on renvoie de chèque aux héritiers (enfants). Nous ajouterons que ce cas a causé un émoi terrible parmi les agents du bien-être de St. Dunstan's pour les aveugles en Angleterre, où le cas B est décédé. Les chèques d'infirmité de guerre sont payés en arriérages. Alors pour être juste et équitable, nous estimons que les $337.35 retournés au Receveur général devraient être remboursés à ses héritiers. Le Canada profita par son décès du retour de

[*Texte*]

two uncashed salary cheques were claimed by the Receiver General and not re-issued?

We are considerably puzzled by the original intent of Section 24.

Multiple Disabilities.

Similarly, we feel the mythical barrier of no compensation for disabilities beyond 100 per cent to be a misinterpretation of intent. Prior to our submission of 1945, a veteran with multiple disabilities, the arithmetical total of which could—and in some cases did—amount to 200 per cent to 300 per cent, could not even receive 100 per cent pension because of the then interpretation of Section 13 of the Pension Act. If the major disability in this case was 80 per cent and the second disability was assessed at 15 per cent, for pension purposes, they deducted 80 per cent from 100 per cent leaving 20 per cent; he then only received for his second assessed disability of 15 per cent, 15 per cent of the remaining 20 per cent. Computing pension on this basis for additional disabilities, under this system, regardless of the arithmetical total of the man's disabilities, he would never receive 100 per cent pension—short of infinity! The Commission, at that time, saw the error of their interpretation and adjusted computation of disabilities to a straight arithmetical total, but only up to the mythical barrier of 100 per cent and no more, which to us seems ridiculous and tragic—yes, tragic, to the group within our ranks with whom we are mainly concerned—the totally blind, and the blind with a variety of additional disabilities. Under the present scale of assessment our Association rates total blindness at 300 per cent to 400 per cent.

> As the late W. C. Dies—known to many of you—himself totally blind, with an arm off and with defective hearing, has said on so many occasions: "Unless you fellows do something about it soon, it will be too late for a good many of us." Bill joined the Honour Roll of our Departed Comrades on December 11, 1968. The Membership of our Association has now decreased to 48 Members of World War I and 170 of World War II, and of this number approximately 37 are totally blind.

We feel that Section 13 could realistically have been interpreted to compensate a disabled veteran for each disability, according to the assessment for each disability. Section 13

[*Interprétation*]

l'argent qui aurait dû aller à ses héritières. Comment réagiriez-vous si votre dernier ou vos deux derniers chèques de paye non encaissés étaient réclamés par le Receveur général et ne vous étaient pas émis à nouveau?

Nous sommes intrigués par l'intention originale de l'article 24.

Infirmités multiples

Nous sentons que la barrière mythique de l'absence d'indemnités pour les infirmités au-dessus de 100 p. 100 est une fausse interprétation du contenu. Avant notre mémoire de 1945, un ancien combattant atteint de multiples infirmités, dont le total arithmétique pourrait, et en certains cas totalisait entre 200 à 300 p. 100 ne pouvait même pas recevoir une pension de 100 p. 100 à cause de leur interprétation de l'article 13 de la Loi sur les pensions. Si l'infirmité majeure dans ce cas était 80 p. 100 et la deuxième infirmité était évaluée à 15 p. 100 en terme de pension, on déduisait 80 p. 100 de 100 p. 100 laissant 20 p. 100 alors il ne recevait que 15 p. 100 pour sa deuxième infirmité, 15 p. 100 du 20 p. 100 qui restait.

Sous ce système, en additionnant ainsi la pension pour infirmités supplémentaires, sans tenir compte du total arithmétique de l'invalidité de l'homme, il ne pourrait jamais toucher une pension de 100 p. 100. En ce temps-là, la Commission a constaté l'erreur de leur interprétation et a redressé le total des infirmités au total arithmétique des infirmités, mais seulement jusqu'à la barrière mythique de 100 p. 100 et pas plus, ce qui nous semble ridicule et tragique, oui tragique, pour le groupe de personnes qui nous intéressent principalement, la personne atteinte de cécité totale et l'aveugle qui a une variété d'infirmités supplémentaires. Sous la présente échelle d'évaluation, notre association évalue la cécité totale entre 300 p. 100 et 400 p. 100.

Comme le défunt W. C. Dies—que plusieurs connaissaient, lui-même totalement aveugle, avec un bras amputé et une surdité partielle, nous l'a très souvent dit: «A moins que vous, compagnons, ne fassiez quelque chose très bientôt, il sera trop tard pour plusieurs d'entre nous.» Bill joignit le rang d'honneur de nos compagnons défunts le 11 décembre 1968. Le nombre de membres de notre association a maintenant perdu 48 membres de la Première Guerre mondiale et 170 de la Seconde, et de ce nombre environ 37 personnes sont entièrement aveugles.

A notre avis, l'article 13 aurait pu en réalité être interprété de façon à indemniser un ancien combattant infirme pour chaque infirmité selon l'évaluation accordée pour chaque

[*Text*]

does definitely indicate that a veteran should be compensated at a specific rate for *the* injury, *the* disability, in other words, "singular" throughout.

> Section 13. Item 1:
> (a) pensions shall be awarded in accordance with the rates set out in Schedule A to or in respect of members of the forces when the injury or disease or aggravation thereof resulting in the disability in respect of which the application for pension is made was attributable to or was incurred during such military service...

Nowhere do we find a Directive in any form limiting the administration to the arithmetical total of 100 per cent pension and no more.

We would also point out that Section 28 (Pensions for Disabilities) sub-Section (2) states: "...The estimate of the extent of a disability..."

Thank God the Woods Committee recognized what we considered to be a gross injustice in the method and interpretation of compensation for multiple war disabilities. Therefore, we urgently appeal that the Woods Committee Recommendation No. 14 on multiple disabilities be given priority and implemented as soon as possible.

Protection of the Widows of the War Blinded.

On the high priority list of urgent concern to our members is the protection of our widows. We—and we alone—know the many, additional responsibilities forced on our loved ones by our inability to see, some of which were outlined under "Cost of Blindess". Too often we have seen the widow of a World War I veteran left with a pitiful bank balance (approximately $2,000), their life's savings from their only source of income—War Disability Pension. Also, widows of World War II comrades left with unpaid debts and dependent children on the sudden death of the husband, the veteran having had very little, if any, opportunity to protect his widow by earned income, insurance, etc., because of the severe handicap of blindness.

The principle of the adjustment period has already been recognized under the War Veterans Allowance Act, wherein the full amount is continued for one year following the death of either party. We fully appreciate the need for this adjustment period, but cannot understand why the same principle is not applied

[*Interpretation*]

infirmité. L'article 13 indique de façon définitive qu'un ancien combattant devrait être indemnisé à un taux spécifique pour la blessure, l'infirmité, en d'autres mots, pour chaque infirmité.

> Le paragraphe 1 de l'article 13:
> *a*) Les pensions seront accordées en rapport aux taux désignés dans la Schedule A de ou en considération du membre des forces quand la blessure, ou la maladie ou l'aggravation laquelle, résultant de l'infirmité pour laquelle l'application de la pension est faite, était attribuable à ou était contractée durant tel service militaire...

Nulle part, nous trouvons une directive d'aucune forme qui limite l'administration au total arithmétique de 100 p. 100 de pension et pas plus.

Nous voulons aussi signaler que le paragraphe (2) de l'article 28 (Pensions pour infirmités) indique: «...L'estimé du degré d'une infirmité...»

Dieu merci, le Comité Woods a reconnu ce que nous tenons pour une grave injustice dans la méthode et l'interprétation de l'indemnité pour infirmités de guerre multiples. Par conséquent, nous demandons que l'on donne priorité à la recommandation n°14 du rapport du Comité Woods sur les infirmités multiples, et qu'elles soit appliquée aussitôt que possible.

Protection des veuves des aveugles de guerre

Sur la liste des questions urgentes de nos membres se trouve la protection de nos veuves. Nous et nous seuls savons les maintes et maintes responsabilités supplémentaires imposées aux êtres que nous sont chers par notre cécité dont quelques-uns figuraient sous la rubrique «Le coût de la cécité.» Trop souvent, nous avons vu la veuve d'un ancien combattant de la Première Guerre mondiale laissée avec un mince compte en banque d'environ 2,000 dollars, les économies de toute une vie provenant de leur seule source de revenu—la pension d'infirmité de guerre. Les veuves de nos compagnons de la Seconde Guerre mondiale aussi, se trouvent avec des dettes et des enfants en bas âge au décès soudain de leur époux, car l'ancien combattant a eu peu de chance ou pas du tout pour protéger sa veuve par son revenu, ses assurances, etc....à cause du grave handicap qu'est la cécité.

Le principe de la période de redressement a déjà été reconnu aux termes de la Loi sur les allocations des anciens combattants, où le plein montant continue à être versé pendant l'année qui suit le décès de l'une ou de l'autre partie. Nous constatons la nécessité de cette période de redressement,

[*Texte*]

at least to the widows of the war blinded, who have a far more serious need for the adjustment period, financially and otherwise. In 1956 the original resolution on this subject was submitted by our Association, through the National Council of Veterans Associations, and was born out of the tragic circumstances related to the writer by the young widow of a recently-deceased World War II veteran. In those days, the pension terminated on the exact date of the death of the veteran. One thing the resolution did accomplish, the Act was amended to permit payment of the pension to the end of the month in which the veteran died. The moral to this is, if you are going to die, then die on the 2nd of the month, not the 30th.

We strongly support the Woods Committee Recommendation No. 27 on this subject.

Blind Attendance Allowance. (Woods Comm. Recommendation No. 17)

We urge the granting of the maximum Attendance Allowance under the Act for those who are totally blind. It should be noted that the majority of the blind have carried the disability and have been in need of attendance as a direct result of enemy action. Their disabilities were incurred at a very young age. Many of our veterans of World War I have carried the serious disability of total blindness for over fifty years and, with a few exceptions, their wives have had to render constant attendance with no opportunity to accept employment in order to augment the pension income.

Basic Rate. (Woods Comm. Recommendation No. 13)

Our Association is perfectly satisfied with the present method of establishing a basis on which to compensate war disabilities, i.e., the average wage of the untrained, unskilled labourer in the Public Service of Canada. We feel that a change to any other barometer would eliminate any future basis for comparison. Rightly or wrongly, we believe that a change to any other barometer would be an attempt to down-grade a comparable monetary amount. Unfortunately for the disabled, war disability pensions have not kept pace with the wages of the untrained labourer in the Public Service of Canada.

Hong Kong p.o.ws.

Enrolled among the war blinded are 48 Hong Kong prisoners of war, whose visual

[*Interprétation*]

mais ne pouvons comprendre pourquoi le même principe n'est pas appliqué au moins aux veuves des aveugles de guerre qui ont beaucoup plus besoin de la période de redressement, sur le plan financier et autre. En 1956, la résolution originale sur ce sujet a été soumise par notre association par l'entremise du Conseil national des Associations d'anciens combattants et était née des circonstances tragiques racontées à notre auteur par la jeune veuve d'un ancien combattant de la Seconde Guerre mondiale décédé récemment. Dans ce temps-là, la pension se terminait à la date exacte du décès de l'ancien combattant. La Résolution a permis que la Loi soit modifiée afin de permettre le versement de la pension jusqu'à la fin du mois où le vétéran mourait. Comme morale si vous êtes sur le point de mourir, faites-le le 2e jour du mois et non pas le 30e.

Nous souscrivons vigoureusement à la Recommandation nº 27 du Comité Woods à ce sujet.

Allocations de soins pour les aveugles
(Recommandation nº 17 du Comité Woods.)

Nous recommandons fortement l'octroi de l'allocation maximum de soins en vertu de la loi, pour ceux qui sont totalement aveugles. Il serait à noter que la majorité des aveugles ont supporté leur infirmité et ont eu besoin de sions, à titre d'invalidité reçue au cours de combats directs avec l'ennemi. Leurs infirmités se sont produites à un très jeune âge plusieurs de nos anciens combattan's de la Première Guerre mondiale qui sont complètement aveugles depuis plus de cinquante ans et à part quelques exceptions, leur épouse ont eu à leur donner des soins constants sans avoir l'occasion d'accepter un emploi afin d'augmenter le revenu de leur pension.

Taux de base
(Recommandation nº 13 du Comité Woods.)

Notre association est très satisfaite de la méthode actuelle utilisée pour établir une base des indemnités d'infirmités de guerre, i.e., le salaire moyen d'un travailleur non spécialisé dans la Fonction publique du Canada. Nous avons le sentiment qu'un changement de baromètre éliminerait toute base future de comparaison. A tort ou à raison, nous croyons qu'un changement de critère tenterait de diminuer un montant d'argent comparable. Malheureusement pour les infirmes de guerre, les pensions d'invalidité n'ont pas augmenté au rythme des salaires du travailleur non spécialisé dans la Fonction publique du Canada.

Prisonniers de guerre—Hong Kong

Parmi les aveugles de guerre, 48 sont des prisonniers de guerre de Hong Kong, dont la

[*Text*]

loss is attributable to malnutrition and optic neuritis. They have suffered from peripheral neuritis, avitaminosis, pellagra, beri-beri, and amoebic dysentery, etc. It is only natural, therefore, that many of them, not suffering from blindness, have had contact with us. In fact, the writer pointed out to the Department in 1946 the complete lack of stamina among many of the group who contacted him in various parts of Canada, many of whom had no pension and no entitlement and yet could not return to their normal "civvy street" occuptions because of experiences and conditions exactly the same as the 48 registered with us as blind. The writer recalls, too, that shortly after the return of 1300 to 1400 survivors from Hong Kong we were advised it appeared that over 5 per cent of them had defective vision.

We urge the implementation of the Woods Committee Recommendation No. 20.

Exemption of Pension from Income Tax.

We urge compliance with the Recommendation under Chapter 39 of the Woods Committee Report. We repeat here the expression of our Association's opinions contained in the following letter, dated November 23rd, 1967, sent to the then Minister of Finance, the Hon. Mitchell Sharp, P.C., M.P.:—

"Dear Mr. Minister,

For fifty years we have had to gradually build up an atmosphere of rehabilitation for the seriously disabled war blinded, by creating public confidence in their ability to perform, and by a gradual process of motivating and encouraging the blind to accept a job, however menial, regardless of their intelligence and abilities—latent and otherwise. With a few exceptions, the jobs are of the low-paid variety, monotonous, with no hope of promotions in the competition with sighted employees.

One of the paramount incentives has been that the seriously disabled war blinded could work and earn any amount, without in any way affecting his pension and allowances. If the War Disability Pension is to be subject to income tax—according to Carter recommendations—it will destroy the incentive, and the rehabilitation of the severely handicapped will be set back fifty years.

Although I am writing the above on behalf of the Sir Arthur Pearson Association of War Blinded, I feel obligated to point out that, in

[*Interpretation*]

perte de la vue est attribuable à la malnutrition et à la névrite optique. Ils ont souffert de névrite périphérique, d'avitaminose, de pellagre, du béri-béri et de la dysenterie amoébique, etc.

Il est naturel par conséquent que plusieurs d'entre eux qui ne sont pas atteints de cécité, aient communiqué avec nous. En fait, l'auteur a fait remarquer au ministère en 1946, le manque complet de résistance chez plusieurs personnes du groupe qui s'étaient adressées à lui dans le Canada, dont plusieurs n'ont pas de pension et n'y ont pas droit et cependant, ils ne peuvent retourner à leurs occupations normales de vie civile parce que leur expérience et leurs conditions sont exactement les mêmes que celles des 48 personnes qui sont inscrites avec nous comme étant aveugles. L'auteur rappelle aussi que peu après le retour des 1,300 à 1,400 survivants de Hong Kong, nous avons été informés que plus de 5 p. 100 d'entre eux avaient une vision défectueuse.

Nous vous prions instamment d'adopter la Recommandation nº 20 du Comité Woods.

Exemption d'impôts sur les pensions

Nous espérons ardemment que l'on acceptera la recommandation qui figure au chapitre 39 du rapport du Comité Woods. Nous reproduisons la lettre suivante datée du 23 novembre 1967 et envoyée au ministre des Finances, l'honorable Mitchell Sharp, c.r., dép., dans laquelle nos associations exprimaient leur avis:

Monsieur le Ministre,

Depuis cinquante ans, nous avons dû créer graduellement une atmosphère de réadaptation des aveugles de guerre, en faisant naître la confiance du public en leur habileté, et en encourageant l'aveugle à accepter un ouvrage, toutefois inférieur, sans avoir égard à leurs intelligence et aptitudes, cachés, peu rémunérés, monotones, sans aucun espoir de promotion, dans la course des employés normaux.

Nous l'avons incité parce que l'aveugle de guerre atteint d'une infirmité grave pouvait travailler et gagner n'importe quel montant d'argent sans en aucune manière modifier sa pension et ses allocations. Si la pension d'infirmité de guerre est imposable d'après les recommandations du Rapport Carter—cela vous fera perdre tout stimulant et la réadaptation des grands handicapés sera rejetée cinquante ans en arrière.

Quoique j'écris ces mots au nom de l'Association des aveugles de guerre Sir Arthur Pearson, je me sens obligé de faire remarquer

[*Texte*]

my employment capacity with the Canadian National Institute for the Blind (CNIB), I review the files of all blind veterans registered with CNIB (1,400), most of whom are War Veterans Allowance recipients, and I have seen too many cases where the means test completely robs the veteran of incentive to work, jobs available to the blind being of a lesser income than remaining on War Veterans Allowance.

"...I shudder to think of all the implications that would evolve from taxing the War Disability Pension. I feel certain that many who now, in a sense, merely augment their pension income, would terminate their employment, in spite of loss of self-respect. There is, however, an over-all exercising among our group of courage, determination and unwillingness to give in to all that their handicap entails, which I, personally, feel should be encouraged rather than discouraged. They have never been complainers—but then, what else could be expected of men who volunteered to give their all—and almost did!

We appreciate the magnitude of your task, but we trust that you are able to recommend continued payment of War Disability Pension as untaxed income.

Yours Respectfully,

F.J.L. Woodcock,
Executive Secretary,
Sir Arthur Pearson Association of War Blinded. ..."

We respectfully submit the opinions of our Association expressed above. In addition, we fully support the brief of the National Council of Veteran Associations in Canada and the November 1968 joint statement from the National Chartered Veterans Associations in Canada. It is our sincere hope that your Committee sees fit, in their Recommendations, to create stepping-stones, not stumbling blocks, for the seriously disabled of Canada. That brief was signed by Mr. C. J. Davino, the President, and by Mr. F. J. L. Woodcock, Executive Secretary of the Sir Arthur Pearson Association of War Blinded.

The Chairman: Thank you, Mr. Chadderton. How does the Committee wish to proceed? There is a supplement to this, I understand, which is going to be put on the record. Should we discuss this brief as it is submitted, or hear the supplement and then review

[*Interprétation*]

que mon emploi à l'Institut national canadien pour les aveugles (INCA), me permet de reviser les dossiers des anciens combattants inscrits à l'INCA (1,400) dont la plupart d'entre eux touchent des allocations d'anciens combattants et j'ai vu trop de cas où les «Tests d'évaluation» ont complètement enlevé à l'ancien combattant tout motif de travailler, car les postes offerts aux aveugles rapportent moins que les allocations des anciens combattants.

Je tremble en pensant aux implications de l'imposition des pensions d'invalidité de guerre. Je suis certain que plusieurs qui, en un sens, augmentent un peu, leur revenu de pension, laisseraient leur emploi, même au coût de leur amour propre. Il y a toutefois dans notre groupe un esprit de courage et de détermination à ce pas céder leur dû en vertu de leur handicap, qui, à mon avis, devrait être encouragé et non pas découragé. Ils ne se sont jamais plaints—mais que pouvez-vous attendre de plus d'hommes qui se sont offerts volontairement pour le pays!

Nous reconnaissons la grandeur de votre tâche et nous croyons que vous êtes en mesure de recommander le versement continu de la pension d'invalidité de guerre comme revenu non imposable.

Veuillez agréer, monsieur le ministre, l'assurance de mon dévouement le plus sincère.

Le secrétaire exécutif de
l'Association des aveugles de
guerre Sir Arthur Pearson.

Nous soumettons respectueusement les opinions exprimées plus haut par notre association. En plus, nous souscrivons entièrement au mémoire du Conseil national canadien des Associations des anciens combattants et à l'exposé conjoint des Associations nationales à chartre des anciens combattants du Canada du mois de novembre 1968. Nous espérons sincèrement que votre comité verra juste, dans leurs recommandations, et ouvrira aux infirmes du Canada une voie facile et non pas semée d'embûches.

Le mémoire portait la signature de messieurs C. J. Davino, président et F. J. L. Woodcock, secrétaire exécutif de l'Association Sir Arthur Pearson des aveugles de guerre.

Le président: Nous voulons vous remercier, monsieur. Je voudrais savoir comment le Comité désire procéder car je crois comprendre qu'il existe un supplément à ceci, qui sera inséré au compte-rendu. Devons-nous l'examiner au fur et à mesure ou écouter le supplé-

[*Text*]

both? What is to be the procedure at this point?

• 1445

Mr. Woodcock: Mr. Chairman, our reaction to the White Paper is such that perhaps it would be best to read it now and stop after each section and discuss it at that point. I would be glad to discuss any phase of our brief. We had hoped to present it at a time when we might have influenced what the White Paper contains today, but we did not have the opportunity, in spite of promises.

The Chairman: Mr. Woodcock, the White Paper outlines a flexible position, as was indicated by the Minister. The Committee is reviewing that, and we are asking, in particular, for your reaction to it, which I am sure the members of the Committee will be happy to hear.

Mr. Woodcock: Mr. Chairman, if I may further add this, I appreciate the fact that Parliament is not in session, that your Committee is sitting, and . . .

The Chairman: Yes.

Mr. Woodcock: . . . that you have come back from families and friends and so forth, when you would like to relax and throw the fishing line in the lake, for instance.

The Chairman: No, Mr. Woodcock . . .

Mr. Woodcock: But by the same token my great fear is that this matter will be wound up in too big a hurry, that it will become law, and that we will not have had the opportunity to rebut it.

The Chairman: Mr. Guay?

Mr. Guay (St. Boniface): Mr. Chairman, I believe Mr. Woodcock has a point. I am presuming—I have not read his second brief, but it is appended here, as Mr. Woodcock mentions—that really what they have in mind pertains to the White Paper. I am very much tempted to agree with him that he read it chapter by chapter and that we ask questions. As I have said previously—and I am going to repeat it—it seems to me that to take it chapter by chapter whereas we can be briefer, and I think it gives us a better opportunity to discuss with them the points they seek to impress upon this Committee.

I know that you are concerned with the element of time.

The Chairman: Yes.

Mr. Guay (St Boniface): We are all concerned with that, but I think we must also

[*Interpretation*]

ment et puis revenir? Quelle procédure devrions-nous suivre?

M. Woodcock: Je pense, monsieur le président, qu'il serait peut-être préférable de le lire dès maintenant de s'arrêter à chaque partie et d'en faire la discussion. Je serais heureux d'en examiner chaque phase. Nous avions espéré le présenter à un moment où nous aurions pu influencer le contenu actuel du Livre blanc, mais nous n'en avons pas eu l'occasion, en dépit des promesses.

Le président: Le Livre blanc indique une position flexible, comme l'a montré le ministre. Le Comité en fait la révision et nous vous demandons de nous faire connaître votre réaction à cet égard, au grand plaisir des membres du Comité, j'en suis convaincu.

M. Woodcock: Monsieur le président, j'aimerais ajouter que je suis heureux que le Parlement ne siège pas et que votre Comité soit réuni dans cette enceinte, et...

Le président: Oui.

M. Woodcock: ...que vous vous soyez séparés de vos parents et amis, alors que vous aimeriez vous reposer et pêcher dans le lac.

Le président: Non, monsieur Woodcock...

M. Woodcock: Mais je dois dire que j'ai peur que le gouvernement agisse trop rapidement, que cela fasse loi avant que nous ayons pu riposter.

Le président: Monsieur Guay?

M. Guay (Saint-Boniface): Je crois que c'est là un argument. J'ose dire, car je n'ai pas lu le record mémoire, qui s'ajoute au premier, comme monsieur Woodcock l'a mentionné, que ce dont ils veulent parler se rapporte au Livre blanc. Je suis bien tenté d'être d'accord avec lui, qu'il le lise chapitre par chapitre, et que nous posions ensuite les questions. Comme je l'ai dit auparavant, et je répète, en adoptant cette méthode, nous pourrions aller plus vite et, à mon avis, cela nous donne la possibilité de discuter avec eux les questions qu'ils veulent faire comprendre au Comité.

Je sais que vous vous préoccupez du temps qui nous est alloué.

Le président: Oui.

M. Guay: Nous nous préoccupons tous, mais je crois que l'on devrait donner aux diverses

[*Texte*]

give to the various delegations the feeling that we are concerned about their concern and that we are prepared to sit it out. I am going to repeat what I said yesterday, that I am prepared to sit in the evening even though no transcription of the evidence would be available.

The Chairman: I think it undesirable that we sit without a full transcript.

Mr. Guay (St. Boniface): At least we would know what they are saying, Mr. Chairman, and what they mean and what they want.

The Chairman: Yes.

Mr. Woodcock: Mr. Chairman, may I comment? For many of these things we have waited for 25 years. As for time, I have indicated that I am rather concerned, but by the same token I am willing to come back tomorrow, the next day and the day after, *ad infinitum,* if it will have beneficial results for the war blinded and the seriously disabled of Canada.

The Chairman: Mr. Woodcock, we invite you to proceed with the brief, and we can certainly discuss it section by section. I just want to reiterate that the Committee has no intention of closing the door, if you feel that because of some subsequent developments you want to come back. The Committee has been given the responsibility of reviewing the Woods Committee Report and recommendations, and you will have every opportunity to make additional comments if you wish to do so.

Mr. Woodcock: Thank you very much, Mr. Chairman.

The Chairman: Will you proceed with the supplement, Mr. Chadderton?

Mr. Chadderton: Yes, Mr. Chairman. The second brief, the one in the darker blue cover, is dated September 25, 1969.

The Chairman and Members
Standing Committee on Veterans Affairs
House of Commons, Ottawa, Ontario.

Mr. Chairman and Gentlemen:

The following brief comments are made without knowledge of the interpretations, previously given to the Committee, of the various policy generalities expressed in the White Paper. The material from the Queen's Printer, I am advised, will not be available for another two weeks. We have, however, heard from the Minister in public appearance that . . . "the White Paper indicates, in general

[*Interprétation*]

délégations l'impression que leur travail nous intéresse et que nous sommes prêts à siéger pour épuiser la matière. Je vais répéter ce que j'ai dit hier: je suis prêt à siéger le soir même si l'on ne reçoit pas le texte transcrit des témoignages n'est pas disponible.

Le président: Je crois que la meilleure solution ne serait pas de siéger sans le texte des délibérations précédentes.

M. Guay (St-Boniface): Au moins, nous saurions ce qu'ils disent, ce qu'ils veulent dire et ce qu'ils désirent.

Le président: Oui.

M. Woodcock: Monsieur le président, puis-je apporter quelques précisions. Quelques-unes de ces choses ont attendu 25 ans. Je tiens aussi compte du facteur temps, mais je suis aussi prêt à revenir demain, après demain et même les autres jours, à l'infini, si cela a des effets bénéfiques pour les aveugles et les personnes atteintes d'infirmités graves au Canada.

Le président: Monsieur Woodcock, je vous prie de continuer à lire le mémoire section par section. J'aimerais seulement répéter que le Comité n'a nullement l'intention de fermer la porte si vous désirez revenir sur certains points. Le Comité a le pouvoir de réviser les recommandations du rapport du Comité Woods et vous aurez toutes les chances possibles de faire d'autres commentaires, si vous le désirez.

M. Woodcock: Merci, monsieur le président.

Le président: Monsieur Chadderton, pouvez-vous continuer?

M. Chadderton: Le second mémoire de l'Association sir Arthur Pearson des aveugles de guerre présenté sous la relieure bleue foncée, date du 25 septembre 1969.

Le président et les membres du Comité permanent sur les affaires des anciens combattants,

Chambre des communes, Ottawa (Ont.).

Monsieur le président, messieurs, nous présentons les brefs commentaires suivants sans connaître l'interprétation déjà donnée au Comité, des différents programmes énoncés en gros dans le Livre blanc. Les documents, m'a-t-on dit, ne seront pas disponibles chez l'Imprimeur de la reine avant deux autres semaines. La déclaration du ministre nous a toutefois appris que le Livre blanc souligne en

[*Text*]

rather than specific terms, the view of the Government on those (Woods Committee) recommendations."

Directorate of Pensions

At the outset, we are puzzled as to what was in the mind of the person or persons who proposed a break-up of the Pension Commission. In our opinion, it would destroy the

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body as a whole; the close-knit availability of an advisory group is to us an essential arm of the Canadian Pension Commission, with whom we have had a cordial and logical relationship over many years. Surely this disruption would destroy the separate entity of the Commission, responsible only to the Minister. We, like the Woods Committee, see the exceptional merit in retaining the independence of the Pension Commission.

The Chairman: Do any members of the Committee wish to comment at this point? I believe this point was made in the brief we heard this morning and there was substantial discussion at that stage.

Mr. Woodcock: I can only add, if I may, Mr. Chairman, one thing to this comment, that we hold in very high regard the advice, sometimes in our favour, sometimes not, but we know that it is actually an authorative voice that can produce medical evidence when we discuss various aspects of prospective pension on behalf of the blind with the medical advisers. In some way or other I just cannot see the Pension Commission operating without that very strong arm at their fingertips. That is all I would add, Mr. Chairman.

The Chairman: Thank you, Mr. Woodcock. Do you want to proceed, Mr. Chadderton?

Mr. Chadderton: The next point is—

Hundred Per Cent Pensioners—Multiple Disabilities

We are most grateful that the government has at last recognized the need to compensate in some form Canda's seriously disabled battle casualties whose sum total of disabilities is far in excess of the present 100 per cent assessment scale, and who, in the main, are barred from the labour market. In other words, because of their disabilities, rejected by employers.

We are, however, puzzled by the expression "annual allowance or lump sum grants". Does

[*Interpretation*]

termes généraux, plutôt que spécifiques, l'opinion du gouvernement à l'égard des recommandations du rapport Woods.

Direction des pensions

Nous nous demandons dès le début ce que pouvait bien avoir en vue le ou les personnes qui ont proposé la modification actuelle de la Commission des pensions. A notre avis, les modifications proposées détruiront cet organisme dans son ensemble, pour vous, la possibilité de travailler en étroite collaboration avec un groupe consultatif, est un des aspects les plus indispensables de la Commission canadienne des pensions avec laquelle nous avons des relations étroites et cordiales depuis de nombreuses années. On risque d'affecter ainsi le caractère même de la Commission qui relève directement du ministre. Nous croyons, tout comme le Comité Woods, qu'il est absolument nécessaire de conserver l'indépendance de la Commission canadienne des pensions.

Le président: Quelqu'un a-t-il des commentaires à faire?

Je crois que cette question a déjà été soulevée dans le mémoire présenté ce matin et a même prêté à une discussion assez longue.

M. Woodcock: Me permetttez-vous d'ajouter que nous avons la plus haute estime pour les conseils, qu'ils nous soient ou non favorables. Nous savons qu'il s'agit de toute façon d'une source autorisée où nous pouvons aller chercher une preuve de nature médicale quand nous discutons avec les conseillers médicaux des divers aspects des pensions éventuelles aux aveugles. Je ne puis concevoir comment la Commission des pensions pourrait fonctionner si elle ne pouvait facilement recourir à ce précieux auxiliaire. C'est tout ce que je voulais ajouter, monsieur le président.

Le président: Merci monsieur Woodcock. Voulez-vous poursuivre, monsieur Chadderton.

M. Chadderton: La question suivante concerne les:

Pensionnés à 100 p. 100—Infirmités multiples.

Nous sommes heureux que le gouvernement se soit enfin rendu compte du besoin d'indemniser d'une façon ou d'une autre les Canadiens dont les blessures au combat atteignent un niveau d'invalidité supérieur au 100 p. cent de l'échelle actuelle d'invalidité et qui ne peuvent trouver d'emplois, ou encore sont rejetés, à cause de leur infirmité, par les employeurs éventuels.

Nous sommes toutefois étonnés des expressions «allocation annuelle ou subventions for-

[*Texte*]

this mean an annual allowance for a specific assessment of additional disabilities such as outlined in the Woods Committee report, and "or lum sum grant"? Does the latter mean an annual lump sum grant? We definitely feel that the monetary amount awarded for a disability in excess of 100 per cent should be awarded by right and should be coupled with a specific assessment scale or yardstick which definitely defines the additional disabilities.

This then would be fair and understandable, and not dependent on the discretion of any one or more persons. We are puzzled too by the expression "for specified amenities". "Amenities" in the Oxford Dictionary is defined as follows: "the quality of being pleasant or agreeable: of places, their situation, aspect, climate, etc., or of persons, their habits, actions, etc, also—pleasant places or scenes, pleasant ways or manners, pleasant pursuits, pleasures, delights, etc."

We can only assume that in this case it means, "specified commodities which would create an amenable condition". Then too, the choice of the words "will to live"—surely it does not mean what it says, because we know of no severely disabled casualty who has not had the will to live, otherwise he would not be here today. Instead, we would hope that a compensation amount be awarded in order that the seriously disabled can retain a respectable place in the everyday life of the community, and to enable the recipient to give himself, wife and children some degree of the security he would have been able to achieve but for his service to his country.

It is for the above reason that we feel the monetary amounts named in the White Paper are far from adequate, and trust the Committee is able to completely endorse the Woods Committee recommendation in this respect.

The Chairman: Are there any comments by the members of the Committee?

Mr. Whicher: I would like to say that a lack of comment shows no lack of interest. We have heard numerous delegations and are very sympathetic, but we have talked about this before and that is why I do not think there is any use my asking any questions.

The Chairman: Thank you, Mr. Whicher.

Mr. Guay (St. Boniface): I was going to ask a question pertaining to this and the same

[*Interprétation*]

faitaires». Entend-on par là une allocation annuelle pour une évaluation déterminée d'une infirmité additionnelle du genre de celle que mentionne le rapport du Comité Woods; et par «subvention forfaitaire», entend-on une subvention annuelle sous forme d'un montant global? Nous croyons sans hésitation que le montant pour invalidité au-delà de 100 p. cent doit être versée de droit et doit s'accompagner d'un mode précis de vérification ou d'évaluation permettant d'établir définitivement l'infirmité additionnelle.

Cette méthode serait juste et compréhensible et échapperait aux caprices d'une personne ou d'une autre. Nous sommes étonnés aussi de l'expression «pour des commodités déterminées» («*For specified amenities*»). Le dictionnaire Oxford définit «*amenities*» comme la qualité d'être plaisant, agréable, et l'applique aux endroits, leur situation, climat, etc; aux personnes, leurs habitudes, leurs actions, etc. ou encore aux endroits ou aux scènes agréables, aux usages et manières agréables, aux travaux plaisants, aux plaisirs, délices, etc.

Nous ne pouvons que présumer ici qu'il faut entendre des «commodités déterminées qui permettent au sujet de réaliser une certaine indépendance». Il y a aussi ce groupe de mots «volonté de vivre» («*will to live*»), qui ne veulent sûrement pas dire ce qu'ils signifient, car nous ne connaissons pas de blessé atteint d'une infirmité grave qui n'aie pas eu la volonté de vivre; autrement, il ne serait plus de ce monde. Nous préférerions qu'une indemnisation soit versée pour permettre à la personne atteinte d'une invalidité grave de conserver une place respectable dans son milieu social et de jouir, ainsi que son épouse et ses enfants du niveau de sécurité qui aurait été sien s'il n'avait pas eu à servir son pays.

C'est pourquoi nous croyons que les sommes indiquées dans le Livre blanc ne sont pas satisfaisantes, loin de, et espérons que le comité pourra sur ce point souscrire entièrement aux recommandations du comité Woods.

Le président: Quelqu'un a-t-il des commentaires?

M. Whicher: J'aimerais remarquer que l'absence de commentaire ne signifie pas un manque d'intérêt. Nous avons écouté avec beaucoup de sympathie un grand nombre de délégations, mais nous avons déjà discuté cette question et c'est pourquoi il serait inutile pour moi de poser des questions.

Le président: Merci, monsieur Whicher.

M. Guay (Saint-Boniface): J'étais sur le point de poser à l'égard de la présente déléga-

[*Text*]

question applies to others, I believe, who appeared before us. Is it the intention of the delegation here requesting the matter of this allowance of $400 to a maximum of $1,200 to be handed out as to the necessity in the various cases, in other words to get it as an annual income, rather than on demand or on request?

Mr. Woodcock: To hand it out on request...

Mr. Guay (St. Boniface): Perhaps I did not use the right expression when I said "handed out", to make it as an allowance to a blinded person that you are making reference to, or those whom you represent, as an annual income rather than upon their own request, to deserving cases.

Mr. Woodcock: May I ask who is speaking, please.

The Chairman: Mr. Guay, who is a member from Manitoba.

Mr. Woodcock: Mr. Guay, I think, perhaps our reaction in the initial stages was just exactly what you said in the beginning, handing out, because we are, as a group, very jealous of our, we hope, attempt to retain an independent place in life. Therefore, we shudder at any tin cup and pencil, sawing a mouth organ outside of old restaurants, say in Hamilton somewhere, that kind of an attitude or that that sort of a feeling should creep into the Pension Act. An allowance yes, but based on what? It must be based on some unit of measure, some yardstick. We do not care; we do not care how you measure it; we do not care how the Pension Commission measures it as long as they are given the machinery which to measure with. If you call it X number of points, X number of this, or any other thing over and above the disability of 100 per cent.

Having reached that he is entitled, and I think the important word is "entitled" so that he knows exactly where he is. I would add this here, Mr. Chairman, I attempted perhaps to point it out in the brief, that the impression you get of the blind is that those of us who are here, who are working with it, who are living with it, are more or less the group who are within the fishbowl. In other words we have to try to solve the problem of Joe Blow with his pension problems and so on, but all too often we are losing sight of the fact that the majority of the veterans do not know the Pension Act. They do not know this; they do not know that; they only know that brown envelope which comes in at the

[*Interpretation*]

tion une question qui, je crois, s'applique aux autres qui ont déjà comparu. La délégation qui est ici présente a-t-elle l'intention de demander que cette allocation de $400, qui peut s'élever jusqu'à $1,200 au maximum, soit fondée sur la nécessité, c.-à-d. qu'elle serait versée sous forme de revenu annuel plutôt qu'à la demande.

M. Woodcock: La verser à la demande...

M. Guay (Saint-Boniface): Enfin, je n'ai peut-être pas utilisé la bonne expression en disant «verser» à propos de l'allocation à l'aveugle, dont vous, ou ceux que vous représentez, parlent, et qui devrait être versée sous la forme d'un revenu annuel plutôt que de l'être à la demande, et au mérite.

M. Woodcock: Puis-je demander qui a la parole.

Le président: M. Guay, député (Manitoba).

M. Woodcock: Au début, monsieur Guay, notre réaction a été exactement celle que vous avez décrite tout d'abord—«verser» une allocation—car nous sommes en tant que groupe, jaloux des efforts que nous faisons en vue de conserver une certaine indépendance dans la vie. Nous tremblons à l'idée d'une gamelle remplie de crayons, d'un orgue de barberie dont on tourne la manivelle à la sortie des vieux restaurants de Hamilton par exemple, d'une attitude, d'une façon de penser de ce genre qui se glisseraient dans la Loi sur les pensions. Une allocation, d'accord, mais fondée sur quoi. Elle doit reposer sur une unité de mesure, un critère quelconque. Peu nous importe comment vous la mesurez, comment la Commission la mesure, pourvu qu'elle soit munie de l'unité de mesure qui lui permettra de faire l'évaluation. Si vous parlez d'un nombre x de points, ou de tout autre chose, en sus de l'invalidité à 100 p. cent.

Lorsqu'il a atteint le niveau d'allocation auquel il a droit—et le mot important est, je crois, «a droit», de sorte qu'il sache exactement où il en est. Comme j'ai essayé de l'expliquer dans le mémoire, monsieur le président, l'impression que vous avez de l'aveugle provient des personnes qui, comme nous, vivent et travaillent avec eux, sont ceux qui sont en cage. Trop souvent, nous perdons de vue le fait que la majorité des anciens combattants ne connaissent pas la Loi sur les pensions. Ils ne connaissent que l'enveloppe qui leur apporte leur chèques à la fin du mois. Ils savent que cet argent doit durer un certain temps. Voilà la façon de penser de ceux qui ne connaissent pas la Loi sur les pensions.

[*Texte*]

end of the month. They only know when that comes in that it has to go so far. That, no we cannot afford this; we cannot afford the other. This is the kind of thinking out in the field, and I will use the term out in the field, meaning those who are not acquainted with the Pension Act, or with pension legislation for that matter.

To get back to the original question, I think if it is on some specific assessment scale... Perhaps you are afraid of this word, assessment, because it means asssesing the gradual disabilities, but we see nothing wrong with it. We know damn well that an arm off is X number of percentage points and a leg off is so much, that blindness at a certain stage is 80 per cent, and a lot of our members are only 80 per cent pensioners remember. We are down to 212 now. Some are 85 per cent, some of them are 90; some of them are 95; some of them are 100; some of them are 100 per cent who have multiple disabilities, but who have good guiding vision and so on up the scale. The Pension Commission has recognized this in the award of attendance allowance where they start at $600 minimum for those decreed 100 per cent disabled, and they go on up the scale to the maximum for blindness of $2,750 a year.

How do they arrive at those monetary figures? They do it by the usefulness of the

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vision remaining to the man. They have a scale of some sort. This is over and above 100 per cent, so we do not care, as long as there is some sort of a scale over and above 100 per cent on which you base this award. If it is called an allowance, I do not care, as long as it is based on something specific. Perhaps I have said too much and I have clouded the issue.

The Chairman: Are there any further questions?

Mr. Peters: Mr. Chairman, is the Association not saying that in the 100 per cent multiple disabilities, the White Paper indication that there should be annual allowances is really in lieu of increasing the 100 per cent for general disability? In other words if you were to receive the total of the actual disabilities, which might be considerably more than 100 per cent, and you were paid pro rata on the percentage, this annual grant would serve no purpose.

Mr. Woodcock: I do not quite get the import of this question, Mr. Chairman?

[*Interprétation*]

Pour revenir à la question originale, si l'allocation se fonde sur une échelle d'évaluation—vous redoutez peut-être ce mot «évaluation» qui signifie évaluer l'invalidité progressive, mais nous n'y voyons pas d'objection—nous savons fort bien que la perte d'un bras correspond à X points, d'une jambe à X points, qu'un certain degré de cécité correspond à 80 p. 100, et plusieurs de nos pensionnés ont une cécité évaluée à 80 p. 100. Il en reste aujourd'hui 212. Certains ont une cécité à 85 p. 100, d'autres à 90 et d'autres encore à 95 p. cent; il y a aussi ceux qui ont des infirmités multiples mais qui y voient assez pour se déplacer. La Commission en tient compte dans son allocation de soin, qui est d'au moins $600 pour les invalides à 100 p. cent, et va augmentant jusqu'à un maximum annuel de $2,750 pour cécité.

Comment arrive-t-elle à ces montants? En tenant compte de la vision résiduelle. Elle dispose d'une échelle quelconque. Cela dépasse 100 p. cent, nous sommes donc d'accord, à condition qu'il y ait une échelle sur laquelle elle se fonde pour fixer cette indemnité. Appelez cela une allocation, peu importe, pourvu qu'elle repose sur quelque chose de déterminé.

J'ai peut-être trop parlé et enrouillé la question.

Le président: D'autres questions?

M. Peters: Monsieur le président, l'association ne dit-elle pas que dans les cas d'invalidités multiples à 100 p. cent, le Livre blanc indique qu'il devrait y avoir que cette allocation annuelle remplaçait l'augmentation à 100 p. 100. Si vous receviez le total des allocations d'infirmité, qui pourraient dépasser 100 p. 100, et que vous soyez payés au prorata du pourcentage, cette somme annuelle ne servirait à rien.

M. Woodcock: Je ne comprends pas le sens de cette question, monsieur le président.

[*Text*]

Mr. Peters: Does it seem to your association that the reason for putting in the White Paper the section indicating annual allowances or lump sum grants from $400 to $1200 is that it is in lieu of granting total disabilities beyond 100 per cent.

Mr. Woodcock: I can appreciate the fact that it is granting some monetary amount in recognizing the disabilities in excess of 100 per cent but I would like very much to see that allowance attached to some sort of determining factor. Incidentally, again I would like to say I have listened in to other questions of other groups and this word "cost" creeps in quite frequently. But unfortunately the plumber, the painter, the electrician and people like that that we depend on know exactly what they are going to get through contract as far away as 1972 and 1973. They know damn well that they are going to charge Fred Woodcock, say, $12 an hour, portal to portal, to come and fix this or that. That is perhaps an aside from your question, sir, but not having any notes in front of me I must say these things when I remember them.

Mr. Peters: Really, all I am suggesting is that if you were granted the Woods Commission recommendation, that disabilities could be added up to more than 100 per cent, this section would not be necessary.

Mr. Woodcock: In the White Paper?

Mr. Peters: Yes.

Mr. Woodcock: That is correct, sir. I am sorry I am so dense.

Mr. Peters: I am sorry that I am so obtuse in asking the question.

The Chairman: Are there any further questions.

Mr. Bigg: Over the years I have always consistently maintained in respect of manual labour that we should ensure that those so employed should receive such benefits as will restore their ability to earn a living with their hands or, if possible, to give some equivalent in cash. I think it is admitted in the White Paper itself that we are now taking a more sophisticated view of the whole problem. The quality of living is not necessarily inconsistent with maintaining a manual labour yardstick but there must be something done if we are to compensate or replace in some way this quality of living with an added benefit. For instance, a man might lose both his arms and be unable to earn his living sawing wood in the bush. However, he could be an art critic. But if he lost his eyes there

[*Interpretation*]

M. Peters: Est-ce qu'il semble à votre association que le fait d'inclure dans le Livre blanc la section qui prévoit des allocations annuelles de $400 à $1200 viserait à remplacer les indemnités totales pour invalidités dépassant 100 p. 100?

M. Woodcock: J'apprécie qu'on nous donnera une certaine somme d'argent afin de reconnaître que la personne a une infirmité de plus de 100 p. 100 mais j'aimerais mieux voir cette allocation rattachée à certains facteurs déterminants. Je voudrais vous dire que j'ai écouté d'autres questions des autres groupes et il a souvent été question de «coût». Malheureusement les plombiers, les peintres, les électriciens, tous ces gens-là sur lesquels on doit dépendre savent exactement ce qu'ils vont recevoir jusqu'en 1972 ou 1973 grâce à leurs contrats. Ils savent pertinemment ce qu'on va leur payer, ils savent très bien qu'ils gagneront tant par heure, par exemple, douze dollars par heure pour tel ou tel travail. Peut-être que ceci s'éloigne de la question, mais n'ayant aucune note devant moi, je dis ces choses comme je m'en souviens.

M. Peters: Monsieur le président, tout ce que je dis c'est que si on vous accorde la recommandation du Comité Woods, à savoir que les invalidités pourraient atteindre plus de 100 p. 100, cette section ne serait plus nécessaire.

M. Woodcock: Dans le Livre blanc?

M. Peters: Oui.

M. Woodcock: C'est exact, oui. Je suis désolé.

M. Peters: J'aurais pu être plus précis.

Le président: Y a-t-il d'autres questions?

M. Bigg: J'ai toujours dit en ce qui concerne les conditions du travail manuel, que ces personnes devraient recevoir des avantages qui leur permettraient de gagner leur vie avec leurs mains ou, si c'est possible, de leur donner l'équivalent en argent. Je crois qu'il est dit dans le Livre blanc que nous envisageons le problème avec plus de détails et de précision. Un bon niveau de vie n'est pas incompatible avec une mesure de travail manuel, mais il faut faire quelque chose pour remplacer d'une certaine façon ce niveau de vie par un avantage supplémentaire. Par exemple, un homme peut perdre les deux bras et ainsi ne plus pouvoir gagner sa vie à couper du bois dans la forêt. Toutefois, il pourrait devenir un critique artistique. S'il perdait ses yeux, il ne pourrait certes plus

[*Texte*]

would be no question that he not only would be incapable of manual labour but would be incapable of many other types of employment.

We should now try to bring in a measurable assessment which will compensate him for losses beyond the basic labour level. I think that if this is well thought out and researched we can come up with a yardstick which would be just as fair and accurate as the old yardstick used in respect of pure manual labour. Is that your thinking?

Mr. Woodcock: You are referring to a yardstick over and above 100 per cent.

Mr. Bigg: Yes.

Mr. Woodcock: Yes, disabilities beyond 100 per cent?

Mr. Bigg: However, in our sophisticated society there are many other jobs perhaps better paid. If you lost your voice you could not sing, if you lost your hands you could not play the violin, if you lost your eyes you could not be an art critic—although perhaps you do not need eyes for most opinions we are getting these days. My feeling is that we should have some kind of yardstick which would be fair to everybody and would take away the arbitrary decision of boards or persons, once you know that it is there. Is that correct?

Mr. Woodcock: That is correct. I hate to see this thing get into the hands of someone who, in his discretion, decrees, "Well, this poor sucker deserved this amount"? Any sort of a yardstick, as far as I am concerned, is needed. I do not care if you call it inches.

The Chairman: Mr. Badanai?

Mr. Badanai: Mr. Chairman, in dealing with this particular aspect the Minister, in his statement to the Committee, said:

> Perhaps the committee can assist me on that. Broadly speaking, it is the purpose of the White Paper to be flexible, and we intend to be flexible in these guidelines as well. We have not yet come up with definite yardsticks on how this will be measured.

—that is, the payment of $400 to $1200 annually to one over 100 per cent disability.

Now I am confident, as a member of this Committee, Mr. Chairman, that the Committee in their recommendations to Parliament will undoubtedly take into consideration guidelines to cover these aspects of the promise made by the Minister and I have no

[*Interprétation*]

faire de travail manuel et ne pourrait pas satisfaire aux exigences de beaucoup d'autres genres de travail.

Nous devrions alors lui accorder une évaluation qui compenserait ses pertes dépassant celles du travail normal. Il faut trouver une mesure qui soit aussi équitable et précise que l'ancienne mesure utilisée pour apprécier le travail. Qu'en pensez-vous?

M. Woodcock: Vous parlez d'une mesure supérieure à 100 p. 100.

M. Bigg: Oui.

M. Woodcock: Oui, supérieure à 100 p. 100?

M. Bigg: Dans notre société raffinée, il y a beaucoup d'autres emplois qui sont peut-être encore mieux rémunérés. Si vous perdiez la voix, vous ne pourriez pas chanter; si vous perdiez les mains, vous ne pourriez pas jouer du violon, si vous perdiez les yeux, vous ne pourriez pas être un critique artistique, même si de nos jours une personne n'a pas besoin d'yeux pour exprimer ses opinions dans ce domaine. Je crois que nous devrions avoir une mesure qui serait équitable pour tous et qui remplacerait la décision arbitraire des commissions ou des autorités compétentes, une fois qu'elle aura été établie. Est-ce exact?

M. Woodcock: C'est exact. Je n'aimerais pas que la décision soit prise par quelqu'un qui se dirait «On pourrait accorder ce montant à ce pauvre type». Il faut une mesure, quelle qu'elle soit.

Le président: Monsieur Badanai?

M. Badanai: Monsieur le président, le ministre en discutant la question a dit au Comité:

Le Comité pourra peut-être m'aider. En général, le but du Livre blanc est d'assurer une certaine latitude envers les lignes directrices, et nous allons respecter cette latitude. Nous n'avons pas encore établi définitivement quels seront les jalons sur lesquels nous nous baserons.

Il s'agit du paiement de $400 à $1,200 à une personne qui a plus de 100 p. 100 d'infirmité.

Je suis certain que le Comité, dans ses recommandations au Parlement, va certainement prendre en considération les lignes de conduite qui ont été établies et promises par le ministre. Je suis convaincu que nous arri-

[*Text*]

doubt that we will come up with something that will be acceptable to the associations.

Mr. Woodcock: Mr. Chairman, I think you fully appreciate that we have no knowledge of what has been said to this Committee other than if we had happened to attend the sessions. I would again say, as we have done in our brief, that the guidelines and everything are laid out in the Woods Committee Report and I sometimes wonder why someone has attempted to come up with any other guidelines. This is what I meant in the beginning when I mentioned a further opportunity.

If someone comes up with some other guidelines, well then, I am amenable to an explanation which would, say, improve the Woods Committee Report, and I do not think any veterans organization would dispute that. But to date the most sensible guideline is the Woods Committee Report on the subject.

Mr. Badanai: May I interject, Mr. Chairman. This is precisely the reason that we are sitting here—to try to improve the recommendations of the Woods Committee Report. I hope that you appreciate that.

The Chairman: Any further comment?

Mr. Knowles (Winnipeg North Centre): Why have we the White Paper?

Mr. Badanai: That includes the guidelines. That is what we are working on.

Mr. Knowles (Winnipeg North Centre): The White Paper detracts from the Woods Committee Report and I think it creates more problems than it solves.

Mr. Woodcock: Mr. Chairman, I would point out again that in the Woods Committee Report the assessment for blindness is $250. We felt this was perhaps low. But we are in very close contact physically. I often push a wheel chair of Andy Clarke or Ken Langford and people like this. He is my eyes and I am his feet. Therefore there is a very close liaison between the two. I heard some of the discussions this morning of the paraplegics. They are set at $350. We were set around $300 and something. The Woods Committee marked us down to $250. But when we, the paraplegics and the blind, got together and

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assessed each others disability we agreed on three. Yes, we are willing because we would not trade places with a paraplegic and later on you will find too that there are many phases of our existence that the paraplegic would not want to trade places with either.

[*Interpretation*]

verons à trouver une solution qui soit acceptable aux associations.

M. Woodcock: Monsieur le président, j'espère que vous appréciez d'une manière sensible que nous ne connaissons rien de ce qui a déjà été dit et qui ne faisait pas partie des sessions. Encore une fois, je me permets de vous dire que nous avons mis dans notre mémoire que toutes les lignes de conduite figurent au rapport du Comité Woods et je me demande pourquoi quelqu'un d'autre peut présenter d'autres idées.

Si quelqu'un me présente d'autres points de vue, je suis tout à fait prêt à discuter, si ceci peut améliorer le rapport du Comité Woods, je ne crois qu'il y ait une seule organisation des anciens combattants qui serait opposée à cela. Jusqu'ici, les critères les meilleurs sont ceux du rapport du Comité Woods.

M. Badanai: Puis-je glisser un mot, monsieur le président? La raison pour laquelle nous sommes tous ici est d'essayer d'améliorer les recommandations du rapport du Comité Woods et j'espère que vous vous en rendez compte.

Le président: Il y a d'autres questions?

M. Knowles (Winnipeg-Nord-Centre): Qu'est-ce que le Livre blanc fait ici?

M. Badanai: Il renferme les grandes lignes et c'est là-dessus que nous travaillons.

M. Knowles (Winnipeg-Nord-Centre): Je dirais que le Livre blanc s'ajoute au rapport du Comité Woods et qu'il ne fait que créer d'autres problèmes.

M. Woodcock: Monsieur le président, il faut encore une fois que je vous dise que le Comité Woods accorde aux aveugles $250. Nous croyons que c'est trop peu. Je pousse souvent les chaises roulantes de M. Andy Clarke ou de M. Ken Langford. Je suis leurs pieds et ils sont mes yeux. Il y a donc une relation très étroite entre les deux. J'ai entendu ce matin les paraplégiques, dont le taux a été établi à $350. On nous avait placé à environ $300, mais le Comité Woods nous a ramenés à $250. Mais quand nous, les paraplégiques et les aveugles, nous nous réunissons et évaluons mutuellement nos infirmités, nous nous entendons sur trois cents. Nous sommes d'accord parce que nous ne voulons pas changer de place avec les paraplégiques. En revanche, les paraplégiques ne voudront pas non plus changer de place avec nous.

[*Texte*]

So there is this close liaison; 250 is what the Woods Committee recommended and we said that to us this is fair if paraplegia is rated at 300.

The Chairman: Are there any further questions or comments?

Mr. Bigg: I do not think we can ever come up with a perfect yardstick because no doubt Beethoven would rather have had his ears then his eyes.

Mr. Woodcock: Mr. Chairman, I was a commercial artist by training; need I say more?

Mr. Bigg: Exactly, you would rather have had your eyes than your ears.

The Chairman: Are there any further questions? Well, would you care to proceed?

Mr. Chadderton:

Legal Damages.

We would refer to our Brief, pages 6 and 7 under the heading Sections 20, 21 and 22.

Our Association is disturbed and completely at a loss to understand why the Canadian government should want to engage in "statutory theft", as one of our members puts it. Surely the sum total of a pensioner's compensation received from the government for gunshot wounds or incurred during service disabilities is in no way related to further disabilities or death of the pensioner caused by other persons legally responsible for additional injuries. If such were the case, accident insurance through private companies, when it is possible for the disabled veteran to obtain same, would come under the same category. The blatant injustice of these sections of the Pension Act was best solved, in our opinion, by the Woods Committee recommendation in its entirety.

This is not government money! What is the White Paper objective? We see no reason for any other suggested formula.

Mr. Woodcock: Mr. Chairman, this is a puzzle to us. What is the objective? It is a generality in the White Paper but it does not spell out anything. We cannot see any connection whatsoever and all too often we are unable to protect ourselves because private insurance companies will not accept us. It is all right to say that the veterans insurance was amended

[*Interprétation*]

Le Comité Woods recommande 250 p. 100 et affirme que ce chiffre est juste par rapport au chiffre de 300 fixé pour les paraplégiques.

Le président: Y a-t-il d'autres questions ou des commentaires?

M. Bigg: Je ne crois pas que nous puissions obtenir une solution parfaite.

M. Woodcock: Monsieur, j'étais dessinateur commercial. Je faisais du dessin et maintenant je ne le suis plus.

M. Bigg: Je comprends que vous préféreriez avoir l'usage de vos yeux plutôt que de vos oreilles.

Le président: D'autres questions? Veuillez continuer.

M. Chadderton:

DOMMAGES-INTÉRÊTS

Nous vous renvoyons aux articles 20, 21, et 22 (pages 6 et 7 du texte anglais) de notre mémoire.

Notre Association est déroutée et nous ne pouvons vraiment pas comprendre pourquoi le gouvernement veut s'engager dans un genre de vol légalisé, comme le dit l'un de nos membres? Il est certain que l'indemnité totale qu'un pensionné reçoit du gouvernement en compensation des blessures causées par des armes à feu ou en compensation d'invalidités acquises durant le service, ne peut être modifiée d'aucune façon dans le cas où le pensionné souffrirait de nouvelles infirmités ou mourrait par suite de blessures causées par d'autres personnes reconnues responsables en droit. S'il en est ainsi, les polices d'assurance-accident que les anciens combattants peuvent obtenir tombent dans la même catégorie. A notre avis, l'adoption de l'ensemble des recommandations faites par le Comité Woods éliminerait les injustices flagrantes de certains articles de la Loi sur les pensions.

L'argent en cause n'appartient quand même pas au gouvernement! Quel est donc le but du Livre blanc? Quant à nous, nous sommes d'avis qu'il n'y a pas lieu de proposer une nouvelle solution.

M. Woodcock: Enfin, quel est le but que se propose le gouvernement dans son Livre blanc? Nous savons que dans bien des cas les sociétés privées d'assurance refusent de nous protéger. Oui, on a modifié l'assurance des anciens combattants il y a quelques années de façon à nous permettre d'obtenir de l'assurance, mais pour un bon nombre d'entre nous

[*Text*]

a number of years ago to permit us to take out veterans insurance but it is a bit too late for many of us. As far as the veterans of World War I are concerned, it is far too late.

I pay actually $2.50 a thousand extra on life insurance because of my blindness. I cannot argue with a private insurance company. I cannot produce records which will show that the blind as far as being accident prone are just as safe as any sighted person, sometimes perhaps safer, because we wait at that stop light; we wait; we have learned to be patient. My God, you have to be patient! We have waited 25 years for some of the things in this Paper. We have learned to be patient and therefore, we are not as accident prone. That is what I mean about not being able to protect yourself by insurance, and so on under this scheme.

The Chairman: Is there any further comment or question on this section?

Mr. Woodcock: Mr. Chairman, I am not after any money. There is not a soul in this room after any money. And I cannot conceive of many people in Canada or there are hardly any who would go after money under this section. It is not costing the government anything. I cannot understand why the government would want to actually take the money out of my pocket.

• 1515

Let us put it this way. If tomorrow I walk out of here and I am knocked down even out on government property—I doubt if I am knocked down in a service centre's lot or shopping centre lot I cannot even hold a person responsible there—but let us assume that the other fellow is responsible and I am put in a wheelchair or I become a quadriplegic, the same as you had before you this morning, and a judge awards me just $25,000; why in the devil is the government so hungry that it has to reach out and grab it. That is as simple as I can put it, Mr. Chairman.

I know for a fact that when I pointed out this Hong Kong case that you heard in our brief to the Legion convention in Penticton last year that the Chairman of the Pension Commission came up to me and said, "Fred, I agree with you, those sections should be struck out of the Act". I feel sure that he is here this afternoon. I do not understand the objective of this White Paper. None of us do. We have not had much time to read it over perhaps I am missing something, I do not know. If it means what it says it is still a gross injustice.

[*Interpretation*]

il est trop tard. Dans le cas des anciens combattants de la première guerre mondiale, il est beaucoup, beaucoup trop tard.

Je paie un supplément de $2.50 pour chaque millier de dollars d'assurance-vie, à cause de ma cécité. Je ne peux pas me disputer avec une société d'assurance privée. Je ne puis pas leur prouver que les aveugles ne sont pas plus souvent victimes d'accidents que les gens qui ont l'usage de leurs deux yeux. Parfois nous, les aveugles, constituons un risque moins grand parce que nous observons les feux de circulation. Nous avons appris ce qu'est la patience. Nous avons attendu 25 ans certaines des recommandations du Livre blanc. Enfin, sommes-nous si sujets aux accidents? Nous le sommes certainement, puisqu'on ne peut pas obtenir la protection des sociétés d'assurance.

Le président: Avez-vous d'autres commentaires à faire ou questions à poser?

M. Woodcock: Je ne cherche pas à obtenir de l'argent, quand même! Nous ne sommes quand même pas des chercheurs d'or ici! Je ne peux pas concevoir que des Canadiens chercheront à extorquer de l'argent. Je ne comprends pas que le gouvernement veuille me soutirer de l'argent. Si demain je sors d'ici et quelqu'un me fait tomber, même sur la propriété du gouvernement,—je doute que si une personne me renverse sur le terrain d'un centre de commerce je puisse la tenir responsable de ma chute,—mais supposons qu'elle soit responsable, que je devienne un cas de chaise roulante, ou un paraplégique, enfin qu'un juge m'accorde $25,000 de dédommagement, pourquoi le gouvernement veut-il tant s'emparer de mon dédommagement?

Je me rappelle que lors de la réunion de la Légion tenue à Penticton l'an dernier pendant laquelle j'ai signalé le cas de Hong Kong, dont vous avez pris connaissance ici, le Président de la Commission des pensions m'a dit: «Fred, je suis d'accord avec toi, il faudrait modifier la Loi». Je suis certain qu'il est ici cet après-midi. Nous ne comprenons pas le but du Livre blanc. Nous n'avons pas eu le temps de le lire attentivement. Peut-être y a-t-il des choses qui nous échappent. Mais, à notre sens, il est encore la source d'injustices criantes.

[*Texte*]

Mr. Chadderton: May I continue, Mr. Chairman?

Consequential Disability

Although our organization gave up attempting to establish disabilities consequential to blindness because of the introduction of hospital schemes, etc.; nevertheless, we, the war blinded who suffer the disability, know for a fact—also verified by our family doctors—that many of the nervous conditions, stomach upsets and sleepless nights which we endure, leading to other disabilities, are a direct result of the extreme "tuned-in" tension of every waking moment.

These conditions are made doubly severe by disabilities in addition to blindness. No one, and we mean no one, unless he has suffered the condition, can appreciate the complete loss of orientation of a totally blind person with defective hearing. The combination of these two disabilities, which is so common among our front line fighters as a result of explosion, has caused some to retire from nerve-racking exposure to the general public. Then there are the totally blind with the loss of a leg above the knee; the combination causing loss of equilibrium on anything but extremely familiar ground. Such a condition confines this type of disability to an extremely narrow recreational outlet and into the old armchair day in and day out.

Over the years we have had some ridiculous refusals, on attempting admittance to D.V.A. hospitals when blindness has resulted in a fall creating further injuries, on the grounds that it was not consequential to the disability for which the man was pensioned! Yes, we gave up and turned to provincial hospital benefits. Our appeal in those days was for hospitalization for all conditions for the seriously disabled 100 per cent pensioner. Although on this subject the White Paper, in the paragraph on consequential disability, does not affect our group, we felt that our experience along these lines would be beneficial to the Committee.

The Chairman: Is there any further comment?

Mr. Woodcock: I would like to say, Mr. Chairman, and this goes back a few years, that we were fighting for free hospitalization for all 100 per cent disabled veterans in the days when the government owned its own hospitals coast to coast. I even proposed to Jimmy Melville, then Chairman of the Pension Commission that the simplest method of all would be to give a card to Fred Woodcock, Donny Dies, Chris Davino and fellows like that, and Tony Damiano who was here this

[*Interprétation*]

M. Chadderton: Puis-je continuer, Monsieur le Président?

INVALIDITÉ SECONDAIRE

Notre association n'essaie plus de définir les invalidités secondaires qui découlent de la cécité depuis l'adoption des régimes d'hospitalisation. Nous savons, nous qui souffrons de cécité due à la guerre,—et nos médecins le savent,—qu'un grand nombre des troubles nerveux, des dérangements d'estomac, des cas d'insomnie qui compliquent notre infirmité, sont la conséquence directe de la tension qui s'empare de nous chaque fois que nous sommes éveillés.

Tous ces problèmes, mineurs pour les autres, deviennent doublement graves pour nous à cause des infirmités qui s'ajoutent à notre cécité. Personne, à moins d'avoir souffert soi-même, ne peut comprendre la situation dans laquelle se trouve un aveugle qui est sourd. A cause de la combinaison de ces deux infirmités qui se rencontrent souvent chez les combattants de la ligne de feu, certaines personnes refusent tout contact avec le public. Il y a aussi le cas des aveugles qui ont perdu une jambe. Ils ne peuvent garder l'équilibre sauf aux endroits qui leur sont très familiers.

Au cours des années, le ministère des Affaires des anciens combattants a souvent refusé d'admettre dans ses hôpitaux les aveugles qui, à cause de leur cécité, s'infligeaient des blessures en tombant. Il prétendait que ces blessures n'étaient pas la conséquence de l'infirmité pour laquelle la personne avait obtenu une pension. Nous avons abandonné nos démarches et tenté d'obtenir des prestations provinciales d'hospitalisation. Nous demandions alors d'hospitaliser dans tous les cas les pensionnés à 100 p. 100.

Le président: Veut-on faire d'autres observations?

M. Woodcock: Nous avons lutté de nombreuses années pour obtenir l'hospitalisation gratuite de tous les anciens combattants qui souffrent d'une infirmité évaluée à 100 p. 100. J'ai même proposé à M. Jimmy Melville, alors président de la Commission des pensions, de donner une carte d'hospitalisation à Fred Woodcock, à Donny Dès, à Cliris Davino, etc., et à Tony Damiano qui était ici ce matin. Une telle carte permettrait aux anciens combattants d'être hospitalisés sans discussion n'im-

[*Text*]

morning. I have known some of our guys to lie in the past by the hour in an admitting room being asked stupid questions about how much money they had and so on. Your poor wife, perhaps, who does not begin to understand veterans' legislation, is supposed to answer questions. Now if you just had a card which entitled veterans to hospitalization wherever they found themselves, whether in Vancouver, Winnipeg, some private hospital or what have you... Free hospitalization was our solution in those days, but we never got to first base with it.

Now we in Ontario are not worried about it because we are paying OMSIP and so on; although, I do not know what those in other provinces are doing. I know we have advised them to take advantage of any scheme that they can come up with. But, as a matter of fact, gentlemen, believe it or not, in those days we had to be down to less than $500 in the bank to get free treatment in a veterans hospital and there is no man in this room whether he be an administrator or otherwise who can deny that condition existed under Section 13 in those days. And yet in the case of recipients of war veterans allowance, they were allowed $2,500 in the bank and could still get free treatment. We are not in any way belittling the fact that they needed it, but we could not understand why we should be separated as something different. There are a lot of things I could tell you about the past, but that is not what we are here for today. We are here today to talk about the White Paper. Sorry, Mr. Chairman.

Mr. Peters: That is a very interesting point because, I presume, that it really is not very fair to either the veteran or to the Ontario Hospital Services Commission if the only coverage they can get as yet is in...

The Chairman: I do not think that is what Mr. Woodcock is saying. I think he is talking about a past situation which has been substantially corrected with the advent of hospital insurance. Is that not so, sir?

Mr. Woodcock: I am talking about consequential disabilities, Mr. Chairman. Those consequential disabilities are definitely known to us; they are definitely known to our family doctor, but just try to prove them to the Departmental officials. I can quote you the example of the chap who walked along a familiar sidewalk and when he was past a certain point, by the time he turned around and came back, someone had dug a damn big hole in it in which he fell...

[*Interpretation*]

porte où au Canada. Nous demandions l'hospitalisation gratuite à cette époque, mais nous n'avons jamais rien obtenu.

Ici en Ontario nous ne nous inquiétons pas parce que nous participons à l'OMSIP, mais je ne sais pas ce qui se passe dans les autres provinces. Croyez-le ou non, mais à cette époque un ancien combattant qui avait plus de $500 en banque n'avait pas droit à des soins médicaux gratuits dans un hôpital des anciens combattants. Et personne dans cette salle, qu'il soit administrateur ou autre, ne pourra nier qu'alors ces prescriptions existaient en vertu de l'article 13. Et, cependant, dans le cas des bénéficiaires de pensions d'anciens combattants on leur permettait d'avoir $2,500 en banque et malgré tout d'obtenir des soins médicaux gratuits et sans sous-estimer que ces personnes en avaient besoin, je ne peux pas concevoir, pourquoi, nous avons été traité différemment. Je peux vous donner beaucoup des exemples dans le passé, mais nous sommes ici pour parler du Livre blanc. Je m'en excuse, monsieur le président...

M. Peters: Ce que vous venez d'exposer est un point très intéressant. Car je suppose que ce n'est pas très juste pour les anciens combattants ni pour la commission des services hospitaliers de l'Ontario, si tout ce qu'ils peuvent obtenir est...

Le président: Ce n'est pas ce que M. Woodcock a dit. Il a parlé d'une situation qui existait dans le passé et qui a été grandement corrigée avec la nouvelle forme d'assurance-hospitalisation de l'Ontario. N'est-ce pas, monsieur?

M. Woodcock: Je parle, monsieur, des infirmités secondaires que nous connaissons fort bien qui ont déjà été données, qui sont très connues de notre médecin de famille mais essayez d'en donner la preuve aux fonctionnaires du ministère. Je peux vous donner des exemples. Par exemple, une personne qui marchait le long du trottoir habituel et puis avant qu'elle revienne de sa promenade quelqu'un avait creusé un bien gros trou dans ce trottoir où celle-ci est tombée...

[*Texte*]

The Chairman: But is there a problem on hospitalization?

Mr. Woodcock: ...and he was denied the hospitalization?

The Chairman: Is there a serious problem with your group being denied hospital care at this point?

Mr. Woodcock: I have not heard of any lately because we are all covered and we are not worried about it anymore. That is what I said in this brief. We are not worried about it because we are covered now. I can go to a hospital now and not have to worry and my wife does not have to worry. In an emergency I can be taken there in an ambulance and be admitted.

Mr. Peters: But, Mr. Chairman, this is a consequential result of the disability pension. It seems to me that there has been and still an obligation and it should be covered on that basis. It is quite true that a person who has been injured in an accident covered by Workmen's Compensation in Ontario can go to the hospital on Ontario hospitalization, but I am damn well opposed to it because if compensation is supposed to cover that accident then let compensation cover it. Do not cover it up by putting it under something else. For this reason I believe that if this is a consequential effect of the disability, then the Department of Veterans Affairs should cover it as a right of the pensioner and not simply because the veteran has taken out hospital insurance.

The Chairman: Mr. Peters, I do not think Mr. Woodcock raised the issue of lack of hospital care for this kind of situation. I think he was making another point in connection with consequential injuries. I do not think it is the hospital care aspect that is givnig concern at this time. Correct me, Mr. Woodcock, if I am wrong.

Mr. Woodcock: No, I am referring to the White Paper and that is why I said the White Paper does not affect us in that respect anymore.

Mr. Peters: But, Mr. Chairman, the point he is making is the point that was made earlier today by the paraplegic who goes to the hospital and cannot get admitted. He could cover himself with hospital insurance, I presume, and he could get in as an ordinary citizen, but these are...

[*Interprétation*]

Le président: Est-ce que vous avez un problème du côté des traitements hospitaliers?

M. Woodcock: ...et on lui a refusé l'hospitalisation.

Le président: Est-ce que votre groupe rencontre de grandes difficultés lorsqu'il s'agit de l'hospitalisation?

M. Woodcock: Je n'en ai pas entendu parler ces derniers temps car nous sommes tous bénéficiaires actuellement de cette hospitalisation et ceci ne nous tracasse plus. C'est ce que j'ai exposé dans le présent mémoire. Nous ne nous en préoccupons pas. Maintenant, si je dois aller dans un hôpital, je ne m'en fais plus, on me prend à l'hôpital et on m'admet ainsi que ma femme. En cas d'urgence, on peut m'y amener en ambulance et on m'y recevra.

M. Peters: Mais, M. le président, ce que je ne comprends pas, c'est que ceci est une conséquence, un résultat de la pension d'invalidité. Il est vrai qu'une personne qui a été blessée dans un accident qui relève de la loi sur l'indemnisation des accidents de travail en Ontario peut être hospitalisée en vertu de la loi car si l'indemnisation doit être faite pour cet accident, qu'il en soit fait ainsi. Ne cachez pas ce fait derrière quelque chose d'autre. C'est pourquoi, je pense que s'il s'agit là d'une infirmité secondaire alors le ministère des Affaires des anciens combattants devra en faire un droit pour le pensionné et non simplement une conséquence de l'assurance-hospitalisation dont bénéficie l'ancien combattant.

Le président: Monsieur Peters, je ne crois pas que Monsieur Woodcock ait soulevé la question du manque de soins hospitaliers dans ce cas. Je pense qu'il voulait parler d'un problème en rapport avec les conséquences des blessures. Je ne pense pas que la question des soins hospitaliers nous crée des difficultés ici. Si j'ai tord, Monsieur Woodcock, voudriez-vous me corriger?

M. Woodcock: Non, monsieur. Je me réfère au Livre blanc et c'est pourquoi j'ai déclaré que le Livre blanc ne nous concernait plus pour cette question.

M. Peters: Monsieur le président, la question soulevée est celle qui a déjà été soulevée plus tôt par les paraplégiques qui vont à l'hôpital et qui ne peuvent pas être admis. Ils peuvent aussi prendre eux-mêmes une assurance-hospitalisation comme tous les citoyens, mais ceci...

[*Text*]

• 1525

The Chairman: These are different points because the paraplegics' medical requirements are very special. I do not think the situation that Mr. Woodcock described is similar to the kind of special care the paraplegics have requested.

Mr. Peters: He just mentioned that if he were walking down the street and fell into a hole that was not there when he went by the first time, his accident might involve a broken arm, crushed ribs or whatever the result of that accident may be, which would be consequential to his disability. I suggest that...

The Chairman: I do not think Mr. Woodcock has suggested there is a hospital problem in that situation, have you, Mr. Woodcock?

Mr. Woodcock: Yes, the admittance to these in the past as far as consequential disabilities were concerned and if that is what we are discussing...

The Chairman: No, we are talking about today—at the present t ime.

Mr. Woodcock: Pardon?

The Chairman: Is there a problem with hospitalization for this kind of thing at the present time, Mr. Woodcock?

Mr. Woodcock: There could be, Mr. Chairman, depending on where you are located. There is no problem with most of us now because most of us are on OMSIP and we can go to Sunnybrook Hospital. I would like to add for the benefit of those who are here, that I have spent five or six weeks at Sunnybrook Hospital and have found it exceptionally improved since it was turned over. I think you could get some clarification on this subject, too, from our honorary life member here, Mr. Cliff Chadderton, who has had, I am sure, a great deal of experience among the war amps, et cetera.

Mr. Chadderton: Mr. Woodcock, I think I could clarify one thing. Although the war blinded stated in their brief that they have given up attempting to establish entitlement for consequential disabilities through the Canadian Pension Commission.....

The Chairman: This would be for a pension?

Mr. Chadderton: Yes, entitlement for pension.

The Chairman: We are not talking hospital care?

[*Interpretation*]

Le président: Il s'agit ici de questions toutes différentes, car les besoins du paraplégique sont très spéciaux. Je ne pense pas que le cas décrit par M. Woodcock réponde à celui des paraplégiques qui réclament des soins spéciaux.

M. Peters: Il a juste mentionné ceci que s'il tombait dans un trou qui n'était pas là avant lorsqu'il a passé à cet endroit et que de cet accident résultait, disons, en un bras cassé ou des côtes cassées ou autre chose, qui serait une infirmité subséquente, monsieur, alors je crois...

Le président: Je ne pense pas que M. Woodcock ait prétendu qu'il y avait là un problème d'hospitalisation, n'est-ce pas?

M. Woodcock: Oui, de la reconnaissance de ces cas dans le passé comme invalidités secondaires et s'il s'agit là de la question dont nous discutons...

Le président: Non, pour le moment, nous parlons de... Aujourd'hui, en ce moment...

M. Woodcock: S'il vous plaît?

Le président: Y a-t-il un problème sur l'hospitalisation pour des cas pareils actuellement, M. Woodcock?

M. Woodcock: Il y en aurait, cela dépend où vous êtes situé. Il n'y a pas de problème en ce qui nous concerne parce que la plupart d'entre nous font partie de l'OMSIP (*Ontario Medical Surgical Insurance Plan*) et nous pouvons être admis à l'hôpital Sunnybrook et j'aimerais ajouter que j'ai passé cinq à six semaines là et que j'ai noté une immense amélioration depuis le transfert de cet hôpital... Mais de toute façon, monsieur, il faudrait clarifier la situation auprès de l'honorable membre à vie M. Chadderton, qui a déjà eu pas mal d'expérience au sujet des amputés de guerre, etc.

M. Chadderton: Monsieur Woodcock, je pourrais clarifier peut-être un point. Quoique les aveugles de guerre indiquent dans leur mémoire qu'ils ont abandonné l'espoir de pouvoir établir, auprès de la Commission canadienne des pensions, leurs... droits quant aux invalidités secondaires ..

Le président ...à pension?

M. Chadderton: Oui, leur droit à pension.

Le président: Nous ne parlons pas de soins hospitaliers?

[*Texte*]

Mr. Chadderton: But we are, Mr. Chairman, because once you have pension entitlement then, of course, the matter of hospital admission is automatic. However, the two things get into the act because, as Mr. Woodcock said, they are already 100 per cent pensioners, so there was no point in their going to the Canadian Pension Commission for more pension assessment, but there was a point in going to the Canadian Pension Commission to get what we call entitlement because they had to get treated for these consequential disabilities. The problem now has resolved itself in some areas—and he mentioned only one province in particular and that is Ontario—because if a war blinded develops a consequential disability, let us say ulcers from turned-in tensions—a darned good example—because he now carries hospital insurance he can walk into a hospital in the Province of Ontario and that hospital will go ahead and treat him. What Mr. Woodcock and his people are saying, of course, is that in effect they have given up attempting to establish consequential disabilities, but they are still interested in this recommendation in the Woods Committee Report and they still see the need for it.

I think the main point that this delegation is puzzled about is that your Committee has been told that the recommendation in the Woods Committee Report, which is Recommendation 75, has been modified. The White Paper says that the Pensions Act will be amended to provide for the consequential disability, but presumably the proposed amendment will be one which has been modified from that which was recommended by the Woods Committee. I must say that the War Amputations of Canada, as well as the Sir Arthur Pearson Association of War Blinded, are waiting with baited breath to see what kind of a modification is proposed because if it is anything similar to the modification we heard this morning about attendance allowance, then I am afraid we will have been hoodwinked.

Mr. Bigg: Mr. Chairman.

Mr. Woodcock: It is closely related, Mr. Chairman, in that I think it is very difficult to prove that nerves, sleepless nights, sleeping pills and doctors bills have anything to do with blindness. It is difficult to prove that, and yet I have proved it. It is not my job to go out and train war blinded in woodwork—woodwork is my hobby—and yet I have gone to men who have shown an interest in that particular field and who have been suffering from those disabilities and, so help me, the fact that they have had that outlet has ena-

[*Interprétation*]

M. Chadderton: Mais oui, monsieur le président, nous parlons de la question, car dès que vous avez un droit à pension, la question de l'admission à l'hôpital se pose automatiquement. Toutefois, voyez il y a deux choses dans la Loi qui jouent ensemble. M. Woodcock dit que nous recevons déjà 100 p. 100 de pension, donc qu'il n'y a pas lieu de réclamer une évaluation accrue de la pension auprès de la Commission canadienne des pensions mais qu'il y a lieu de demander ce droit car il leur fallait se faire soigner pour ces infirmités secondaires. Le problème s'est résolu de lui-même dans certaines régions; et il a mentionné uniquement la province de l'Ontario car si par exemple un aveugle est victime d'une infirmité secondaire, disons des ulcères résultant de tensions refoulées—un bien bon exemple celui-ci—il bénéficie de l'assurance-hospitalisation et il peut entrer dans un hôpital de l'Ontario où on le traitera. Mais ce que M. Woodcock veut dire ainsi que ses collègues de groupe c'est qu'ils ont décidé d'abandonner d'essayer de prouver l'existence des infirmités secondaires mais que cependant ils s'intéressent toujours à cette recommandation du comité Woods et qu'ils en voient toujours la nécessité.

Je pense que ce qui étonne surtout cette délégation c'est qu'on a dit à ce Comité, que la recommandation du rapport de la Commission Woods, soit la recommandation 75, a été modifiée. Le Livre blanc indique que la Loi sur les pensions sera modifiée pour tenir compte des infirmités subséquentes mais que, peut-être, cette modification proposée sera une modification de la recommandation du rapport du Comité Woods. Je dois dire que l'Association canadienne des amputés de guerre et notre Association des aveugles de Sir Walter Parson, nous attendons avec anxiété de savoir ce qui va arriver, car s'il s'agit d'une modification du genre de celle qui a été faite dans le cas des allocations de soins, alors je pense que nous aurons été trompé.

M. Bigg: Monsieur le président.

M. Woodcock: Si c'est vraiment en relation directe, monsieur le président, peut-être que vu notre difficulté, c'est très difficile de prouver que les nerfs, le manque de sommeil, les somnifères, les factures du docteur ont quelque chose à faire avec la cécité. Ce n'est pas mon travail d'aller apprendre aux aveugles le travail du bois, bien que ce soit là mon passe-temps et pourtant j'ai rencontré des hommes qui avaient souffert de ces invalidités et ces travaux leur ont permis d'échapper à leurs angoisses, à leur invalidité et ces morceaux de

[*Text*]

bled them to escape from this confinement of blindness. They have been able to escape from the old armchair of helplessness, as I call it, and were able to take it out on a piece of wood, so I cured their sleepless nights and they were able to throw away their nerve

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pills, et cetera, but you cannot prove that through a doctor other than through our family doctors. These are the consequential disabilities on which we have given up because there was no medical authority that would agree to them except our family doctors.

There is a connection here, Mr. Chairman. Let us take, as an example your local chap—I am not talking about the people in Ottawa, I am talking about somebody who is out in London, for instance—who examines Joe Blow with these conditions. He is not going to admit that these are consequential—he may be only an 80 per cent pensioner—because if he admits that they are consequential to his blindness it means an increase in pension. This is the way we look at it. That is an unfortunate way to have to look at it, Mr. Chairman, but these are some of the only conclusions one can come to after 25 years of working on these things.

The Chairman: Mr. Bigg.

Mr. Bigg: I understand that if you fell in a hole and became, say, a paraplegic, which is quite possible if it were a deep hole, they would not consider this a consequence of your blindness. Is that the way the Act is interpreted at present?

Mr. Woodcock: I could not say that that would actually happen, Mr. Bigg, but I do know that it did happen to one of our totally blind lads. He fell in a hole, injured his back, could not be moved and was ambulanced to Westminster Hospital. This is a long time ago, mind you; this is not yesterday. But this is the kind of consequential disability that sickened us in attempting to have them admitted.

We had one man—I am sure Mr. Chadderton will recall this—a chap who was in hospital because the administrators got on the phone to Ottawa and had his taken out of a civilian hospital and put in an army hospital, in those days, and then he was put back in a civilian hospital. But they are awfully hard to prove. Can you prove that a sighted person would not have fallen in the same hole? This is where the difficulty comes in.

Mr. Peters: No doubt there is a certain benefit of the doubt.

[*Interpretation*]

bois les aidaient à retrouver le sommeil sans somnifères, etc., mais vous ne pouvez prouver ceci à un docteur, il n'y a peut-être que le docteur de la famille qui peut comprendre ces choses-là. Nous avons abandonné de nous occuper de certaines infirmités subséquentes, vu qu'aucun expert en médecine en dehors du médecin de famille ne voulait se prononcer.

Par exemple, je parle d'un expert local, monsieur le président—non pas des personnes à Ottawa mais de celles qui sont dans les petites villes comme London—qui examine M. X souffrant d'infirmité secondaire, il ne va pas admettre qu'il s'agit d'infirmité subséquente car s'il admet que celle-ci résulte de sa cecité, il faudra augmenter la pension d'aveugle qui n'est peut-être que de 80 p. 100. C'est malheureux que nous devions considérer le problème de cette façon mais ce sont les seules conclusions auxquelles nous pouvons arriver après 25 ans d'étude.

Le président: Monsieur Bigg.

M. Bigg: Dois-je comprendre que si vous tombiez dans un trou et que vous deveniez paraplégique à la suite de cette chute, ils ne considéreraient pas cette nouvelle infirmité comme étant une conséquence de votre cécité? Est-ce la façon dont il faut interpréter la loi?

M. Woodcock: Je ne peux pas vous dire que ce serait exactement ce qui arriverait, mais je peux vous dire que c'est arrivé à un de nos aveugles, qui est tombé dans un trou, et qui s'est blessé le dos. Il ne pouvait pas être déplacé; il a été transporté à l'hôpital en ambulance, mais ceci est arrivé il y a bien longtemps. Voilà un cas où l'infirmité est conséquente à la cécité, et c'est très difficile de les faire admettre dans un hôpital.

Il y en a un, M. Chadderton pourra peut-être vous l'expliquer mieux, qui a été admis dans un hôpital uniquement parce que les administrateurs ont appelé à Ottawa, qu'il a été admis dans un hôpital pour anciens combattants. Mais ceci est extrêmement difficile à prouver. Croyez-vous qu'une personne qui a la vue aurait fait la même chute dans ce trou? Voilà ce qui rend la chose difficile.

M. Peters: Il y a toujours le bénéfice du doute.

[*Texte*]

Mr. Bigg: I was not worried about admittance to hospital; I was thinking about the entitlement of an 80 per cent pensioner, shall we say, to 100 per cent if he became a paraplegic in this way.

Mr. Chadderton: You will notice that all the way through, Mr. Chairman, I am giving references because I was asked to by the reporters, but this is the Woods Committee Report Volume II, Chapter 16, Page 610, which refers to one of the classic cases studied by the Woods Committee which is called "The Step-Ladder Injury". This is where a man with a leg off was climbing a step-ladder to repair a light socket and he fell and injured his other leg. He was denied pension on what is called a prohibition—this is spelled out in the table of disabilities of the Commission—because the Commission felt that because he was disabled and the government was paying him a pension for having lost one leg, he was in effect prohibited from taking ordinary risks and if he did take any ordinary or extraordinary risks, he did so on his own cognizance and that if he fell and broke his leg, that is tough luck for him. So the answer to your question, Mr. Bigg, as I understand it, is that if a man who is blinded happens to walk in front of a streetcar and suffers additional disability, that could be ruled as not consequential because he was taking an unnecessary risk in that he went out into the street unaided or unattended or something of this nature. Is that clear? It is the prohibition aspect of rulings on consequential pensions.

And again that is why we say—and I repeat it—we do not know what the government means by accepting the Woods recommendation and then modifying it, because the Woods recommendation was quite specific in saying that prohibitions of that type have no place in your pension legislation. The man should be encouraged, if anything, to take extraordinary risks; otherwise there are very few of these people who would be here with us today, I can tell you that. They are all taking extraordinary risks every time they walk in the street but we do not want to get emotional about it.

Mr. Peters: Mr. Chairman, where are these prohibitions? Are they regulations of the Commission?

The Chairman: Yes.

Mr. Peters: They certainly are not legislation.

Mr. Chadderton: Mr. Chairman, you will find the prohibition aspect of Pension Commission rulings as set out in the table of

[*Interprétation*]

M. Bigg: Je ne parlais pas de l'admission dans un hôpital; je parlais plutôt du droit d'un pensionné de faire hausser sa pension de 80 p. 100 ou à 100 p. 100 s'il devenait paraplégique de cette façon.

M. Chadderton: Je donne les références parce que les reporters me le demandent. Il s'agit de la page 610 du chapitre 16 du volume 11 du rapport de la Commission Woods, qui traite d'un cas classique celui de «l'accident de l'escabeau». Il s'agit d'un pensionné qui a perdu une jambe et qui monte dans un escabeau pour réparer une douille, qui tombe et se blesse l'autre jambe, alors on regarde dans le Tableau des infirmités et la Commission estime qu'étant donné qu'il est invalide et que le gouvernement lui versait une pension, parce qu'il avait perdu une jambe, qu'il n'a pas le droit de prendre des risques qui sont permis à une personne qui a ses deux jambes. S'il prend des risques extraordinaires, on a jugé qu'il le fait à ses propres risques, si on peut dire. Alors, c'est bien malheureux pour lui, mais ce n'est pas la faute du gouvernement. Alors, vous demandez, si dans le cas d'un aveugle qui se fait renverser par un tramway aggravant ainsi son invalidité si l'on considère que cette infirmité n'est pas secondaire parce qu'il a pris un risque non nécessaire en allant dans la rue sans protection. Est-ce clair? Il y a un aspect prohibitif des règles s'appliquant à l'infirmité secondaire.

Nous ne savons pas exactement ce que le gouvernement veut dire quand il dit qu'il va accepter les recommandations du Rapport Woods et qu'il va les modifier par la suite, car la Commission Woods déclare que des prohibitions de ce genre ne devraient pas exister dans la Loi sur les pensions. On devrait, au contraire, encourager les gens qui souffrent d'infirmités à jouir de la vie quand même. Tous ceux qui sont ici, ont pris des risques extraordinaires en traversant la rue pour se rendre ici.

M. Peters: Quelles sont ces prohibitions? Est-ce qu'elles sont régies par des règlements de la Commission?

Le président: Oui.

M. Peters: Ce ne sont certainement pas des mesures législatives.

M. Chadderton: Vous trouverez ces prohibitions dans les règlements de la Commission, dans le Tableau des infirmités. Je ne puis pas

[*Text*]

disabilities. I cannot quote it verbatim but it states in effect that a prohibition is the type of thing where a man who is in receipt of a pension is in effect prohibited from taking what would be considered unnecessary risks because he has a pension condition. And if he is injured or re-injured, having taken these unnecessary risks, then it is not necessary that pension will be awarded. But I must say that the Commission uses discretion, and I think the true answer is that it is a bit of a lottery. In some cases the Commission might well approve the classic step-ladder case, but in the files of the Woods Committee there is a well-documented case called "The Step-Ladder" case in which the Commission certainly did not approve pension.

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Mr. Bigg: I think that is a very narrow interpretation. If he took flying, for instance, I would say yes, but certainly not climbing a step-ladder to put a new bulb in his bathroom—unless the Crown were to accept the responsibility for hiring an electrician and his helper to come and do it. It is a question of intelligent interpretation of the Act.

The Chairman: Mr. Stanley Knowles.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, there seems to be some uncertainty in the minds of some of the members as to what is being asked for in this paragraph. I wonder if I can try to state it and either be confirmed or corrected.

I gather that even though the war blinded have lessened their efforts to get hospitalization for these consequential disabilities because there is now provincial hospitalization, there are still two things you would like. One, as pension veterans you would like your hospitalization to be as of right, and two, you would like the consequential disabilities allowed in the hope that the 100 per cent ceiling is going to be pierced. Are those the two things that you are asking for in this paragraph—for hospitalization rights as disabled veterans for consequential disabilities and for pensions in excess of 100 per cent when they add up to that?

The Chairman: Do you want to comment, Mr. Woodcock?

Mr. Woodcock: I do not know if we are asking exactly for those conditions now, Mr. Knowles. We are asking that the Woods Committee recommendation along this line be

[*Interpretation*]

vous le donner textuellement, mais on y dit en substance que la prohibition est un genre de chose disant qu'une personne qui reçoit une pension ne peut pas prendre ce qui peut être considéré comme un risque démesuré, parce qu'il ne faut pas oublier qu'il souffre d'une invalidité donnant droit à pension. S'il prend des risques démesurés, et qu'il se blesse on estime qu'il n'est pas nécessaire de lui verser une pension. Enfin, la Commission décide à sa discrétion. Dans certains cas, comme celui où la personne est tombée en bas de l'escabeau, la Commission a accepté de lui verser une indemnité. Mais, il s'est produit beaucoup d'autres cas que la Commission n'a pas approuvés.

M. Bigg: Il me semble que c'est là une interprétation étroite des règlements. S'il prenait des cours de pilotage, je ne dis pas, mais si quelqu'un monte dans un escabeau pour changer l'ampoule, disons, dans la salle de bain, je vois pas où est le mal, à moins que le gouvernement n'engage un électricien avec un aide pour venir la changer. Il s'agit tout simplement d'interpréter la Loi d'une façon intelligente.

Le président: Monsieur Stanley Knowles.

M. Knowles (Winnipeg-Nord-Centre): Il semble y avoir une certaine nébulosité dans l'esprit de certains membres quant au sujet que nous discutons. Vous pourrez me corriger, si je me trompe, mais, si je comprends bien, même si une personne qui est devenue aveugle par suite de blessures de guerre n'essaie plus de se faire hospitaliser pour infirmités secondaires parce qu'il existe des régimes provinciaux d'hospitalisation, il y a quand même deux choses que vous aimeriez voir réaliser: Vous aimeriez d'abord que l'hospitalisation soit la même que celle des anciens combattants qui reçoivent des pensions et vous aimeriez que l'on admette nos invalidités secondaires au cas où le plafond actuel de 100 p. 100 serait haussé. La question d'hospitalisation, le droit aux anciens combattants avec des infirmités secondaires d'être hospitalisés et le versement de pensions au-delà du niveau actuel de 100 p. 100 sont les deux importantes recommandations que vous faites, n'est-ce pas?

Le président: Voulez-vous faire des commentaires, monsieur Woodcock?

M. Woodcock: Je ne sais pas si c'est exactement ce que nous exigeons, monsieur Knowles. Nous demandons que les propositions du Rapport Woods soient acceptées. Voilà, nous

[*Texte*]

adopted. I have raked up some of the conditions which, in effect, I would be very happy to see. I would be very happy if any of the war blinded across this country who had anything happen to them could go to a hospital and have free hospitalization; and if, remote as it might seem, additional injuries could possibly be connected with their blindness, they could receive additional pensions. Sure, I would love that.

Mr. Legault: I have a supplementary, Mr. Chairman, to Mr. Chadderton. In dealing with the question of consequential disabilities, are you aware of some cases that have been considered and favourably decided upon; where these consequential disabilities were added in the pension received?

Mr. Chadderton: Yes, Mr. Legault. I am aware of three types of cases under consequential disabilities. I am aware of types of cases where the Commission has approved the entitlement in full. I am aware of other cases where the Commission has approved and granted two-fifths aggravation. In other words, if it carried an assessment of 10 per cent, he would receive a pension of 4 per cent—two fifths. And I am aware of the other cases where they have been turned down.

Mr. Legault: Thank you.

Mr. Chadderton: I think there is one point, Mr. Chairman, that must be clarified here, and that is that The Sir Arthur Pearson Association of War Blinded is saying that they are no longer really interested in this consequential disability thing for the reason that they are all 100 per cent pensioners anyway, and their hospital is being looked after now whereas before it was not.

The Chairman: This is what has puzzled me all along the line. I have wondered what we have been talking about part of the time.

Mr. Chadderton: This is the exact point, Mr. Chairman. What they are saying is that personally, as an association, at the moment they do not have any members who would benefit from consequential disability.

Mr. Knowles asked whether they were interested in the consequential disability as a means of raising their people above 100 per cent into the multiple disability classification and I would presume to speak for them and to say no, they are not, because they do not consider the kind of multiple disability that we are talking about in some of these Woods Committee recommendations. They do not consider that a consequential disability would be that kind. If a man is blind and he devel-

[*Interprétation*]

avons recueilli certaines des conditions qui, de fait, nous rendraient très heureux, si elles étaient adoptées. Je suis certain que tout aveugle de guerre serait heureux de les voir adoptées et d'avoir ainsi accès à l'hospitalisation, par exemple, en cas d'infirmités secondaires. Enfin, je serais très heureux s'ils pouvaient recevoir une pension même quand l'infirmité secondaire ne se rattache que de loin à leur cécité.

M. Legault: Je voudrais traiter de l'infirmité secondaire. En ce qui concerne les infirmités secondaires, êtes-vous au courant des cas qui ont été étudiés et sur lesquels on a pris une décision favorable? Connaissez-vous des cas où l'infirmité secondaire a valu une pension supplémentaire au pensionné?

M. Chadderton: Oui. J'ai connu trois de ces cas là. Il y a des cas où la Commission a approuvé le versement d'une somme supplémentaire en entier. Il y a d'autres cas où la Commission a accepté une indemnité d'aggravation de $\frac{2}{5}$ c'est-à-dire si l'évaluation était de 10 p. 100 il recevait une pension de 4 p. 100. Il y a la troisième solution où les demandes ont été rejetées.

M. Legault: Merci.

M. Chadderton: Il y aurait autre chose à clarifier, monsieur le président. L'Association Sir Arthur Pearson dit qu'elle n'est pas vraiment intéressée maintenant à la question des infirmités secondaires, étant donné qu'ils sont presque tous des pensionnés à 100 p. 100 et que l'hospitalisation leur est maintenant fournie par les provinces.

Le président: Alors, de quoi parlez-vous?

M. Chadderton: Eh bien, c'est justement de cela, c'est-à-dire que l'Association ne compte aucun membre qui pourrait tirer avantage des dispositions concernant les infirmités secondaires. M. Knowles a demandé s'ils étaient intéressés à l'infirmité secondaire en tant qu'instrument leur permettant d'obtenir des indemnités supplémentaires. Alors, d'après moi, je ne crois pas que cela soit le fait, parce qu'ils ne considèrent pas ce genre d'infirmités multiples, dont il est question dans le Rapport Woods, ils ne peuvent pas considérer ces infirmités comme possiblement découlant de leur cécité ou de leur semi-cécité. Ce qu'ils aimeraient obtenir, c'est qu'on leur accorde un maximum pouvant atteindre 250 p. 100 du niveau actuel pour cécité totale.

[*Text*]

ops ulcers, they are willing to take their chance on having him confined to 100 per cent. What they are talking about is that the assessment for total blindness should burst through the ceiling and be 250 per cent.

Mr. Knowles (Winnipeg North Centre): Thank you. That is clear now.

The Chairman: I think it is clear for the first time in some while. Were there any further questions? Do you want to continue, Mr. Chadderton?

Mr. Chadderton: Yes.

Paired organs

Why would a White Paper want to reduce the compensation of the War Blinded who lost one eye on service an the other in "civvy street"? Why would the wish to reduce his compensation for the extreme disability of total blindness by anywhere from 10 per cent to 15 per cent? Because that is exactly what this formula does. May I refer to the Table of Disabilities, page 7, item (4), (5) and (6). This provides a 40 per cent pension for the loss of one eye on service and 30 per cent pension for the loss of the sight of the other eye in "civvy street"—a total of 70 per cent. (We can read details from the Table of Disabilities).

On this point one cannot compare the Blind to any other disability, particularly in the "paired organ" filed. To us, and within the Table of Disabilities, a one-eyed man is recognized as a fully-sighted person except for disfigurement and discomfort. This is borne out by the fact that the Government itself acknowledges that one-eyed men have performed exceptionally well in battle. See Page 14a, Table of Disabilities where it is stated:

> (1) A member of the forces with no useful vision in one eye prior to enlistment, who had service in a theatre of actual war and during service incurs disease, or injury, resulting in no useful vision in the remaining eye, will receive *full disability pension.*

They are members of all professions, including sports,—baseball, hockey, and so on, but when they lose the sight of the remaining eye, they are totally blind, and it is our contention that they should receive 100 per cent pension. It is our understanding that some countries do recognize the seriousness of this phase of "paired organ" disability as being 100 per cent, on the premise that if the man had not lost one eye on service he would continue to be a fully-sighted person (fully sighted in his ability to perform in a world

[*Interpretation*]

M. Knowles (Winnipeg-Nord-Centre): Merci tout est clair maintenant.

Le président: Je crois que c'est clair pour la première fois depuis longtemps. Y a-t-il d'autres questions? Voulez-vous poursuivre M. Chadderton?

M. Chadderton: Oui. *Perte d'organes pairs.*

Pourquoi le Livre blanc voudrait-il réduire le montant d'une indemnité versée à un aveugle de guerre qui a perdu un œil au service actif et l'autre hors du service? De quel droit le gouvernement veut-il réduire son indemnité, une indemnité dont il a besoin à cause de sa cécité, que ce soit de 10 p. 100 ou de 15 p. 100? C'est pourtant exactement ce que donne la formule proposée. Voyez la Table des invalidités page 7, numéros 4, 5 et 6. On y prévoit une pension de 40 p. 100 pour la perte d'un œil en service et une pension de 30 p. 100 pour la perte de l'autre œil hors du service, soit une pension totale de 10 p. 100. (Vous pouvez lire le détail de ce calcul dans la Table des invalidités.)

On ne peut pas comparer le cas des aveugles avec celui des autres invalides, surtout en ce qui concerne les organes pairs. D'après nous, en conformité avec la Table des invalidités, le borgne est une personne qui jouit pleinement de la vision mais qui peut souffrir de défiguration et de malaise.

A l'appui de cela, mentionnons que le gouvernement lui-même révèle que les borgnes ont rendu des services exceptionnels au combat. A la page 14a de la Table des invalidités, on affirme que:

> «(1) Le soldat qui est déjà borgne au moment de son enrôlement, qui a servi sur un théâtre de guerre réel, et qui perd l'autre œil au combat par maladie ou par blessure recevra une pension complète d'invalide».

Les personnes dont il est ici question sont membres de toutes les professions, comprennent même des sportifs, des joueurs de baseball ou de hockey. N'oublions pas que lorsqu'ils perdent l'usage du seul œil restant ils sont aveugles à 100 p. 100 et d'après nous devraient recevoir une pension à 100 p. 100. D'après nos connaissances, certains pays reconnaissent la gravité de cette phase où l'ancien combattant est borgne en accordant une invalidité de 100 p. 100, en acceptant que si cet homme n'avait pas perdu un œil en

[*Texte*]

designed for sighted persons). We feel sure that it was not the intent under this paragraph of the White Paper to reduce the compensation to the blind.

Mr. Chairman, it might save a lot of time if I just point out to the Committee that the recommendation on paired organs in the White Paper actually takes something away from what is now available to the war blinded.

It would give them 50 per cent of the pensionable disability of one eye. If a man had already lost one eye in service and he loses his second, that paired organ recommendation in the White Paper would give him 50 per cent of the assessment for one eye, which is 40 per cent; so 50 per cent of 40 per cent is 20 per cent; and when you add that to the 40 per cent you have 60 per cent. Whereas under the Table of Disabilities now that man would get 70 per cent. Therefore, they are losing 10 per cent, by the Table of Disabilities. Mr. Woodcock says in his brief:

> We feel sure that it was not the intent under this paragraph of the White Paper to reduce the compensation to the Blind.

I think that all the delegation is asking for is an assurance that this will be looked into. Probably it is an oversight. I do not know.

The Chairman: Perhaps this would be a good point at which to have a short coffee break.

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(RECESS)

(AFTER RECESS)

The Chairman: I call the meeting to order. Do you want to continue, Mr. Chadderton?

Mr. Chadderton: Mr. Chairman and gentlemen, we were on page six of the supplementary brief, under the heading "Attendance Allowance".

Attendance Allowance

We are delighted that Attendance Allowance has been recognized as something apart from Pensions, but if we interpret the balance of the statement under this paragraph, again it means the reduction of total income of the War Blinded.

[*Interprétation*]

service, il jouirait toujours de la vue d'une personne normale.

Nous croyons que l'intention du Livre blanc traitant de cette question ne vise pas à diminuer l'indemnité versée aux aveugles.

Je dois avouer, comme je l'ai fait remarquer au Comité, que les recommandations du Livre blanc sur les organes pairs enlèvent un privilège qui est aujourd'hui accordé aux aveugles de guerre.

Cela leur donnerait 50 p. 100 de l'invalidité pensionnable pour un œil. Si un homme a déjà perdu un œil en service, et perd son autre œil, selon la recommandation touchant les organes pairs du Livre blanc, on lui accorderait 50 p. 100 de l'évaluation pour un œil, ce qui veut dire une pension de 40 p. 100. Ainsi 50 p. 100 de 40 p. 100 font 20 p. 100. Et 20 p. 10 plus 40 p. 100 font 60 p. 100. En vertu de la Table des invalidités actuelle, la personne recevrait 70 p. 100, mais à cause de la modification proposée elle perdrait 10 p. 100. M. Woodcock disait dans son mémoire:

> «Nous sommes sûrs que ce n'était pas là l'intention de ce paragraphe du Livre blanc de réduire l'indemnité destinée à l'aveugle».

Je crois que la délégation entière exprime le désir qu'on lui donne l'assurance que l'on étudiera cette question. Il s'agit probablement d'un oubli. Je n'en sais rien.

Le président: Est-ce que ce ne serait pas une bonne idée que de prendre une courte pause-café.

PAUSE

REPRISE DE LA SÉANCE

Le président: Nous allons reprendre la séance. Voulez-vous continuer monsieur Chadderton?

M. Chadderton: Monsieur le président, messieurs, nous sommes maintenant au bas de la page 6 du mémoire supplémentaire, sous le titre «allocations de soins».

Allocation de soins

Nous sommes heureux que l'on ait reconnu que la question de l'Allocation de soins doit être distincte des pensions. Mais nous interprétons le reste de ces déclarations dans ce paragraphe comme une réduction du revenu total versé aux aveugles de guerre.

[*Text*]

We would like to hear from the voice or voices of authority that this is definitely not the intent, because it has long since been established under the old term "Helplessness Allowance", that the blind were in need of continuance of the allowoance while in hospital, as they did indeed continue to spend money, even while in hospital, on extra services required by a person who cannot see to accomplish them for himself. For that matter, we were assured, when the name of the allowance was changed from "Helplessness" (because of the connotation of the word "helpless") to "Attendance", that the allowances were for all the additional costs commensurate with the disability. In other words, the eavestrough still plugs up, the grass still needs cutting, and so on *ad infinitum*, while in hospital. One other question I would ask is, who determines need, and do we detect a means test creeping into the Pension Act?

The third item under this section affects our widows, and if we were asked to place a priority on the proposed recommendations in the Woods Committee report, it would be: multiple disabilities, the protection of our widows, and the retention of the present barometer of establishing basic rate, although one is tempted to put the protection of our widows first. May we again refer to our brief, under the heading "Cost of Blindness", and trust that you fully appreciate and realize the extent to which those of us who cannot see depend entirely on our wives. With but few exceptions, they are unable to augment the pension income by part-time or full-time work. The few exceptions are those under extreme distress financially in their attempt to give proper security and advanced education to the children. Again, we cannot understand why the principle of an adjustment period, financially and emotionally, is not recognized for our widows when it is recognized under the War Veterans Allowance Act, with the full allowance continuing for one year on the death of either party. There is no wish on our part to detract from the need of the benefits under the War Veterans Allowance Act, but we often think that officialdom has forgotten that we are dealing with men who have carried a multiple of disabilities for over 50 years in the case of our World War I veterans, and in the case of World War II from 25 to 29 years, with no period of time for gainful employment during which there was the opportunity to build assets for old age and to protect wife and family by private insurance. On the other hand, the average War Veterans Allowance case has had this opportunity.

[*Interpretation*]

Nous aimerions entendre l'avis des autorités nous disant que définitivement ce n'est pas l'intention de retirer une partie du revenu des aveugles de guerre, car depuis longtemps il a été établi en vertu de l'ancienne appellation «allocation d'incapacité», que les aveugles ont besoin que l'allocation se continue lorsqu'ils sont à l'hôpital, car bien sûr ils continuent à dépenser de l'argent, même à l'hôpital, pour des services supplémentaires dont a besoin une personne aveugle. A ce sujet on nous a assuré lorsque le nom de l'allocation a passé d'«allocation d'incapacité» au mot «allocation de soins», que ces allocations pourvoyaient à tous les frais additionnels, les frais supplémentaires occasionnés par l'invalidité. En d'autres mots, des gouttières doivent être débouchées, le gazon doit être tondu, etc. et à l'infini, même lorsque l'on est à l'hôpital. Une autre question que j'aimerais poser est la suivante: qui détermine les besoins? et sommes-nous pas en présence d'un contrôle des revenus affligeant la Loi sur les pensions?

Un troisième sujet de cette section traite de nos veuves. Si on nous demandait de choisir des priorités sur les recommandations proposées dans le rapport du comité Woods, nous dirions ceci: tout d'abord, les invalidités multiples, deuxièmement la protection de nos veuves, et troisièmement garder le présent système pour l'établissement du taux de base, même si l'on est tenté de faire passer la protection de nos veuves en premier. Puis-je encore me référer au mémoire, sous le titre «Le coût de la cécité», et croire que vous appréciez à sa pleine valeur que vous réalisez jusqu'à quel point ceux d'entre nous qui sont aveugles dépendent entièrement de nos femmes. A part quelques exceptions, nous sommes incapables d'augmenter le revenu de la pension, soit par un travail à temps partiel, soit à temps plein. Les quelques exceptions sont les aveugles de guerre dont les difficultés financières sont extrêmes et qui doivent pourvoir à une sécurité normale et une éducation avancée de leurs enfants. Encore une fois nous ne pouvons pas comprendre pourquoi le principe d'une période financière et émotionnelle, n'est donc pas reconnu pour nos veuves, quand cette même période est reconnue en vertu de la Loi sur les allocations aux anciens combattants, où, en vertu de cette loi, l'allocation entière est payée pendant une année après la mort de l'un ou l'autre des conjoints.

Nous ne désirons pas porter atteinte à ce besoin d'avantages en vertu de la Loi sur les allocations aux anciens combattants, mais nous pensons souvent que les autorités ont oublié que nous nous occupons ici de personnes souffrant de multiples invalidités depuis plus de 50 ans en ce qui concerne les anciens

[*Texte*]

[*Interprétation*]

combattants de la première guerre mondiale, et pour ceux de la deuxième guerre mondiale, de 25 à 29 ans, pendant lesquels en aucun temps un emploi bien rémunéré ne leur a permis de mettre de côté certains actifs pour leur vieillesse, et de protéger leur femme et leur famille au moyen d'une assurance privée. D'un autre côté, la moyenne des anciens combattants touchant une allocation en vertu de la Loi sur les anciens combattants ont eu cette chance.

• 1605

You will note that we are coupling the continuance of Attendance Allowance for one month with the subject of continued pension and allowances for one year following the death of the pensioner. The Woods Committee report recognizes the seriousness of this situation in their Recommendation. Unfortunately, over the years there is the feeling that the 100 per cent pensioner has been discriminated against in so many fringe phases of legislation, some of which have been remedied.

Vous prendrez note que nous nous occupons de la continuation de l'allocation de soins pour un mois en même temps que de la continuation de la pension et des allocations pour une année après le décès du pensionné. Le rapport du comité Woods reconnait le bienfondé de cette situation dans leurs recommandations. Malheureusement, au cours des années, on a le sentiment que le pensionné à 100 p. 100 a été désavantagé au sujet de plusieurs avantages de la Loi, malgré que certains d'entre eux ont été depuis compensés.

The extent to which we are dependent on our wives cannot be tabulated in print and one point to remember is that we are also dependent on the health condition of our wives. Who are the war blinded that our wives look after? In the main they are battle casualties; bad brain injury cases with all its resultant effects; blindness and shrapnel wounds of many kinds, producing arthritis and other consequential disabilities; amputations as well as artificial eyes; multiple sclerosis cases in wheelchairs; the more serious of the Hong Kong prisoner-of-war casualties, with the effects of maltreatment known to the Committee. In other words, where blindness is glaringly apparent to the casual observer, the business suit covers many other disabling gunshot wounds. We feel that the wives of the seriously disabled 100 per cent pensioners well deserve a pension by right for the service they have rendered to Canada's battle casualties, the service which, in many cases, would have had to have been given at Government expense in hospitals and institutions.

Il est impossible d'évaluer par un calcul jusqu'à quel point nous sommes dépendants envers nos femmes et l'on doit se souvesir que nous sommes aussi dépendants de la condition physique de nos femmes. Qui sont ces aveugles de guerre dont nos femmes s'occupent? Dans la majorité des cas, il s'agit de blessés de guerre, des blessures graves au cerveau y compris tous les effets secondaires; la cécité et les blessures par shrapnel de diverses catégories, qui produisent de l'arthrite et d'autres invalidités secondaires; des amputations tout aussi bien que des yeux artificiels; la sclérose multiple, en fauteuils roulants; les blessés les plus graves des prisonniers de Hong Kong avec les effets des mauvais traitements qui sont déjà connus du Comité. En d'autres mots, où la cécité est apparente aux yeux du public en général, les habits couvrent bien d'autres blessures invisibles. Nous croyons que les femmes des invalides à 100 p. 100 qui sont pensionnés, méritent bien une pension pour les services qu'elles ont rendus au Canada et aux blessés de guerre du Canada, des services qui dans plusieurs cas, auraient dû être faits aux frais du gouvernement dans des hôpitaux ou dans des institutions.

The present widows pension of $200 00 a month is far from adequate, in the opinion of the members of the Sir Arthur Pearson Association of War Blinded. We have in the past deliberately compared our disability with that of the paraplegic and the more serious amputation cases and there are certain aspects of paraplegia which we would not

La pension actuelle de veuves de $200 par mois est loin d'être adéquate, selon l'opinion des membres de l'Association Sir Arthur Pearson des aveugles de guerre. Par le passé nous avons délibérément comparé nos invalidités à celles d'un paraplégique et des plus sérieux cas d'amputation et même s'il y a certains aspects de la paraplégie que nous ne

[*Text*]

wish to endure, and by the same token, the paraplegics would not wish to endure many of the aspects of total blindness. We do not urge, we do not hope, but we appeal to this Committee to use whatever influence it has to protect our widows, at least for one year following our death.

Mr. Chairman, you and some members of the Committee present will realize that the writer, as Executive Secretary of our Association, was present for the submissions of the nationally chartered veterans organizations, and with the National Council of Veterans Associations in Canada. It was during these recent appearances that I heard on several occasions the question: "What is the cost to the Government?" I did not hear the following question: "What is the cost to the seriously disabled?"—although I realize that many of you have a partial appreciation of what is involved. And there is another question. During the last two years 251 members of the War Amputations of Canada have joined the Honour Roll of Departed Comrades, and our small organization, now numbering 214 at time of writing, has lost 57 since September 1965, a total of 308 struck off the pension nominal roll. The question is: "How Much Money has the Government Saved?"

Once again, Mr. Chairman, we appreciate the opportunity to express the views of the War Blinded.

This is read on behalf of F. J. L. Woodcock, Executive Secretary, Sir Arthur Pearson Association of War Blinded.

• 1610

The Chairman: Thank you, Mr. Chadderton. I take it that concludes your written submission. I know this is a very important section that you have read since recess and that members will have a number of questions to ask you. Mr. Legault?

Mr. Legault: I have no questions at the moment, Mr. Chairman. I wish to say, however, that I very much appreciate the brief that has been presented. I think it has enlightened us quite a bit and will help us understand the problems.

[*Interpretation*]

voudrions pas supporter, par la même occasion, les paraplégiques ne voudraient jamais supporter plusieurs aspects de la cécité totale. Nous n'exigeons pas, nous n'espérons pas, mais nous implorons le Comité d'utiliser son influence quelle qu'elle soit afin de protéger nos veuves au moins pour l'année qui suit notre mort.

Monsieur le président, vous et les autres membres du Comité qui sont ici présents, réaliseront que le rédacteur de ce mémoire en tant que secrétaire exécutif de notre Association, se trouvait là lors de la présentation des mémoires des organisations nationales d'anciens combattants, et aussi auprès du Conseil national des associations des anciens combattants du Canada. C'est au cours de ces audiences récentes que j'ai entendu à plusieurs occasions la question suivante: «Mais quel pourrait en être le coût pour le gouvernement»? Je n'ai jamais entendu la question: «Mais quel est le coût pour les invalides?» même si je comprends que plusieurs d'entre vous peuvent apprécier avec un certain parti pris les causes comprises dans ces questions. Et il y a encore une autre question. Au cours des deux dernières années, 251 membres de l'Association des amputés de guerre du Canada ont eu leur nom inscrit au Livre d'honneur, et notre petite association, qui actuellement comporte 214 membres, a perdu 57 de ces membres depuis septembre 1965, soit un total de 308 pensionnés rayés du rôle des pensions. Et la question est la suivante: «QUEL MONTANT LE GOUVERNEMENT A-T-IL ÉPARGNÉ?»

Encore une fois monsieur le président nous vous remerçions de la chance que nous avons eue de nous exprimer au nom des aveugles des guerres devant le Comité.

Ce mémoire a été lu au nom de M. F. J. L. Woodcock, secrétaire exécutif de l'Association Sir Arthur Pearson des aveugles de guerre.

Le président: Merci monsieur Chadderton. J'estime donc que ceci conclut la présentation de votre mémoire. Je sais qu'il s'agit là d'une importante portion de votre mémoire et il y a certainement nombre de questions que les membres du Comité aimeraient vous poser. Monsieur Legault?

M. Legault: Pas pour le moment, monsieur le président, merci. Je voudrais dire combien je suis heureux d'avoir pu écouter ce mémoire qui nous permet de mieux nous faire comprendre les problèmes auxquels font face les invalides.

[*Texte*]

Mr. Bigg: Mr. Chairman, I am very pleased to see that in this brief some special emphasis is laid on the wives of the veterans, who are really the unsung heroes of this whole business. They are the ones, both in wartime and in the aftermath, who bear a tremendous amount of the burden.

To some of us, no doubt, war was an adventure but the wives who were left behind wondering if we were ever going to come back and those who have had to put up with us after we got back, were very seldom considered and I am glad to see that the brief mentions this fact. It is only by taking this new view of what we call this quality of life which the White Paper mentions, and I must give them credit for that, that they have brought out a phrase which, I think, if it is properly implemented will do a great deal to pay back this debt which Canada owes to these people.

Mr. Knowles (Winnipeg North Centre): I gather, Mr. Chairman, that basically what the Association is asking for is the full implementation of the Woods Report so far as they are concerned. I think we all apreciate the statement Mr. Woodcock made earlier that they are not quarrelling with the fact that the Woods Committee recommended a higher rate of pension for the paraplegics than for the war blinded. Your main concern in this area is to pierce that 100 per cent ceiling. I take it, that is your position.

An hon. Member: That is right, sir.

The Chairman: Mr. Woodcock or Mr. Chadderton.

Mr. Woodcock: I would like Mr. Chadderton to speak. I might add, gentlemen, I have mentioned sleeping pills, nerve pills and so on, and I am afraid my brain is getting a bit weary now because for the last six or seven nights I have been taking the same damn thing—knock-out pills—otherwise I would never have been here today, I do not think.

Mr. Chadderton: I think, Mr. Chairman, the answer to Mr. Knowles' question is: the stand the Sir Arthur Pearson Association is taking is that they accept and fully support the recommendations of the Woods Committee which provide an assessment of 250 per cent of the 100 per cent rate for war blinded and they certainly subscribe to the 350 per cent for the paraplegic, and something in excess of that for the quadriplegic.

The other item which Mr. Woodcock has asked me to speak on arose when he was out of the room this morning. If I could refer you, just briefly, to recommendation 85 of the

[*Interprétation*]

M. Bigg: Monsieur le président, je suis très content de voir que dans ce mémoire on fait allusion aux femmes des invalides qui sont vraiment de grandes héroïnes en l'occurrence, parce que ce sont elles qui, durant et après la guerre supportent le poids de cette tragédie.

Pour certains d'entre nous, il ne fait aucun doute que la guerre a été une sorte d'aventure, mais, pour les femmes qui sont restées à la maison se demandant si nous allions un jour revenir, comme pour ceux qui ont dû prendre soin de nous au retour, on n'a eu que peu de considération. Je suis heureux de voir que, dans ce mémoire, la chose soit signalée. Si nous adoptons une nouvelle attitude vis-à-vis de ce que le Livre blanc appelle à juste titre la qualité de la vie,—il faut ici féliciter la personne qui a trouvé cette expression—nous aurons fait beaucoup au Canada pour la dette qu'on doit à ces gens.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je déduis du mémoire présenté par l'association qu'on veut, en ce qui la regarde, la mise en vigueur des recommandations du Rapport Woods. Je puis dire que nous apprécions la déclaration de M. Woodcock à savoir qu'on ne s'oppose pas à la recommandation du Comité Woods portant qu'on doit accorder une pension plus élevée aux paraplégiques qu'aux aveugles. Vous visez là à la pension de 100 p. 100. Je pense que c'est votre position.

Une voix: C'est bien ça.

Le président: M. Woodcock ou M. Chadderton.

M. Woodcock: J'aimerais que M. Chadderton réponde à cette question. Au cours des six ou sept dernières nuits, il m'a fallu prendre des sédatifs et autres cachets de la sorte. Je suis un peu fatigué, mais c'est grâce à ces pilules si je suis ici.

M. Chadderton: Monsieur le président, la réponse à la question de M. Knowles se trouve dans la position prise par l'Association Sir Arthur Pearson, à savoir qu'on accepte en entier la recommandation du Comité Woods portant qu'on évalue à 250 p. 100 le taux de la pension aux aveugles, à 350 p. 100, dans le cas des paraplégiques et un peu plus dans le cas des quadriplégiques.

L'autre point sur lequel M. Woodcock m'a demandé de parler a trait à la recommandation 85 du Comité Woods, celle dont a parlé M. Ward ce matin. J'ai noté qu'on avait modi-

[*Text*]

Woods Committee, and you have that in your files I think, this is the recommendation to which Mr. Ward made reference this morning. My notes say that this recommendation was modified in the White Paper. The thing that concerns the war blinded, and we hope you fully understand this, is that the modification does three things. First, it takes completely away from the war blinded something they have had since 1954 which is continuation of attendance allowance for the time they are in hospital under departmental treatment. It completely takes that away. You can say it is modifying it, but the war blinded prefer, and Mr. Woodcock prefers, to use the word "nullifying" the Woods Committee recommendation.

The second thing it does is take away the existing provision for paraplegics under treatment regulations for two months and it replaces that with one month certain and continued on the basis of hardship.

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The third thing is that it gives to all others under attendance allowance, something they do not have now, which is continuation of attendance allowance for one month where at the moment, even for a triple amputee, it stops the day they get out of hospital. We do not want to get into an exercise of semantics here, but we cannot accept the fact that the real definition of that is to modify something; it completely nullifies the intent of the Woods Committee recommendation as we see it.

The other thing that has us puzzled, and we will only have to leave this for a later submission, is that we do not really know now what hardship means, but hardship under Section 31(2) of the Pension Act has always meant: look at his financial assets, because under Section 31(2) of the Pension Act the Commission has always been able to extend a retroactive award for an additional six months if there was hardship; not financial hardship but just hardship. Now that exact same word appears in the White Paper. It says that the attendance allowance will be continued if there is hardship. Mr. Chairman, unless the Commission is going to have one definition of hardship applying to one section of its Act and another definition to another, which I suggest to you is chaos, we can not see any other attitude to take on this attendance allowance proposal except to say that it really means if he wants it beyond one month if the word hardship appears in the Act, the Commission will have no alternative—and we

[*Interpretation*]

fié cette recommandation. Dans le cas des aveugles, la modification porte sur trois points. Tout d'abord, on enlève aux aveugles une chose dont ils jouissaient depuis 1954, à savoir: l'allocation des soins, pendant qu'ils sont hospitalisés. On pourra employer, si l'on veut, le terme «modification», mais M. Woodcock préfère l'emploi du terme «abrogation» de la recommandation. En ce qui a trait au deuxième point, on élimine la disposition actuelle prévoyant que les paraplégiques peuvent recevoir des traitements d'une durée de deux mois et on lui substitue une durée d'un mois seulement, du fait que les gens subissent des privations.

Pour ce qui est du troisième point, on accorde à tous les autres qui touchent des allocations de soins quelque chose qu'ils n'avaient pas jusqu'à présent, c'est-à-dire la continuation des allocations de soins pendant un mois, alors que jusqu'à présent le versement de ces allocations cessait dès que le malade affligé de trois amputations quittait l'hôpital. Nous ne voulons pas verser dans la sémantique, mais nous ne pouvons accepter qu'il s'agit là d'une modification. On va complètement à l'encontre des intentions de la recommandation du Comité Woods.

L'autre chose qui nous intrigue—on en reparlera d'ailleurs dans un autre mémoire,—c'est le sens qu'on donne au terme «privation». Si l'on se reporte à l'article 31 (2) de la Loi sur les pensions, ce terme désignerait perte financière parce que l'on prévoit six mois de plus de pension à la seule condition qu'il y ait privation. On ne dit pas privation d'ordre financier, mais simplement privation. Voilà que le Livre blanc emprunte le même terme. On y déclare que les allocations de soins se continuent s'il y a privation. Nous ne pouvons accepter cela, puisque le reste change, suivant que nous parlons du Comité Woods ou que nous parlons du Livre blanc. Nous ne voyons pas quelle autre attitude nous pourrions adopter touchant cette proposition sur les allocations de soins, sauf celle d'accepter la définition qu'on en donne dans la Loi. Le Comité n'aura d'autre alternative—et nous ne pouvons l'en blâmer—que celle de scruter la situation financière du requérant.

[*Texte*]

are not blaming them—but to look at the financial assets and if that is the situation, fine.

There is just one other thing Mr. Langford asked me to bring out—without casting aspersion at all. Consider the question of a paraplegic who may have a 5 per cent pension but who is a paraplegic by reason of a car accident. Under the generosity of the Canadian government, this fellow can get attendance allowance of up to $3,000 a year. We do not want to cast aspersions on him, he is entitled to everything he gets. However, if that man goes into the hospital, presumably his attendance allowance will continue. Why? Because he is only a 5 per cent pensioner, he is a paraplegic and, obviously, he will not have enough beans to subsist on and he will require it. By the same token, the battle caused casualty is going to lose his attendance allowance. Some of the people you saw here this morning who through guts and determination are able to earn their living are going to lose their attendance allowance. Again I am getting emotional, and I admit it, but I think that this is an emotional thing. I think you have to look at it in that way and say, "What in God's name are we doing by putting in 'hardship' as a measure of whether an Attendance Allowance is going to continue?". Thank you very much.

Mr. Woodcock: Mr. Chairman, I asked Mr. Chadderton to speak to this subject mainly because I wanted to separate myself from my job and the Sir Arthur Pearson Association, because my job has been administering a D.V.A. agreed program between the Canadian National Institute for the Blind and the Department of Veterans Affairs. As a matter of fact, I wish to God I had the salary of the Department of Veterans Affairs for equal qualifications. I think I have saved the Department many, many dollars over the years in that administration. That is the one hat I am wearing and it is under that hat that I see, as I indicated before, the files of anywhere up to 1,500 blind veterans. A blind veteran is a man who has lost his sight on Civvy Street. It includes in round figures 300 war blinded—it is much less than that, I do not have an accurate figure at the moment but it is much less than that.

The Sir Arthur Pearson Association is confined now to 214, but I have a list a mile long. A pension of 2 per cent, two-fifths of a 3 per cent pension, established in recent years, receiving the maximum attendance allowance because he is totally blind. Those of us who know blindness think the man damn well deserves it and we do not want to detract

[*Interprétation*]

Il y a un autre point dont M. Langford m'a demandé de vous entretenir. Prenons le cas d'un paraplégique qui touche une pension de 5 p. 100, mais dont l'infirmité est imputable à un accident d'automobile. En vertu de la loi adoptée par le gouvernement canadien, il peut obtenir des allocations de soins jusqu'à concurrence de $3,000 par année. Nous ne lui en voulons en rien; cette personne a droit à ce qu'elle touche. Si elle est hospitalisée un de ces jours, elle continuera sans doute de toucher des allocations de soins. S'il s'agit d'un pensionné de 5 p. 100, d'un paraplégique, la chose va de soi, il ne pourrait pas subsister et il demandera les allocations. Mais pourquoi le blessé de guerre perdrait-il ces allocations? Quelques-unes des personnes que vous avez vues ce matin, qui peuvent, grâce à leur courage et à leur détermination, gagner leur vie, prendront leurs allocations de soins. C'est une réaction émotive, me diriez-vous, mais comment voulez-vous que je réagisse autrement? Je crois que c'est l'optique dans laquelle vous devez envisager la question. Vous devez dire: «Comment se fait-il qu'il doit y avoir «privation», pour qu'un pensionné puisse continuer de toucher des allocations de soins?» Merci.

M. Woodcock: Monsieur le président, j'ai demandé à M. Chadderton de me laisser parler sur ce sujet, parce que je voudrais me séparer moi-même de mon travail et de l'Association Sir Arthur Pearson. Mon travail est d'administrer le programme du M.A.A.C. convenu entre l'Institut national canadien et le ministère des Affaires des anciens combattants. Point n'est besoin de dire que j'aimerais recevoir le salaire qu'accorde le ministère aux employés qui ont cette compétence. Je crois que dans mon travail, au cours des années, j'ai épargné bien des dollars à l'administration. Mes fonctions m'obligent à prendre connaissance des dossiers de plus de 1,500 aveugles de guerre. En chiffres ronds, on compte 300 aveugles de guerre, peut-être moins que ça. Je ne dispose pas de chiffres exacts pour le moment, mais il y en a beaucoup moins.

L'Association Sir Arthur Pearson n'en compte maintenant que 214. Il y en a une longue liste. Un pensionné de 2 p. 100, de deux cinquièmes et de 3 p. 100 de pension, établie au cours des dernières années, touche le montant maximum des allocations de soins, tant qu'il est complètement aveugle. Ceux d'entre nous qui savent ce que c'est que la

[*Text*]

from his need. But when you see them mile after mile after mile, this is what I meant in the paper when I said we see, perhaps, discrimination against the 100 per cent pensioner. What I am saying, literally, is discrimination against the battle casualty.

I do not care what you say; I see merit in other things, such as, the increase with age. Certainly a man's artificial legs become a damn sight harder to get up those stairs which become steeper every day that goes by even to those of you who are fit, let alone to an amputee. By the same token, those of us who are 100 per cent disabled do not get worse; there is nothing beyond 100 per cent for the likes of us. To the Elmer Terrill's and fellows like that and the little Albert LaPlants who died with legs off and arms off and so on, those stairs get a darn sight steeper for them too, but there is no consideration beyond 100 per cent.

• 1620

I can go on with these various discriminations, the way I put it and perhaps it is the wrong expression, against the 100 per cent pensioner.

We have established years ago that the hospital hazards alone for a blind man require calling an orderly and having him take you to the washroom.

You cannot even push a wheel chair down the hall because you cannot see where you are pushing the darn thing. Why, when you are through with your hospitalization, knowing the low pay of the hospital orderlies, do we cough up out of our pockets and hand this man a gratuity in appreciation for the extra service he has granted over and above an orderly's service in any hospital. Then there is the matter of paying a reader. These are some of the things. We like to try and retain independence, we like to pay our way if we possibly can. This is why years and years ago it was definitely established that the blind needed the continuance of attendance allowance while in hospital. And I would appreciate it if someone, the Chairman or anyone here, could tell me that this White Paper is not written with the sole purpose of denying us that, as well as denying that John Henry's pension—he is sitting right over there, with one eye lost in service and the other on "civvy street"—is not going to be reduced by 15 to 20 per cent.

I would like this Committee to recommend that John Henry receive 100 per cent. I can appreciate the fact that a man who loses one hand is worse off perhaps than the chap who

[*Interpretation*]

cécité pensent que ces allocations sont bien méritées. Nous ne voulons certes pas les leur disputer. Toutefois, quand il y en a des milliers et des milliers, il y a peut-être discrimination contre ceux qui ont 100 p. 100 de pension. Ce à quoi je fais allusion ici, ce sont les victimes de la guerre.

Peu importe ce qu'on dira, je crois qu'il devrait y avoir majoration de pension avec l'âge du pensionné. Celui qui n'a que des jambes artificielles trouve de jour en jour les escaliers plus difficiles à monter. La chose est également vraie pour ceux qui ne sont pas invalides. Pour nous, ceux d'entre nous qui sont complètement invalides ne touchent pas plus que leur pension de 100 p. 100. Prenons le cas de Elmer Terrill, celui de Albert Laplante, amputé des bras et des jambes, aujourd'hui décédé, le cas de tant d'autres infortunés, la vie n'a pas été et n'est pas agréable, mais on ne leur accorde rien au delà de la pension de 100 p. 100.

Je pourrais continuer la citation des cas où il y a discrimination—peut-être que ce n'est pas là le bon mot à employer—contre le pensionné de 100 p. 100.

Il a été établi, depuis nombre d'années, que les dangers auxquels fait face un aveugle sont tels qu'il lui faut l'aide d'un infirmier pour se rendre à la salle de toilette.

Il ne peut même pas pousser sa propre chaise roulante parce qu'il n'y voit pas. Même à sa sortie de l'hôpital, sachant la maigre rémunération des infirmiers, il veut donner une gratification pour les services supplémentaires qui lui ont été rendus. Il lui faut aussi se payer un «lecteur». Ce sont là quelques-unes des choses qui nous permettent de retenir notre indépendance. Nous voulons, quand c'est possible, payer notre écot. Et c'est pourquoi il a été définitivement établi de temps immémorable que l'aveugle hospitalisé doit continuer à recevoir son allocation de soins. Et j'aimerais que quelqu'un, le président ou tout autre ici présent, puisse me dire que ce Livre blanc n'a pas été rédigé dans l'unique but de nous priver de cela et de priver John Henry de sa pension—il est assis là-bas, il a perdu un œil durant la guerre et l'autre dans la vie civile—qui sera réduite de 15 à 20 p. cent.

Je voudrais recommander à ce Comité que John Henry touche une allocation de 100 p. cent. Je comprends que celui qui a perdu une main est plus dépourvu que celui qui a perdu

[*Texte*]

loses one eye—at that stage. But the one-handed man who loses the other hand in "civvy street" is still able then to continue a way of life that is a heck of a lot better than a totally blind man because total blindness completely shuts him out of many, many fields in the labour market.

I have often thought—and of course it is perhaps nuts to say this, Mr. Chairman—that even if I had two artificials hands I could still wield a paint brush or the drawing pencil. I think this perhaps gets the point across as well as anything else I could say.

I do not know what influence you have on the Cabinet. I have appeared for many, many years in front of Parliamentary Committees with the National Council and there were times when I wondered; when Committees seemed in full sympathy with our cause, what effect it had on Cabinet. I am certainly hoping, Mr. Chairman, that your influence with the Cabinet is such that the interpretation placed on this White Paper at least leans towards our way of thinking.

Mr. Chairman, I know your time is getting short but, if I may, I would like to recognize a man at the back of the hall who was made an honorary life member of our organization—a man whom we valued very, very much on the staff of the Department of Veterans Affairs because of his common sense logic. When I say "we" I mean the disabled veterans organization. We could go to him and when we got a "yes" we knew it was a "yes" and when we got a "no" we knew it was a "no" because logical and constructive thought was given to his answers. I refer to Mr. G. L. Mann, now retired. I hope, in spite of the cutdown in staff, that the Department of Veterans Affairs replaces Mr. Mann with a man of the same calibre in the position he held in the Department. Making him an honorary life member was the least we could do for him. That is what we think of many of the government officials administering the program.

When we conclude, Mr. Chairman, our president would like to say a word of thanks, if there are no more questions.

The Chairman: Are there any more questions from the Committee? If not, Mr. Woodcock, I would be quite happy to have you call on your president.

• 1625

Mr. Woodcock: I would add only one thing, Mr. Chairman. Since last March six of these multiple disability cases we were talking about have joined the honour roll of departed

[*Interprétation*]

un œil. Mais le manchot quit perd l'autre main dans la vie civile peut beaucoup plus facilement se débrouiller que celui qui est totalement aveugle et est rejeté du marché du travail dans bien des cas.

Combien de fois ai-je pensé—c'est peut-être idiot à dire, monsieur le président—que, privé de mes deux mains, je parviendrais encore à manier un pinceau, à tenir un crayon. Je ne connais pas l'influence que vous exercez sur le cabinet. J'ai comparu à plusieurs reprises devant les comités parlementaires du conseil national, et je me suis demandé souvent, lorsque les Comités semblaient sympathiques à notre cause, quel effet cela exerçait sur le cabinet. J'espère en tout cas, monsieur le président, que votre influence auprès du Cabinet est telle que votre interprétation de ce Livre blanc coïncide au moins avec notre façon de penser.

Je sais, monsieur le président, qu'il vous reste peu de temps, mais j'aimerais signaler la présence ici d'une personne qui a été créée membre honoraire à vie de notre Association, quelqu'un que nous avons admiré quand il faisait partie du personnel du Ministère, pour son bon sens. Quand je dis nous, j'entend l'Association des anciens combattants invalides. Nous pouvions aller le voir et être assurés qu'il nous aiderait d'une façon constructive et logique. Il s'agit de monsieur G. L. Mann, qui est maintenant à la retraite. J'espère que malgré la réduction du personnel, que le ministère des Affaires des anciens combattants remplacera monsieur Mann par une personne de la même compétence. Nous en avons fait un membre honoraire à vie: c'était le moins que nous puissions faire. Voilà ce que nous pensons du nombre de fonctionnaires du gouvernement qui appliquent le programme.

Quand nous aurons terminé et si vous n'y voyez pas d'inconvénients, monsieur le président, notre président aimerait vous remercier.

Le président: Y a-t-il d'autres questions? Si non, monsieur Woodcock, je serais très heureux d'entendre votre président.

M. Woodcock: Je voudrais ajouter ceci. Depuis mars dernier, six de ces cas d'invalidités multiples dont nous avons parlé sont décédés. Encore quelques mois, quelques années,

[*Text*]

comrades. A few more months, a few more years, and you do not need to worry about us —and I am not being emotional when I say that.

Mr. C. H. Davino (President, The Sir Arthur Pearson Association of War Blinded): Mr. Chairman and fellow members of the Committee, thank you very much for your understanding of the brief we have presented today. I really do not know what to say because I am just like one of those poor peasants who does not have too much but has to live on what he gets. With the sympathy and understanding that has been demonstrated here today I think perhaps, in some way or other, we are going to get something—and it may be all for the best.

Thank you, Mr. Chairman and members of the Committee.

The Chairman: On behalf of the Committee I would like to thank you, Mr. Woodcock, Mr. Davino, Mr. Chadderton and members of the delegation for the brief that you have presented and for your appearance here today before the Committee.

Mr. Woodcock: Thank you very much, Mr. Chairman.

[*Interpretation*]

et, soit dit sans sentimentalité, vous n'aurez plus à vous soucier de nous.

M. C. J. Davino (président de l'Association des aveugles de guerre Sir Pearson): Monsieur le président, messieurs les membres du Comité, je vous remercie du plus profond du cœur pour la compréhension dont vous avez fait preuve, lors de la présentation de notre mémoire. Les paroles me manquent comme à ce pauvre paysan, qui possède peu et doit s'en tirer avec ce qu'il a. Forts de la sympathie et de la compréhension qui nous ont été manifestées ici aujourd'hui, je crois que, d'une façon ou d'une autre, nous obtiendrons quelque chose pour notre cause et que ce sera tout à notre avantage.

Je vous remercie infiniment, monsieur le président et messieurs les membres du comité.

Le président: Au nom du Comité, j'aimerais remercier, monsieur Woodcock, monsieur Davino, monsieur Chadderton et les autres membres de la délégation, pour le mémoire que vous avez présenté et pour avoir comparu aujourd'hui devant le comité.

M. Woodcock: Merci beaucoup, monsieur le président.

APPENDIX "F"

Proceedings of Committee Sessions
The Committee to Survey the Work and Organization of the Canadian Pension Commission

Volume I

Page A-8

Dr. Jousse: I have read this brief, and it really is a most excellent outline of the problems of spinal cord injury.

I do feel, however, that the disruption of the spinal cord at any level, and the higher the level the more severely, of course, is this so disrupts to a very great extent the mechanisms of the body, not only those which perform essential functions of locomotion, or use of the hands, or control of elimination, but also the mechanisms which preserve in a normal person the feeling of well being, the blood pressure mechanisms, the reaction to disease. The sensory phenomena which makes us aware of disease is disrupted in paraplegia, and as a consequence patients who have this disruption, who at any particular moment may be free from active disease, may still feel quite unwell.

This is part of the burden that they carry with them through life, and much of their concern and of their day-to-day experience hinges on concerns as to whether this feeling they have is a sign of impending disease, an infection, which it may well be, or just another false alarm.

The Chairman: They never know where they are at in effect?

Dr. Jousse: That is right, sir; they cannot evaluate their own sensory feelings very well, because there are many false alarms.

From day-to-day they carry this burden; sometimes it is a sign of impending disease, or urological infection, pneumonia, or the 'flu, and other times it is just an underlying sign of this burden.

Now, that is particularly true of those who have injuries in the cervical, or the neck region, and to a lesser extent in the others.

In addition to carrying on their day-to-day activities, they must carry around with them a lot of relatively useless structure on their

APPENDICE «F»

COMPTE RENDU DES DÉLIBÉRATIONS DU COMITÉ D'ENQUÊTE SUR L'ORGANISATION ET LE TRAVAIL DE LA COMMISSION CANADIENNE DES PENSIONS

Volume I

Page A-8

Le Dr Jousse: J'ai lu ce mémoire, qui constitue réellement un excellent exposé des problèmes que posent les lésions de la moelle épinière.

J'estime, toutefois, qu'une lésion de la moelle épinière à quelque niveau que ce soit—et, bien sûr, elle est d'autant plus grave qu'elle se situe à un niveau plus élevée—bouleverse grandement les mécanismes du corps, non seulement ceux qui permettent des fonctions essentielles comme la locomotion, l'usage des mains ou la régulation de l'élimination, mais aussi ceux qui maintiennent chez une personne normale la sensation de bien-être, les mécanismes de la tension artérielle et la réaction à la maladie. Les phénomènes sensoriels qui nous rendent conscients de la maladie sont atteints chez les paraplégiques, de sorte que les victimes de cette affection peuvent se sentir très mal à un moment où ils ne souffrent d'aucune maladie active.

C'est l'un des fardeaux qu'ils doivent porter toute leur vie, et une grande partie de leur inquiétude et de leur existence quotidienne tournent autour d'un même souci: ces malaises qu'ils éprouvent sont-ils les signes avant-coureurs d'une maladie, d'une infection, comme c'est fort possible, ou ne sont-ils une fois de plus, qu'une fausse alerte.

Le président: Ils ne savent jamais au juste à quoi s'en tenir?

Le Dr Jousse: C'est cela, monsieur; ils ne peuvent pas bien évaluer leurs propres sensations, car ils ont souvent de fausses alertes.

Jour après jour il leur faut porter ce fardeau. Il s'agit parfois des signes avant-coureurs d'une maladie, d'une infection de l'appareil urinaire, d'une pneumonie, ou de la grippe; d'autres fois, ce n'est qu'un signe latent de leur fardeau.

Cela est tout particulièrement vrai chez ceux qui souffrent de lésions dans la région cervicale, soit au niveau du cou, et se retrouve à un degré moindre chez les autres.

Non seulement ils doivent se livrer à leur activité quotidienne, mais ils doivent traîner les prothèses qu'ils portent aux jambes et

legs and so on that aren't contributing to their day-to-day activity. They have been put out of action; they have not physically lost them, they are still there, and they are a physical burden.

Now, to live under these circumstances we believe requires substantially more help from other people than most people who are disabled require. I believe that the prolongation of life is more certainly assured, for example, for the more seriously disabled if they remain in a hospital environment, where orderly nursing care is readily available.

We consider that, however, to be contrary in many instances to the best interests of the total human being, and for that reason encourage patients to go into their own homes, where certain provisions must be made. Sometimes, the wife provides assistance; sometimes they have to pay for it in terms of orderly nursing care and other special modifications to their living, and to ensure equal safety, I think, equal security with those who remain in hospital, they must expend a very substantial amount of money, and more so with the passing of years.

Sometimes men are able to cope when they are in their 20's and 30's, but the burden becomes much greater when they get into their 40's and 50's and on beyond that, more so than for those who age normally, without a disability.

Some, too, who in the process of being a paraplegic, or a quadriplegic one uses, or substitutes if you like, the upper extremities for the lower extremities, propels a wheel-chair, lifts himself in and out of his car, on and off the toilet, in and out of the bath-tub, and if he walks with braces he has to use his arms to support the crutches. There are many such patients who develop aches and pains in the shoulder region, which I think are excessive compared with those which every older person experiences.

Now, I am not sure that you are familiar with the common complications of bladder and bowel incontinence, or the threat thereof, which is not only a threat to one's health if it is not properly attended to, but is a threat to one's social well being and social acceptance, and of course a great deal of time and effort is directed by the successful paraplegic or quadriplegic to the management of these matters, and indeed it takes very substantially more time out of one's day attending to these matters, so that the remaining vocational or

qui leur sont relativement inutiles dans leur activité quotidienne. Leurs jambes ne leur servent plus à rien; ils ne les ont pas perdues, elles sont toujours là, mais elles ne sont qu'un fardeau.

Nous estimons que ceux qui sont forcés de vivre dans ces conditions ont beaucoup plus besoin de l'aide des autres que la plupart des invalides. A mon avis, les personnes qui sont atteintes d'infirmités plus graves, et qui vivent dans un hôpital, où elles sont bien soignées, ont bien plus de chances de voir leur vie se prolonger.

Toutefois, nous estimons que, dans bien des cas, cela nuit aux intérêts de l'être humain, et c'est pourquoi nous encourageons les patients à rentrer chez eux, où certaines dispositions sont alors nécessaires. Parfois, c'est leur femme qui s'occupe d'eux. Parfois, il leur faut payer pour s'assurer les services d'une infirmière, ou pour apporter d'autres modifications spéciales à leur mode de vie; et pour être aussi bien soignés que ceux qui restent à l'hôpital, il leur faut dépenser des sommes considérables, et qui augmentent sans cesse au fur et à mesure qu'ils vieillissent.

Ces hommes arrivent parfois à se tirer d'affaire quand ils ont 20 ou 30 ans, mais leur fardeau devient de plus en plus pénible à porter lorsqu'ils atteignent la quarantaine, la cinquantaine et au-delà—bien plus que chez les personnes qui, n'étant victimes d'aucune infirmité, vieillissent dans des conditions normales.

Bien souvent aussi, le paraplégique est obligé de substituer, si l'on peut dire, ses membres supérieurs à ses membres inférieurs, pour faire avancer son fauteuil roulant, pour se soulever afin d'entrer dans sa voiture et d'en sortir, pour s'asseoir sur le siège des toilettes et se relever, pour entrer dans sa baignoire et en sortir; et s'il marche à l'aide d'une prothèse, il doit se servir de ses bras pour se soutenir sur les béquilles. Bien des patients souffrent ainsi de douleurs dans les épaules beaucoup plus accentuées que celles dont souffre toute personne âgée.

Vous ne connaissez peut-être pas les complications habituelles dues aux incontinences d'urine et fonctionnelles, et la tension nerveuse qui s'en suit. Il ne s'agit pas seulement d'une aggravation de la santé du patient si l'on ne prend pas soin de lui d'une façon parfaite, mais aussi d'une aggravation de la situation sociale de l'individu. Bien sûr, de grands efforts et une grande patience sont acceptés par les paraplégiques et les paraplégiques totaux qui veulent contrôler ces phénomènes avec succès. Il est évident que cela

diversional activities must be crowded into a lesser time, and that of course in the face of some lessening of energy and drive.

Now, these particular points I do not think were made in the brief; I think that every other point that one might consider has been made in the brief, so I just added those remarks, my lord, and I would be glad to answer any questions that may be formulated.

prend plus de temps pour ce faire et qu'ainsi les autres activités professionnelles ou de loisirs doivent être accomplies dans une période plus restreinte, ce qui a pour effet d'amoindrir l'énergie et l'allant de l'individu.

Ainsi je pense que ces points pertinents n'ont pas été soulignés dans le mémoire. Je pense que tous les autres sujets ont été couverts par le mémoire, donc je me permets juste d'ajouter ces remarques. Et maintenant, monsieur, je serais heureux de répondre à toutes les questions qui me seront adressées.

MULTIPLE DISABILITY CASUALTIES
(estimated July 1969)

		Present War Disability Pension		Woods Committee Recommendations	Recommended Increase
15	quadriplegics	47,700	at 350%	166,950	
88	paraplegics	279,840	at 350%	979,440	
77	partial paraplegics	244,860	at 250%	612,150	
180		572,400	(est. avg.)	1,758,540	$1,186,140
52	totally blind	165,360	at 250%	413,400	
25	less than guiding vision	79,500	at 200%	159,000	
77		244,860	(est avg.)	572,400	$ 327,540
1	quadruple amputee	3,180	at 350%	11,130	
4	triple amputees	12,720	at 265%	33,708	
165	double amputees	524,700	at 185%	970,695	
170		540,600		1,015,533	$ 474,933
427		$1,357,860		$3,346,473	$1,988,613

NOMBRE D'INVALIDITÉS MULTIPLES
(estimations de juillet 1969)

		Pensions actuelles d'invalides de guerre		Recommandations du Rapport Woods	Augmentations recommandées
15	paraplégiques totaux	47,700	à 350%	166,950	
88	paraplégiques	279,840	à 350%	979,440	
77	paraplégiques partiels	244,860	à 250%	612,150	
180		572,400	(Estimation moyenne)	1,758,540	$1,186,140
52	cécité totale	165,360	à 250%	413,400	
25	cécité plus faible que la moyenne nécessaire à la marche	79,500	à 200%	159,000	
		244,860	(Estimation moyenne)	572,400	$ 327,540
1	amputé des quatre membres	3,180	à 350%	11,130	
4	amputés de trois membres	12,720	à 265%	33,708	
165	amputés de deux membres	524,700	à 185%	970,695	
170		540,600		1,015,533	$ 474,933
427		$ 1,357,860		$ 3,346,473	$1,988,613

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STANDING COMMITTEE ON

VETERANS AFFAIRS

COMITÉ PERMANENT DES

AFFAIRES DES ANCIENS COMBATTANTS

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Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS AND EVIDENCE

PROCÈS-VERBAUX ET TÉMOIGNAGES

No. 21

WEDNESDAY, OCTOBER 1, 1969

LE MERCREDI 1er OCTOBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir Procès-verbaux)

20781—1

STANDING COMMITTEE ON
VETERANS AFFAIRS

COMITÉ PERMANENT
DES AFFAIRES DES
ANCIENS COMBATTANTS

Chairmanm — Mr. Lloyd Francis — *Président*
Vice-Chairman — M. Carl Legault — *Vice-président*

and Messrs. — et Messieurs

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—20.

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

[*Text*]

MINUTES OF PROCEEDINGS

WEDNESDAY, October 1, 1969.
(29)

The Standing Committee on Veterans Affairs met this day at 9.45 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Bigg, Francis, Legault, MacRae, Marshall, Peters, Turner (*London East*), Whicher—(9).

Other Members present: Mr. Howard, M.P., (*Okanagan-Boundary*), Mr. Knowles, M.P., (*Winnipeg North Centre*).

Witnesses: From the War Pensioners of Canada: Messrs. M. W. Campbell, Dominion President; John Black, Immediate Past-President; R. W. Dawson, 1st Vice Dominion President and Sister Agnes E. Lizmore, Honorary Secretary. *From the Army, Navy and Air Force Veterans in Canada:* Mr. J. C. Lundberg, Dominion President and Mr. C. H. Chadderton, Acting Secretary.

The Committee heard the submission of the War Pensioners of Canada. After the questioning of the witnesses the Committee proceeded with the submissions of the Army, Navy and Air Force Veterans in Canada. Mr. Lundberg read his brief.

At 11.55 a.m., the Committee recessed to 2.00 p.m.

AFTERNOON MEETING
(30)

The Committee resumed sitting at 2.15 p.m., the Chairman, Mr. Francis, presiding.

Members present: Messrs. Badanai, Bigg, Francis, Guay (*St. Boniface*), Legault, MacRae, Marshall, Peters, Turner (*London East*), Whicher—(10).

[*Traduction*]

PROCÈS-VERBAUX

Le MERCREDI 1er octobre 1969.
(29)

Le Comité permanent des affaires des anciens combattants se réunit ce matin à 9 h. 45, sous la présidence de M. Lloyd Francis, président.

Députés présents: MM. Badanai, Bigg, Francis, Legault, MacRae, Marshall, Peters, Turner (*London-Est*), Whicher—(9).

De même que: M. Howard, député (*Okanugan-Boundary*), et M. Knowles, député (*Winnipeg-Nord-Centre*).

Témoins: Des Pensionnés de guerre du Canada: MM. M. W. Campbell, président national; John Black, ex-président immédiat; R. W. Dawson, 1er vice-président national; et la sœur Agnes E. Lizmore, secrétaire honoraire. *De l'Association des anciens combattants des armées de terre, de mer et de l'air du Canada:* M. J. C. Lundberg, président national, et M. C. H. Chadderton, secrétaire suppléant.

Le Comité entend l'exposé des Pensionnés de guerre du Canada. Après avoir interrogé les témoins, le Comité entend l'exposé de l'Association des anciens combattants des armées de terre, de mer et de l'air du Canada. M. Lundberg donne lecture de son mémoire.

A 11 h. 55 du matin, le Comité lève la séance, pour se réunir de nouveau à 2 h. de l'après-midi.

SÉANCE de L'APRÈS-MIDI
(30)

Le Comité se réunit de nouveau à 2 h. 15 de l'après-midi. Le président M. Francis occupé le fauteuil.

Députés présents: MM. Badanai, Bigg, Francis, Guay (*Saint-Boniface*), Legault, MacRae, Marshall, Peters, Turner (*London-Est*), Whicher—(10).

20781—1½

Witnesses: Same as at morning's sitting.

Mr. Lundberg, assisted by Mr. Chadderton continued reading the brief of the Army, Navy and Air Force Veterans in Canada.

At 4.10 p.m., the Committee adjourned to 9.30 a.m. Thursday, October 2, 1969.

Témoins: Les mêmes qu'à la séance du matin.

M. Lundberg continue, avec l'aide de M. Chadderton, à donner lecture du mémoire de l'Association des anciens combattants des armées de terre, de mer et de l'air du Canada.

A 4 h. 10 de l'après-midi, le Comité s'ajourne jusqu'au jeudi 2 octobre 1969, à 9 h. 30 du matin.

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee

[*Texte*]

EVIDENCE

(*Recorded by Electronic Apparatus*)

Wednesday, October 1, 1969.

• 0945

The Chairman: I call the Committee to order.

This morning we have the War Pensioners of Canada Inc. On my right is the Dominion President, Mr. Campbell. Mr. Campbell, would you introduce the members of your delegation, please.

Mr. M. W. Campbell (Dominion President, War Pensioners of Canada Inc.): Thank you, Mr. Chairman.

On my extreme left is Miss A. E. Lizmore, Honorary Dominion Secretary of the War Pensioners; sitting next to Miss Lizmore is a 1st Vice-President of the War Pensioners, Mr. Russell W. Dawson; and on my immediate right our immediate Past President, Mr. John Black.

The Chairman: Would you now present your brief, please.

Mr. Campbell: Thank you, Mr. Chairman.

As a preface to our brief I would like first of all to refer to a section in the previous brief that we presented in April of this year. In the short time that we had to prepare this brief—I received it only yesterday afternoon—I find there is one section that I would like to draw to the attention of the hon. members. Therefore, if you will bear with me, I propose, prior to the presentation of the actual brief, to call on our immediate past president, Brother John Black, to read to you this section in our previous brief.

Mr. John Black (Immediate Past Dominion President, War Pensioners of Canada Inc.): Mr. Chairman,

Canadian Pension Commission:

It is the considered opinion of the War Pensioners of Canada Inc. that much of the difficulty which has existed in regard to the administration of the Pension Act since its inception in 1919 is directly related to the attitude of the Canadian Pension Commission.

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le mercredi 1er octobre 1969

Le président: Pouvons-nous ouvrir la séance, messieurs?

Nous accueillons ce matin l'Association des pensionnés de guerre du Canada. Ici à ma droite, j'ai M. W. Campbell, président national, et je vais demander à M. Campbell de présenter les membres de sa délégation.

M. M. W. Campbell (Président national, de l'Association des pensionnés de guerre du Canada): Merci monsieur le président. A l'extrême gauche, mademoiselle Agnès Lizmore, secrétaire honorifique; à la gauche de mademoiselle Lizmore, M. Russ Dawson, notre premier vice-président et à ma droite, M. John Black, ex-président de l'Association.

Le président: Aimeriez-vous maintenant faire la lecture de votre mémoire?

M. Campbell: Nous voudrions, avant de lire le mémoire lui-même, lire un extrait d'un mémoire présenté au Comité permanent des Affaires des anciens combattants, en avril 1969 concernant le rapport du comité Woods sur les pensions. Il y a une partie de ce document que j'aimerais porter à l'attention des membres du Comité. Alors, avant de présenter le mémoire lui-même, nous allons vous rappeler ce que nous disions dans ce mémoire en avril 1969, alors, si M. Black veut bien lire cette section de notre ancien mémoire, à la page 2.

M. John Black (Ex-président de l'Association des pensionnés de guerre du Canada): Monsieur le président, au sujet de la

Commission canadienne des Pensions:

L'Association des pensionnés de guerre du Canada a l'opinion bien arrêtée que la plus grande partie des difficultés qui sont survenues au sujet de l'administration de la Loi sur les pensions depuis sa rédaction en 1919, sont directement reliées à l'attitude de la Commission canadienne des pensions.

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Possibly the best example of this arises from the fact that, under Section 5 (1) of the Pension Act, the Commission has "full and unrestricted power and authority and exclusive jurisdiction to deal with and adjudicate upon all matters and questions relating to the award, increase, decrease, suspension, or cancellation of any pension under this Act". Furthermore, under Section 5 (5) the Commission is empowered to "determine any question of interpretation of this Act and the decision of the Commission on any such question is final".

It is therefore apparent that, although the Act contains certain restrictions, the powers of the Commission are such that, given a practical and common-sense interpretation, the legislation could have been administered in such manner as to provide more realistic pensions than has been done.

A classic example is pension for multiple disability. The authority for granting War Disability Compensation (Pension) in respect of disability or disabilities incurred during military service is found in the Pension Act, as follows:

> "Section 13 (1) (a)—Pensions shall be awarded in accordance with the rate set out in schedule "A" to or in respect of members of the forces when the injury or disease or aggravation thereof resulting in the disability in respect of which the application for pension is made was attributable to or was incurred during such military service."

Section 28 (1), the operating section, states that pension shall be awarded in accordance with the extent of disability, as follows:

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> "Section 28 (1)—Subject to the provisions of Section 13, Pensions for disabilities shall, except as provided in sub-section (3), be awarded or continued in accordance with the extent of the disability resulting from injury or disease or aggravation thereof as the case may be, of the applicant or pensioner."

Section 28 (2) provides for a method of determining the extent of a disability as follows:

> "Section 28 (2)—The estimate of the extent of a disability shall be based on the instructions and a table of disabilities

[*Interpretation*]

Le meilleur exemple de ces difficultés survient du fait qu'en vertu de l'article 5(1) de la Loi sur les pensions, la Commission possède:

> «un pouvoir illimité, une pleine autorité et une exclusive juridiction pour étudier et juger toutes matières et questions concernant l'attribution, l'augmentation, la diminution, la suspension ou l'annulation de toute pension prévue par la présente loi.»

De plus en vertu de l'article 5(5) la Commission décide:

> «toute question d'interprétation de la présente loi et sa décision sur une semblable question est définitive.»

Il est ainsi visible que même si la Loi contient certaines restrictions, les pouvoirs de la Commission sont tels, que si on avait donné une interprétation pratique et pleine de bon sens à la Loi elle aurait pu être administrée d'une manière où elle aurait pourvu à des pensions beaucoup plus réalistes que ce fut le cas.

Un exemple classique est celui de la pension pour invalidités multiples. Pour accorder une pension de guerre pour invalidités en ce qui concerne une invalidité ou des invalidités multiples subies lors du service militaire, on en découvre l'autorité dans la Loi sur les pensions ainsi qu'elle suit:

> 13(1)*a*) des pensions sont accordées aux membres des forces ou à leur égard, conformément aux taux énoncés dans l'annexe A, lorsque la blessure ou maladie ou son aggravation ayant occasionné l'invalidité au sujet de laquelle la demande de pension est faite, s'est produite au cours de ce service militaire ou y est attribuable;

L'article 28(1), la partie opérationnelle de l'article, définit que cette pension doit être accordée selon l'étendue de l'invalidité, ainsi qu'il suit:

> «Sous réserve des dispositions de l'article 13, les pensions pour invalidité doivent sauf les prescriptions du paragraphe (3), être accordées ou maintenues selon le degré d'invalidité résultant de blessure ou de maladie ou de leur aggravation, selon le cas, du requérant ou du pensionné »

L'article 28(2) pourvoit à une méthode de détermination de l'étendue de l'invalidité ainsi qu'il suit:

> «L'estimation du degré d'invalidité doit être basée sur les instructions et sur une table des invalidités, que doit préparer la

[*Texte*]

to be made by the Commission for the guidance of physicians and surgeons making medical examinations for pension purposes."

We suggest that the cardinal rule of a construction of a statute is that the statute must be construed in a method to carry out the intention of Parliament, and if the words are clear and unambiguous then this intention is best declared by the words themselves. In the Pension Act, we submit, the words that clearly show Parliament's intention to award disability pensions are found in section 28 (1) which states "Pensions... shall be awarded... in accordance with the extent of the disability..."

However, in the first paragraph of Item 11 of the Table of Disabilities we find this statement:

"Item 11—where more than one pensionable disability exists, the combined assessment will be based on the combined disablement as a whole, but in no case will the combined assessment exceed 100 per cent."

This, we submit, is contrary to the intention of Parliament and is the cause of grave injustices to the multiple disability casualties. In contrast to this limitation the second paragraph of Item 11 of the Table of Disabilities reads as follows:

"When separate pensionable disabilities are the result of wound, injury or disease and confined to, either the extremities, the eyes, the ears, or vital organs, and the disabilities have entirely independent functional effects, extreme care will be exercised in assessing each disability separately, and the composite assessment will be the arithmetical sum total."

And the fourth paragraph of said Item 11:

"Where there is damage to paired organs, the arithmetical sum of the separate assessments may fall short of the true degree of entire disablement. In each case, after inspection of the table, the composite assessment is to be made at a percentage which represents a true estimate of the disablement as a whole, e.g., the loss of sight of both eyes is more than twice as serious as the loss of either, and again, a double amputation may be more than twice as serious as a single one at the same level."

[*Interprétation*]

Commission pour la gouverne des médecins et des chirurgiens qui font les examens médicaux aux fins de pension.»

Nous vous suggérons que la règle principale pour l'établissement d'un statut, soit que le statut lui-même puisse être établi d'une façon à mettre en application les intentions du Parlement, et si les mots sont clairs et dénués d'ambiguïté, ainsi l'intention du Parlement est décrite par les mots eux-mêmes. Dans la Loi sur les pensions, nous pensons que la rédaction démontre clairement l'intention du Parlement d'accorder des pensions d'invalidité. On trouve ces mots dans l'article 28(1) qui dit: «les pensions . . . doivent être accordées . . . selon le degré d'invalidité...».

Cependant, au premier paragraphe de l'article 11 de la Table des invalidités nous trouvons ce qui suit:

11. Lorsqu'il existe plus d'une invalidité donnant droit à une pension, l'évaluation combinée se fonde sur l'incapacité globale, et ne doit en aucun cas excéder 100 p. 100.

Voilà qui d'après nous est contraire à l'intention du gouvernement et la cause de graves injustices aux personnes affligées d'invalidités multiples. Contrairement à cette limitation, le second paragraphe de l'article 11 de la table des invalidités se lit ainsi qu'il suit:

Lorsque les invalidités distinctes qui donnent droit à une pension sont causées par une blessure, un traumatisme ou une maladie et se limitent aux membres, aux yeux, aux oreilles ou aux organes vitaux, et que les invalidités ont un effet fonctionnel tout à fait indépendant, on évaluera méticuleusement chaque cause d'invalidité, et l'évaluation globale en sera la somme arithmétique.

Et le quatrième paragraphe dudit article 11 se lit ainsi qu'il suit:

Lorsque des organes pairs sont atteints, la somme arithmétique des évaluations distinctes peut fournir une donnée inférieure au véritable degré d'incapacité totale. En pareil cas, l'évaluation globale doit être établie après consultation de la table, à un pourcentage qui représente une estimation juste de l'incapacité totale, par exemple, la perte des deux yeux est plus de deux fois plus grave que celle d'un seul œil, et une double amputation peut être plus de deux fois plus grave que l'amputation simple au même niveau.

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We submit that these statements are in accordance with the provisions of the Pension Act, but they are defeated by the previous arbitrary limitation which, we submit, should never have been imposed.

Many of the more seriously disabled of our war casulaties have suffered multiple disabilities, any one of which would be sufficient to disqualify them from the ordinary labour market, yet at present they receive compensation for only a portion of their disabling conditions. Of these, the major categories are the multiple amputations, the paraplegics and the blind.

We cite this as an illustration of our contention that the Canadian Pension Commission has tended to interpret the Act in a more restrictive manner than was necessary. We suggest further that the Woods Report, in itself, stands as criticism of the Commission in that the Report contains some 148 recom-

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mendations, many of which could have been implemented by the Commission under its present legislation. In many instances where an amendment to the act was required, it must be assumed that the Commission had knowledge of the problems in question, but took no action to suggest legislative amendment, preferring to accept the premise that its responsibility did not extend beyond that of administering the legislation as it existed.

The War Pensioners of Canada are not, in this submission, taking issue with the restrictive interpretations of the Commission; or with its lack of initiative in proposing legislative amendments. We are providing our views in regard to the Commission merely to emphasize a point which, in our view, now assumes considerable importance.

We refer to the fact that the government officials under the aegis of the Minister of Veterans Affairs—including those of the Canadian Pension Commission—have been giving private study—behind closed doors—to the Woods Report since March of 1968. It is assumed that these officials are, at the date of the preparation of this submission, assisting in the preparation of the government White Paper on Pension. Hence it seems realistic to suggest that when the White Paper does appear, the views as expressed therein will have been influenced to a very considerable extent by the very government officials who were the subject of criticism in the Woods

[*Interpretation*]

Nous affirmons que ces déclarations concordent aux dispositions de la Loi sur les pensions, mais elles sont infirmées par les décisions arbitraires précédentes qui d'après nous n'auraient jamais dû être imposées.

Un grand nombre des plus gravement handicapés parmi nos invalides de guerre ont souffert d'invalidités multiples suffisantes pour que chacun d'entre eux soit disqualifié sur le marché ordinaire du travail, cependant, aujourd'hui, il reçoit une compensation pour une partie seulement de sa condition d'invalide. Parmi ces derniers la principale catégorie sont ceux qui sont victimes d'amputation multiples, les paraplégiques et les aveugles.

Nous voulons de cette façon illustrer notre argument voulant que la Commission canadienne des pensions ait tenté d'interpréter la Loi d'une façon plus restrictive qu'il était nécessaire. Nous lisons, de plus, que le rapport du Comité Woods lui-même critique la Commission et que ce rapport contient quelque 148 recommandations dont plusieurs d'entre elles auraient dû être déjà mises en application dans la Commission en vertu de la présente Loi. Dans plusieurs cas où une modification de la Loi aurait été requise, on peut assumer que la Commission avait connaissance du problème en question, mais n'a pris aucune initiative afin de modifier la Loi, préférant accepter les prémisses voulant que sa responsabilité ne s'étende pas plus loin que celle d'administrer la Loi telle qu'elle existe.

L'Association des pensionnés de guerre du Canada ne veut pas dans ce mémoire critiquer les interprétations restrictives de la Commission ni son manque d'initiative aux fins de proposer des modifications à la Loi. Nous avons critiqué la Commission simplement pour mettre plus d'emphase sur un point qui, selon nous, est d'une importance considérable.

Nous voulons nous référer au fait que les fonctionnaires du gouvernement, sous l'égide du ministre des Affaires des anciens combattants, y compris ceux de la Commission canadienne des pensions, ont étudié en privé, derrière des portes closes, les recommandations du rapport Woods depuis mars 1968. On peut présumer que ces fonctionnaires, à la date de la préparation de ce mémoire, reçurent de l'aide pour la rédaction du Livre blanc du gouvernement sur les pensions. Ainsi il semble réaliste de supposer que lorsque le Livre blanc paraîtra, les opinions qu'il contiendra auront été influencées d'une façon très considérable par les mêmes fonctionnaires du gou-

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Committee Report. We desire to register the following objection:

> 2. That the decision to permit a committee of civil service advisors (including members of the Canadian Pension Commission) to study the Woods Report and to advise the Minister privately in regard to the implementation or otherwise of the recommendations of that Report has served to afford the Canadian Pension Commission (which was the subject of the inquiry) as opportunity to furnish confidential advice to the Minister in a form which cannot be challenged by (the) veterans organizations: Hence the government White Paper on Pensions will undoubtedly reflect this advice.

Thank you.

Mr. Campbell: Thank you very much, Brother John.

The Chairman: Perhaps we should hear the full brief and then have questions. We can go into those areas in which the brief has broken new ground and try to avoid spending too much time on matters that have already been discussed in detail. Is that agreeable?

Mr. MacRae: My only suggestion would be that considerable new ground seems to have been broken in the last ten minutes.

The Chairman: Yes, indeed; and I am sure we will want to say a good deal about that.

Mr. Campbell: Thank you. I now propose to read the brief to be presented today, dated October 1, 1969:

Mr. Chairman and Gentlemen:

The War Pensioners of Canada Inc. wishes to express its appreciation for this opportunity to appear before the Standing Committee on Veterans Affairs. Although, since its inception in 1922, our Association has appeared before the Standing Committee on practically every occasion, this appearance is, without a doubt, the most important one for obvious reasons.

The White Paper on Veterans Pensions first became available to our Association on September 21, 1969 or approximately ten days ago. Before and since that date, we have followed closely the submissions of our comrade

[*Interprétation*]

vernement qui sont l'objet de critiques dans le rapport Woods. Ainsi nous voulons faire figurer au compte rendu l'objection suivante:

> 2. Que la décision de permettre à un comité de fonctionnaires du gouvernement (y compris les membres de la Commission canadienne des pensions) d'étudier le rapport Woods et d'en faire rapport au Ministre confidentiellement et qui concerne l'application ou non des recommandations de ce rapport, a permis à la Commission canadienne des pensions (qui était l'objet de l'enquête) de fournir des conseils d'ordre confidentiels au Ministre sous une forme qui ne puisse être mise en doute par les associations d'anciens combattants: ainsi le Livre blanc du gouvernement sur les pensions reflétera sans aucun doute ses conseils.

Merci.

M. Campbell: Je vous remercie infiniment, frère John.

Le président: Nous pourrions peut-être écouter la lecture du mémoire et après procéder à une période de questions. Nous pouvons donc entrer dans des domaines où le mémoire a tracé un nouveau chemin et essayer de ne pas consacrer trop de temps sur des objectifs qui ont déjà été discutés dans le détail. Est-ce que cela vous convient?

M. MacRae: Ma seule idée est qu'il semble y avoir de nombreux nouveaux faits qui viennent d'être révélés au cours des dernières dix minutes.

Le président: Oui, c'est exact, mais je suis sûr que nous voulons en connaître plus à ce sujet.

M. Campbell: Je vous remercie. Je me propose maintenant de lire le mémoire qui a été présenté aujourd'hui et qui est daté du 1er octobre 1969.

Monsieur le président, messieurs,

Les Pensionnés de guerre du Canada, Inc. désirent exprimer leur appréciation de l'occasion qui leur est fournie de comparaître devant le Comité permanent des affaires des anciens combattants. Depuis sa constitution, en 1922, notre groupement a comparu à maintes reprises devant le Comité permanent, mais, sans aucun doute, la présente occasion est la plus importante et pour des motifs qui sautent aux yeux.

Le Livre blanc traitant des pensions aux anciens combattants a été communiqué à notre groupement le 21 septembre 1969, c'est-à-dire il y a une dizaine de jours. Auparavant et depuis lors, nous avons suivi de près

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associations and are fully aware of the gracious reception given by the Chairman and members of the Standing Committee to all veterans' groups.

Mr. Chairman, in the preamble to our brief, we wish to thank the Minister and this Committee for the assurance given to all veterans' groups that the White Paper is flexible and subject to adjustments through the recommendations of your Committee. The following suitably headed sections of this association's brief are purposely not outlined in order of priority. Although each section is deemed

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important, the War Pensioners of Canada Inc. whole-heartedly support the major priorities outlined to the Standing Committee by the National Veterans' Organizations in Canada in its brief on September 18, 1969.

Social Legislation

It is, naturally, incomprehensible to this association how any Member of Parliament or the White Paper can apparently group war disability pensioners in a category with social welfare recipients (that is how can a citizen living constantly on welfare assistance be compared with a veteran who has been granted a pension for recognized duty to his country during a war?) Our Association wishes to record strong objection to War Disability Pensions being classified with Old Age Security, War Veterans Allowance, Family Allowance, Welfare, and so on, and considers that the reference in the White Paper to "There have been far reaching changes in Canada's social and many new social development programmes of various kinds have meanwhile been initiated", has no bearing whatsoever on War Disability Pensions!

Our suggestion to circumvent such unequal classification may well be to ask your Committee to recommend that the term "Pension Act" be amended to "War Disability Pensions Act". In any event, the War Pensioners of Canada Inc. urgently beseech you, Mr. Chairman, and your Committee to divorce War Disability Pensions from the obviously incorrect classification with social welfare in your deliberations.

[*Interpretation*]

les mémoires présentés par nos groupements frères et nous sommes pleinement au courant de la gracieuse réception dont tous les groupements d'anciens combattants ont été l'objet de la part du président et des membres du Comité permanent.

Monsieur le président, dans le préambule de notre mémoire, nous désirons remercier le ministre et son comité de l'assurance fournie à tous les groupement d'anciens combattants et d'après laquelle le Livre blanc est un document souple qui peut être modifié selon les recommandations de votre Comité. Nous nous sommes abstenus à dessein de présenter par ordre prioritaire les rubriques que renferme le mémoire de notre association. Chaque rubrique est tenue pour importante, mais les Pensionnés de guerre du Canada, Inc. appuient de tout cœur les priorités principales qu'ont exposées au Comité permanent les organisations nationales d'anciens combattants dans leur mémoire le 18 septembre 1969.

Législation sociale

Bien entendu, l'Association ne peut concevoir qu'un député ni que les auteurs du Livre blanc puissent placer dans le même groupe les bénéficiaires des pensions d'invalidité de guerre et les personnes qui émargent à la prévoyance sociale. (Comment peut-on comparer une personne qui est sans cesse aux crochets de l'assistance publique avec un ancien combattant auquel il a été accordé une pension à cause des services signalés qu'il a rendus à son pays pendant la guerre?). Notre association désire s'opposer énergiquement à ce que l'on classe les pensions d'invalidité de guerre avec la sécurité de la vieillesse, les allocations aux anciens combattants, les allocations familiales, l'assistance publique, etc. Nous estimons que le passage du Livre blanc d'après lequel «il s'est produit des changements d'une très grande importance dans les conditions sociales et...au Canada et que dans l'entre-temps beaucoup de nouveaux programmes de progrès social de toutes sortes ont été inaugurés» n'a absolument rien à voir aux pensions d'invalidité de guerre!

Afin de mettre fin à un tel état de choses, nous pourrions proposer à votre Comité de substituer à l'expression «Loi sur les pensions» le terme «Loi sur les pensions d'invalidité de guerre». En tout cas, les Pensionnés de guerre du Canada, Inc. vous exhortent, monsieur le président, vous et votre comité, à dissocier, au cours de vos délibérations, les pensions d'invalidité de guerre des allocations de prévoyance sociale avec lesquelles elles n'ont rien à voir.

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Federal Financial Austerity

Col. Sidney E. Lambert at the War Amps 1969 Convention referred in the opening session to an increase in pension which the government owed to the pensioners by virtue of such announcement in 1967. One of the members of our organization has compiled an approximate saving of five and one half million dollars a month (based on a mere 10 per cent increase) by the government in withholding the promised increase over the past 21 months, or a total saving of over $115 million to the government. It is again incomprehensible in our minds why financial austerity programs have to deny pensioners an increase previously promised to them by the Government (it being noted in the Minister's speech to the War Amps that, although "pension rates were not in the terms of reference of the Woods Committee," veterans' leaders would be permitted to provide your Committee with "whatever additional information you consider pertinent").

Adjudication and Appeals

The War Pensioners of Canada Inc. was brought into being in 1922 as an organization because of the difficulties being encountered by many World War I Veterans whose application for pension had been denied by the Board of Pensions Commission. Today, some 47 years later, our Association appears before the Standing Committee to urge that the Woods Committee recommendation of a separate appeal board be implemented.

It has already been drawn to this Committees' attention that the White Paper does not provide for true independence in the suggested appeal division and that the major flaw in appeal procedures remains. Our Association therefore urges the Standing Committee to support our contention that an independent appeal authority outside the Pension Commission must be established (as recommended in the Woods Report) to provide justice to the appellant.

Attendance Allowance

The War Pensioners of Canada Inc. supports the recommendation of the National Veterans Organizations as presented to the Standing Committee on September 18th, 1969 which, for handy reference, is repeated hereunder.

> "The National Veterans' Organizations of Canada welcome the proposal that the Pension Act be amended to state

[*Interprétation*]

Programme d'austérité financière du gouvernement fédéral

Au Congrès de 1969 de l'Association des amputés de guerre, le colonel Sidney E. Lambert a parlé, au cours de la séance inaugurale, de l'augmentation des pensions que le gouvernement se devait d'accorder aux pensionnés à la suite de sa promesse de 1967. Selon l'un des membres de notre organisation, le gouvernement, en refusant, depuis 21 mois, d'accorder l'augmentation promise, a épargné plus de 115 millions de dollars (chiffre fondé sur une modeste augmentation de 10 p. 100). Nous ne parvenons pas à comprendre pourquoi à cause de la mise en œuvre d'un programme d'austérité financière, on refuserait aux pensionnés une augmentation qui leur avait déjà été promise par le gouvernement.

(Dans le discours du Ministre aux Amputés de guerre, nous avons noté qu'il a dit que «bien que le Comité Woods n'ait pas été chargé dans son mandat d'étudier les taux de pensions, les dirigeants des anciens combattants seraient autorisés à fournir à votre Comité tous renseignements supplémentaires que vous jugerez pertinents»).

Décisions et appels

Les Pensionnés de guerre du Canada Inc. se sont constitués en 1922 à cause des difficultés qu'éprouvaient d'anciens combattants de la première Grande guerre dont les demandes de pension avaient été rejetées par la Commission des pensions. Aujourd'hui, 47 ans plus tard, les associations comparaissent devant le Comité permanent afin d'exhorter le Comité à mettre en œuvre la recommandation du Comité Woods relative à la création d'un Bureau d'appel distinct.

On a déjà appelé l'attention du Comité sur le fait que le Livre blanc ne prévoit pas une division d'appel réellement indépendante et que la principale lacune que comportent les procédures d'appel n'ont pas été supprimées. Par conséquent, notre association exhorte le Comité permanent à appuyer notre thèse d'après laquelle il y a lieu d'établir une autorité indépendante d'appel étrangère à la Commission des pensions (comme le recommande le rapport Woods) afin de rendre justice à l'appelant.

Allocation pour soins

Les Pensionnés de guerre du Canada, Inc. appuient la recommandation des organisations nationales d'anciens combattants, présentée au Comité permanent le 18 septembre 1969, laquelle, pour plus de commodité, est reproduite ci-dessous: «Les organisations nationales d'anciens combattants du Canada accueillent avec plaisir la proposition d'après laquelle la Loi sur les pensions doit être modifiée afin de

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unequivocally that the Attendance Allowance is not considered part of any pension paid for disability; we are also pleased that the government rejected the recommendation that would have restricted the payment of Attendance Allowance to those whose need is conditional, to some degree at least, on their pensioned disabilities. We question, however, the government' proposal concerning the payment of this allowance for only one month, except in cases of hardship, when a pensioner is in hospital. Section 33 (3) of the Pension Act provides that Attendance Allowance in payment to a pensioner who is blind, shall continue in payment during the time that he is an in-patient under treatment or care from the Department of Veterans Affairs. It seems reasonable to assume that this principle is sound, in that it has been in force since 1954.

The Woods Committee felt that this provision could be extended to all other pensioners in receipt of Attendance Allowance at the maximum rate. To do any less would not only seem an injustice, but would also represent a negation of a principle which had received legislative sanction some fifteen years ago."

Automatic Age Increase

The Woods Committee concluded that the automatic increasing of pensions for fixed disabilities, with increasing age, was a sound principle of pension administration. The Table of Disabilities of the Commission now provides for automatic increases for amputation and other gunshot wounds for disability pensioners in receipt of pension at 50, 60, and 70 per cent provided the wounds were received in direct action with the enemy. The Woods Committee considered that these provisions should apply to pensioners in receipt of pension at 80 and 90 per cent and for all amputations arising from wounds or physical injury. (Amputation from disease was excluded from the Woods Committee recommendations, in that such would be subjected to periodic medical reviews in order to examine the possible progression of the disease).

It has been clearly established that automatic age increase is an acceptable principle where amputation arises from causes other than disease or for gunshot wounds.

The War Pensioners of Canada Inc. urges that the Automatic Age Increase be also applied to the following:—

[*Interpretation*]

déclarer sans équivoque que l'allocation pour soins n'est pas considérée comme faisant partie de la pension versée pour invalidité. Nous sommes heureux aussi de constater que le gouvernement a rejeté la recommandation qui aurait limité le paiement de l'allocation pour soins à ceux dont le besoin dépend, dans une certaine mesure du moins, de leur infirmité ouvrant droit à pension. Nous protestons, toutefois, contre la proposition du gouvernement d'après laquelle l'allocation ne devrait être versée que pour un mois, sauf dans les cas d'embarras pécuniaire, lorsque le pensionné est à l'hôpital. L'article 33 (3) de la Loi sur les pensions stipule que l'allocation pour soins accordée à un pensionné aveugle doit être versée pendant qu'il est hospitalisé ou subit un traitement ou reçoit des soins du ministère des Affaires des anciens combattants. Il semble raisonnable de supposer que ce principe est sain puisqu'il est en vigueur depuis 1954.

Le Comité Woods estime que cette disposition pourrait être étendue à tous les autres pensionnés qui touchent l'allocation pour soins au taux maximum. Sinon ce serait non seulement commettre une injustice, mais rejeter un principe sanctionné par la loi il y a une quinzaine d'années.»

Augmentation automatique selon l'âge

Le Comité Woods a conclu que l'augmentation automatique des pensions pour invalidité fixe, à mesure que le pensionné avance en âge, constituait un sain principe de l'administration des pensions. Le tableau des invalidités de la Commission prévoit maintenant une augmentation automatique de la pension à la suite d'amputation ou d'autres blessures causées par un coup de feu en ce qui concerne les titulaires de pensions d'invalidité qui touchent une pension au taux de 50, 60 et 70 p. 100, pourvu que les blessures aient été subies face à l'ennemi. Le Comité Woods était d'avis que ces dispositions devraient viser tous les pensionnés touchant une pension de 80 et 90 p. 100 et toutes les amputations découlant de blessures ou de lésions. (L'amputation à la suite de maladie a été exclue des recommandations du Comité Woods, étant donné que dans de tels cas, des examens médicaux périodiques seraient effectués afin de déterminer le progrès de la maladie).

Il a été nettement établi que l'augmentation automatique selon l'âge est un principe acceptable lorsque l'amputation découle de causes autres que la maladie ou une blessure causée par un coup de feu.

Les Pensionnés de guerre du Canada Inc. préconisent que l'augmentation automatique selon l'âge s'applique aussi aux cas suivants:

[*Texte*]

(1) Pensioners in receipt of pension at 80 per cent or 90 per cent.

(2) Amputation or gunshot wound not incurred in direct action with the enemy.

Basic Rate

The War Pensioners of Canada Inc. is very disappointed that the White Paper on Veterans Pensions did not review the basic rate of disability pensions, as it apparently was not within the terms of reference. It is difficult to understand why this was not done, as the Woods Committee, whose report was tabled in the House in March, 1968, were given permission by the Honourable Roger Teillet, then Minister of Veterans Affairs, to make a recommendation in this regard. Their recommendations were, "that there was no reason to change the basic rate of pension since those which were presented to the 1919 Parliamentary Committee to be the earning power of the man in the class of the untrained labourer..."

This Association can see no need for a new basis for calculation of a war disability pension, and it will be noted that the Woods Committee Report defines the "yardstick" in the following words: "The amount for 100 per cent pension should continue to be the earning power of a man in the class of the untrained labourer; as determined by the average wage for this type of employment in the Public Service of Canada."

Therefore, it would appear to this Association that the reason for not confirming the basic rate is purely financial, and the War Pensioners of Canada Inc. is disturbed that other parliamentary investigation could alter the existing base for disability pensions.

• 1010

In this Associations' opinion, the standard as set out above should remain unchanged and should be immediately confirmed. It would also appear high time that the present disability pension rates should be brought in line with the basic rate of the unskilled labourer, as determined by the average wage for this type of employment in the public service of Canada.

In the whole matter of the basic rate of pensions, we concur in the brief presented by the National Veterans Organizations of Canada when they appeared before your Committee on the 18th of September, 1969, and it has the whole-hearted endorsement of the War Pensioners of Canada, Inc.

[*Interprétation*]

(1) Pensionnés touchant une pension de 80 ou 90 p. 100.

(2) Amputation ou blessure causée par un coup de feu mais non pas nécessairement subie face à l'ennemi.

Taux de base

Les Pensionnés de guerre du Canada Inc. sont fort déçus que le Livre blanc sur les pensions des anciens combattants n'ait pas passé en revue le taux de base des pensions d'invalidité car, apparemment, cela ne faisait pas partie du mandat du Comité. Il est difficile de comprendre pourquoi il n'en a pas été ainsi, étant donné que le Comité Woods, dont le rapport a été déposé à la Chambre des communes en mars 1968, a été autorisé par l'honorable Roger Teillet, ministre des Affaires des anciens combattants à l'époque, à formuler une recommandation à cet égard. Le Comité a déclaré que «rien ne motivait un changement dans le taux de base des pensions depuis celui qui a été présenté au Comité parlementaire de 1919 comment étant le salaire d'un ouvrier non spécialisé...»

L'Association ne voit pas la nécessité d'une nouvelle base de calcul de la pension d'invalidité et l'on notera que le rapport du Comité Woods définit la norme de la façon suivante: «Le montant de la pension de 100 p. 100 devrait continuer à représenter le salaire moyen d'un ouvrier non spécialisé dans le Service public du Canada.»

Par conséquent, aux yeux de l'Association, la raison pour laquelle on refuse d'accepter le taux de base est d'ordre purement financier, et les Pensionnés de guerre du Canada Inc. se préoccupent de la possibilité que d'autres enquêtes parlementaires modifient le taux de base existant des pensions d'invalidité.

De l'avis de l'Association, la norme énoncée ci-dessus ne devrait pas être modifiée et devrait être immédiatement confirmée. Il semble être grand temps également que les taux actuels des pensions d'invalidité soient alignés sur le salaire de base des ouvriers non spécialisés dans le service public du Canada.

En ce qui concerne la question du taux de base des pensions, nous approuvons le mémoire présenté par les organisations nationales des anciens combattants du Canada lorsqu'elles ont comparu devant votre Comité le 18 septembre 1969 et que les Pensionnés de guerre du Canada Inc. appuient de tout cœur.

[*Text*]

Consequential Disabilities

On page 13 of the White Paper, "Loss of Paired Organs" follows "Consequential Disabilities". It is our understanding that "Loss of Paired Organs" is actually a continuation of "Consequential Disabilities" and does not refer to loss attributed to service.

Legal Damages (Pensioners Involved in Damage Claims).

Sections 20, 21 and 22 of the Pension Act, often described as notorious by veterans organizations provide that where legal damages or Workmen's Compensation are paid as a consequence of the circumstances which cause death or disability for which, in addition, there may be a requirement to pay pension under the Pension Act, the amount of such legal damages or workmen's compensation shall result either in a reduction of pension or, alternatively, the damages or workmen's compensation shall be paid to the federal government.

Presumably the framers of the legislation felt that, as a principle, the Crown should not be required to make a pension payment where someone else was at fault.

The Woods Committee concluded that this principle was contrary to the basic pension law which provides that pension is a matter of right, and that if the circumstances of a disability or death were such as to warrant a pension, this should be paid regardless of any other payments which may be made to the pensioner or his widow from other sources. Accordingly, the Woods Committee recommended the deletion of these sections of the Act, and that their recommendations should be retroactive to the extent that any amount recovered by the Crown and/or any amount by which pension was reduced should be refunded where practicable. The War Pensioners of Canada Inc., having had a relatively large number of such cases refused by the Pension Commission in the past, welcomes this very excellent recommendation, and urges upon the Government its adoption at the earliest possible opportunity.

Multiple Disabilities

The War Pensioners of Canada Inc., has been advised that the Standing Committee on Veterans Affairs appeared to be seriously impressed with the submission by the National Veterans Organizations of Canada on Sep-

[*Interpretation*]

Invalidités secondaires

A la page 13 du Livre blanc, la «perte d'organes pairs» suit les invalidités secondaires. A notre avis, la «perte d'organes pairs» est un corollaire des «invalidités secondaires» et n'a rien à voir à la perte attribuable au service

Dommages-intérêts (Pensionnés impliqués dans des réclamations pour dommages-intérêts).

Les articles 20, 21 et 22 de la Loi sur les pensions que les organisations d'anciens combattants qualifient souvent de «tristement célèbres»,—prévoient que lorsque des dommages-intérêts ou une indemnité en vertu de la Loi sur l'indemnisation des accidentés du travail sont payés par suite des circonstances qui ont entraîné le décès ou l'invalidité et pour lesquels une pension peut en outre être payable en vertu de la Loi sur les pensions, le montant de ces dommages-intérêts ou de l'indemnité versée en vertu de la Loi sur l'indemnisation des accidentés du travail sera déduit de la pension ou bien les dommages-intérêts ou l'indemnité versée en vertu de cette dernière loi seront payés au gouvernement fédéral.

Vraisemblablement, les rédacteurs de la loi estimaient qu'en principe la Couronne ne devrait pas être tenue de verser une pension lorsqu'un tiers est en faute.

Le Comité Woods en a conclu que ce principe était contraire à la loi fondamentale des pensions, qui stipule que la pension est payable de droit et que si les circonstances qui ont causé l'invalidité ou le décès motivaient le versement d'une pension, cette pension devait être versée sans tenir compte de n'importe quelle autre pension qui pourrait être versée au pensionné ou à sa veuve et provenant d'autres sources. En conséquence, le Comité Woods a recommandé que ces articles soient abrogés et que cette recommandation ait un effet rétroactif de façon que toute somme recouvrée par la Couronne et ou toute somme déduite des pensions devraient être remboursées chaque fois que cela est possible. Les Pensionnés de guerre du Canada Inc. ayant par le passé présenté un nombre relativement élevé de réclamations de ce genre, lesquelles ont été rejetées, accueillent avec enthousiasme cette excellente recommandation et exhortent le gouvernement à l'adopter sans tarder.

Infirmités multiples

Les Pensionnés de guerre du Canada Inc. ont appris que le Comité permanent des affaires des anciens combattants semblait sérieusement impressionné par le mémoire présenté le 18 septembre 1969 par les organisations natio-

[*Texte*]

tember 18th, 1969 on the subject of multiple disabilities. In addition, when preparing this brief it is understood that individual organizations directly concerned with this topic will be making a further presentation thereof. For these reasons our Association is convinced that the Standing Committee will consider the recommendations as a priority adjustment to the proposal contained in the White Paper.

Conclusion

In summary, reference is made to a quotation in "Reports of the Events (Ottawa and Overseas) November, 1968 Commemorating the 50th Anniversary of World War I Armistice" by the Right Honourable Pierre Trudeau, Prime Minister of Canada who said on that occasion:

> We are gathered here tonight to give public expression to our admiration for heroism in the past and to our aspiration for peace in the future; but it is deep within each of us that the real celebration of Remembrance Day must take place".

• 1015

It is our Association's sincere hope that such sentiment will be reflected through actions of the Government of Canada by improved legislation including our recommendations for the benefit of war disability pensioners.

Mr. Chairman, we are fully cognizant of, and appreciative of, the time and study you and your Committee have devoted to the various veterans groups to date, and we wish to offer our thanks for the attention given to our organization's brief today. If there are any questions from you or your Committee on this brief, we would welcome an opportunity to attempt a satisfactory reply.

N.B. Our Association was allotted only six working days subsequent to its receipt of the White Papers to prepare this brief prior to the allotted appearance before the Standing Committee and regrettably it was physically impossible to supply a French translation of this brief. Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Campbell. I would like to make just one observation, Mr. Campbell. The Committee has said, and on behalf of the Committee I would like to repeat now, that there is no intention of closing the door to you should at a subsequent

[*Interprétation*]

nales des anciens combattants du Canada au sujet des infirmités multiples. En outre, sauf erreur, les différentes organisations qui s'intéressent directement à cette question présenteront de nouveaux mémoires à ce sujet. Pour ces motifs, notre association est convaincue que le Comité permanent accordera aux recommandations la priorité sur les propositions que renferme le Livre blanc.

Conclusion

Pour résumer, on fait mention d'une citation tirée des «Rapports des événements (Ottawa et outre-mer) de novembre 1968 commémorant le 50e anniversaire de l'armistice qui a mis fin à la Première Grande guerre; le très honorable Pierre Trudeau, premier ministre du Canada, aurait déclaré à cette occasion: «Nous sommes réunis ici ce soir afin d'exprimer publiquement notre admiration des faits héroïques du passé et nos aspirations pour la paix future. Toutefois, pour chacun d'entre nous, c'est dans le tréfond de nos cœurs que la véritable célébration du jour du Souvenir doit avoir lieu.» Nous espérons sincèrement que le gouvernement du Canada donnera suite à ces sentiments en adoptant une loi améliorée comportant nos recommandations, pour l'avantage des bénéficiaires des pensions d'invalidité de guerre.

Monsieur le président, nous sommes pleinement au courant, et nous vous en savons gré, du temps et de la peine que vous-même et votre comité avez consacrés jusqu'ici aux différents groupements d'anciens combattants; nous désirons vous remercier de l'attention que vous avez accordée au mémoire de notre organisation aujourd'hui. Si vous-même ou votre comité désirez poser des questions au sujet du présent mémoire, nous saisirons avec plaisir l'occasion de présenter une réponse satisfaisante.

Nota: Étant donné que notre association n'a eu que six jours ouvrables (après la réception du Livre blanc) pour préparer le présent mémoire avant de comparaître devant le Comité permanent, nous regrettons qu'il était absolument impossible d'en présenter une traduction française. Merci, monsieur le président.

Le président: Merci, monsieur Campbell. J'aimerais faire une observation avant que le Comité ne pose des questions. Le Comité a déclaré qu'il n'a pas l'intention de vous fermer les portes au nez si vous voulez jamais revenir pour présenter des vues qui auront pu

[*Text*]

date you desire to make additional representations. We realize that you have had some difficulty in the time limit you have been working and preparing your comments. I think we will leave it at that, if we may?

Mr. Campbell: Thank you very much.

Mr. Bigg: Mr. Chairman, could we see that the French members get a copy? Is something being done about it?

The Chairman: This is in the record and as soon as the transcript is prepared, it will be in the two official languages side by side.

Mr. Bigg: I meant this brief. Of course, this will be in the transcript, too.

The Chairman: It will be part of the transcript and it will be translated and presented in the two official languages as will the full report of today's proceedings.

I see a number of people who have indicated questions. I know Mr. MacRae had his hand up. I saw Mr. Whicher indicating earlier. Mr. MacRae, again I wonder if we can pick subject areas and move from one to the other and try and organize our comments by subject as we proceed. I think you indicated that you had some comments on the introductory section, Mr. MacRae. Would that be a convenient way to start?

Mr. MacRae: It would be convenient for me. Mr. Chairman, we did not have a copy of the original submission by the Past President so I just have to work from one or two notes. I felt that the approach made by this gentleman was hard hitting and perhaps a bit of a new approach. We have listened now to a great many submissions; this one was interesting and novel. I would like to question the witness for my own clarification, for my own satisfaction.

I gathered in his criticism of the Canadian Pension Commission that there was a criticism of the Commission because of the 100 per cent limitation on multiple disability. In other words, you were saying that it was the responsibility, the fault if I can use that word, of the Commission that they did not go over the 100 per cent and perhaps you would like to correct that or explain it?

Mr. Black: We were trying to point out, sir, that according to the Act there is no limitation and this 100 per cent ceiling was imposed by the Commission itself.

Mr. MacRae: Thank you for that explanation. It has been my own impression from my experience over the years in dealing with pension cases, and I am a veteran myself, that

[*Interpretation*]

être modifiées par les événements. Je crois que ce sera tout là-dessus, pour le moment.

M. Campbell: Merci beaucoup.

M. Bigg: Est-ce que les membres francophones du Comité pourront avoir un exemplaire en français?

Le président: Oui, dès que le procès-verbal et la transcription seront prêts, nous aurons le français et l'anglais.

M. Bigg: Le mémoire sera inscrit au procès-verbal?

Le président: Oui, le mémoire sera inscrit au procès-verbal et nous aurons le procès-verbal dans les deux langues officielles dès qu'il aura été traduit. Je vois ici qu'il y a un très grand nombre de membres du Comité qui ont indiqué leur désir de poser des questions. Pouvons-nous déterminer différents sujets à partir desquels nous poserons des questions? Vous avez des commentaires sur la question de l'introduction? Êtes-vous d'accord?

M. MacRae: Cela me convient. Monsieur le président, nous n'avons pas reçu un exemplaire de ce qu'a lu l'ancien président. Je dois dire que ce qu'il a dit était intéressant et utile à la fois. J'aimerais toutefois avoir certains éclaircissements.

Dans ses critiques du travail de la Commission canadienne des pensions, il cri iquait surtout le fait qu'on a appliqué la limite de 100 p. 100 dans le cas des infirmités multiples. En d'autres mots, ce que vous vouliez dire c'est que c'est la faute de la Commission si on n'a pas dépassé le 100 p. 100. Est-ce que vous voudriez expliquer ce point de vue?

M. Black: Nous voulions faire remarquer, monsieur, que d'après la loi, il n'y a aucune limite et que le plafond de 100 p. 100 a été imposé par la Commission elle-même.

M. MacRae: Merci beaucoup. J'ai l'impression, d'après mon expérience, n'oubliez pas que je suis un ancien combattant moi-même et que j'ai déjà eu à m'occuper de questions

[*Texte*]

this is not so. I do not know whether the Chairman would like to comment on that particular point, at this moment or to discuss it further or have it brought up later, but I will say frankly that is not in accordance with the facts as I understand them. I do not know if anybody else understands them that way or not. I have never attributed the fault to the Canadian Pension Commission because they did not go beyond 100 per cent.

The Chairman: What is 100 per cent? One hundred per cent is the concept of earning capacity, is that not it?

Mr. Black: There is an allotment for each individual disability.

The Chairman: What is the basic 100 per cent? What does it represent for pension purposes?

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Mr. Black: This would be somebody's opinion according to their interpretation of the Act.

The Chairman: Is not the unskilled labourer the yardstick? Has this not been the basis for determining pension rates which was adopted in 1919, was that not the beginning?

Mr. Black: The basis, yes, but there is nothing in the Pension Act as we can see which limits the disability of a veteran to 100 per cent. We try to point out that the multiply disabled—for instance the loss of one eye is not half as great as the loss of two eyes. We try to point out that the loss of two eyes is much more than twice the disability of the loss of one eye.

The Chairman: I do not think there is ever any suggestion that we could compensate in monetary terms for the loss, the suffering and the idignities that many of the people who have appeared before this Committee have suffered. No matter what we ever gave them, we would never compensate for what some of these men and women have gone through. However, we are thinking in terms of a structure and a rate of payment and relating in a scale. The question I think Mr. MacRae was asking and one which I attempted to ask myself was: What happens if you say that a man should be compensated at three and a half times the basic earning capacity. What is the basis for this? What are you doing to the basic earning yardstock when you take that approach? Are you undermining your yardstick?

Mr. Black: Possibly not, there are approximately 500 multiply disabled veterans in

[*Interprétation*]

de pensions qu'il n'en est pas ainsi. Je ne sais pas si votre président aimerait traiter de cette question, mais j'aimerais dire franchement que ce n'est pas ma façon de comprendre les choses. Est-ce que quelqu'un d'autre pourrait apporter d'autres éclaircissements? Je n'ai jamais attribué la faute à la Commission des pensions du Canada parce que les pensions ne dépassaient pas le 100 p. 100.

Le président: Qu'est-ce que ce 100 p. 100? C'est le concept de la capacité de gain, n'est-ce pas?

M. Black: On attribue une certaine somme pour chaque infirmité.

Le président: Mais que représente le 100 p. 100 de base?

M. Black: Il s'agit d'une interprétation personnelle suivant l'interprétation de la loi.

Le président: Le travailleur non spécialisé n'est-il pas le critère de base. Est-ce qu'il n'y a pas de critères d'établis pour déterminer le taux des pensions tel qu'adopté en 1919?

M. Black: Oui, c'est exact, mais rien dans la Loi sur les pensions, d'après nous, ne limite au 100 p. 100. Il faut noter, par exemple, que la perte d'un œil n'a pas la moitié de la gravité de la cécité complète. La perte des deux yeux est infiniment plus grave que le double de la perte d'un œil.

Le président: Je crois bien qu'on n'a jamais cru qu'on pouvait accorder une indemnité monétaire qui pouvait compenser pour les pertes, les indignités et les souffrances qu'ont subies plusieurs des personnes qui sont venues témoigner devant le Comité.

Nous essayons d'établir une structure et une échelle de paiements visant à vous attribuer des pensions satisfaisantes. La question posée par M. MacRae et celle que je me pose moi-même c'est celle-ci: qu'est-ce qui se passe quand vous dites qu'une personne doit être indemnisée à trois fois et demie sa capacité minimum de gains, sur quoi vous fondez-vous pour demander cela? Que faites-vous du critère du salaire de base, à ce moment-là? Vous sous-évaluez votre critère?

M. Black: Non sans doute. N'oubliez pas qu'il y a à peu près seulement 500 anciens

[*Text*]

Canada and their suffering can never be repaid by the state.

The Chairman: We know that.

Mr. Black: At least we could give them whatever their percentage adds up to in dollars and cents. Their suffering is not limited only to their physical suffering, but it concerns their social ability; what they miss in social life; in manhood; sexual relations and so on, depends on what their disabilities are. There is so much loss to these people and they have received nothing in the past, other than their 100 per cent and it would not be an injustice at this time to ask the government to go all out and let us just add up their disabilities and pay them accordingly.

The Chairman: Mr. Bigg.

Mr. Bigg: Mr. Chairman, it seems that the yardstick, as I understand it, is this. In the minds of the people who set up the Pension Commission, the yardstick they first set out was the labour market.

I will take the bush worker as an example. If he lost both his legs, he could not possibly go back to the bush and climb the trees and put the big top on the pole. So they said: "If this happens, if you lose both your legs we are going to give you 100 per cent pension." That is the yardstick on what you are going to get. I think the veterans are saying: "If he also lost both his arms, if you forgot about his legs which the Pension Act actually says to do when you are assessing the disability you are not supposed to talk about his legs when you are talking about his arms." If he also lost both arms, he could not saw in the bush, therefore for losing his arms he is 100 per cent disabled.

If you go a little further and also say he is blind, he is not only disqualified from the bush, but he is disqualified from any job where he needs his eyes so he is disqualified 300 per cent, if you consider these disabilities separately, as the Act tells you to. Now we do not know and I am not sure, I was not on the Pension Commission, but who was it who originally said that when we are adding up this 300 per cent disability, we are not allowed to go beyond in money terms. For something which does add up to a 300 per cent disability you can take the direct wording of the Act and it says that you will add up arithmetically the sum total of these disabilities, and if you do you will come to a

[*Interpretation*]

combattants, qui souffrent d'infirmités multiples au Canada et le gouvernement ne pourra jamais les indemniser pour les souffrances qu'ils endurent.

Le président: Nous le savons.

M. Black: Alors, si nous pouvions au moins leur fournir ce dont ils ont besoin en dollars et en cents, vous ne diminueriez peut-être pas leurs souffrances physiques mais vous les aiderez dans leurs autres problèmes. Leurs activités sociales sont réduites, leur vie d'homme est atteinte, ils ne peuvent pas avoir de relations sexuelles, tout dépendant évidemment de leur incapacité ou des infirmités dont ils sont affligés. Ils ont beaucoup perdu et n'oubliez pas qu'ils n'ont rien reçu dans le passé au-delà du 100 p. 100. Ce ne serait certainement pas une injustice à l'heure actuelle que de demander au gouvernement de faire la somme de leurs infirmités et de leur accorder une pension en conséquence.

Le président: M. Bigg.

M. Bigg: Il me semble, si je comprends bien, que dans l'esprit des gens qui ont établi la Commission canadienne des pensions le critère original était fondé sur la valeur ouvrière.

Prenons un bûcheron à titre d'exemple, s'il perd ses deux jambes, il ne peut retourner dans le bois et couper les arbres, aussi on lui dit: Si ceci vous arrive, si vous perdez vos deux jambes nous vous accorderons une pension à 100 p. 100. C'est sur ce critère qu'ils se fondent. Je pense que les anciens combattants disent «S'il a aussi perdu ses deux bras, et si vous oubliez qu'il a perdu ses jambes, ce que la Loi sur les pensions ordonne en fait de faire au moment de l'appréciation de l'invalidité, il n'est pas question de ses jambes quand on parle de ses bras. S'il a aussi perdu les deux bras il ne peut plus travailler, par conséquence en perdant ses bras il est invalide à 100 p. 100.

Maintenant si vous poussez l'affaire encore plus loin et si vous dites qu'il est aussi aveugle, non seulement il ne peut plus travailler dans le bois, mais il ne peut plus faire aucun travail pour lequel il aurait besoin de ses yeux, aussi à notre avis il est inhabile à 300 p. 100, vous considérez ces invalidités séparément, comme la loi l'ordonne de le faire. Maintenant nous ne savons pas et je ne suis pas sûr, je ne faisais pas partie de la Commission des pensions, mais qui a dit à l'origine «quand nous additionnons ces invalidités jusqu'au pourcentage de 300 p. 100, il ne nous est pas permis de dépasser l'équivalent en argent qui correspond à une invalidité de 300 p. 100. D'après ce que dit la Loi vous addi-

[*Texte*]

figure of 300 per cent, or perhaps more in some cases. I am sure this is what they are worried about. It is not semantics, but it is cash return for these arithmetical totals.

I do not think we are destroying the yardstick. We are still saying that if you are getting any 100 per cent total, it must add up to a loss of ability to earn your living in the bush. To me it is not inconsistent to say that

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he could lose this at three different levels of his body; therefore, it is the intention of Parliament to try and compensate him at each of those three different levels. Also, only in the final analysis when you are finally adding up what all his disabilities are, using the same physical yardstick, can you come to a reasonable compensation to him.

That is the way I see it and I think that if the pension people themselves...

By the way I take exception to that in the brief; I do not think the Pension Commission people themselves should amend the Pension Act. This is not their job. We would like to have at a later date more information from them as to why they did not do it, or what their suggestions are to improve it. They probably have some very relevant ones.

That is the interpretation that I see in these severe cases, particularly where you have lost both legs and both arms and you are also blind, I think, as a legislator, that there is a hole in the act which can be filled without being inconsistent.

The Chairman: I have two other members who wish to ask questions.

Mr. MacRae: I have not finished, Mr. Chairman. I have several questions.

The Chairman: Please continue.

Mr. MacRae: Coming back to the very beginning, I want to say to the witness that there is no question in my mind that there should be more than 100 per cent pension for multiple disability. I personally do not agree with the $400 to $1,200 concept and so on that you may have read about. The point I was trying to make—and then we got sidetracked slightly—was that we cannot lay at the door of the Pension Commission, who are perfectly able to defend themselves, the fact

[*Interprétation*]

tionnez arithmétiquement la somme de ces invalidités et vous arrivez à un montant de 300 p. 100, peut-être plus dans certains cas. Je suis sûr que c'est là que le bât les blesse. Ce n'est pas une question de sémantique mais ce qu'il en coûterait en argent pour ces additions arithmétiques.

Je ne crois pas que nous détruisons le critère. Nous disons toujours que si vous recevez 100 p. 100 cela s'ajoute en plus à la perte de l'aptitude à gagner votre vie comme bûcheron. Il est illogique pour moi de dire qu'il pourrait la perdre par trois différentes parties de son corps; par conséquent c'est l'intention du Parlement d'essayer de l'indemniser pour chacune de ces trois parties différentes. De même, ce n'est qu'au moment de l'analyse finale alors, que vous additionnez toutes ses invalidités et en vous servant du même critère d'aptitude physique que vous en arrivez à une indemnisation raisonnable.

C'est comme cela que je considère les choses et je crois que ce sont les gens de la Commission des pensions eux-mêmes... à ce sujet je ne suis pas d'accord avec le mémoire, je ne crois pas qu'il appartient aux gens de la commission eux-mêmes de modifier la Loi, ce n'est pas leur travail. J'aimerais avoir plus tard d'autres renseignements de leur part pour qu'ils me disent pourquoi ils ne l'ont pas fait ou alors quelles seraient leurs suggestions pour l'améliorer. Ils ont sans doute de très bonnes raisons. C'est ce que je crois. Dans ces cas extrêmes lorsque vous êtes amputé des deux bras, des deux jambes et que de plus vous avez perdu l'usage de vos deux yeux je crois, en tant que législateur qu'il existe une lacune dans la loi que l'on pourrait combler sans manquer de cohérence.

Le président: Il y a deux personnes à ma droite ici qui ont demandé la parole.

M. MacRae: Je n'ai pas terminé, monsieur le président. J'ai encore d'autres questions, monsieur le président.

Le président: Si vous voulez bien continuer.

M. MacRae: Pour en revenir à ce que je disais au début, je ne veux pas dire au témoin que je refuse d'aller au-delà du 100 p. 100 dans le cas des infirmités multiples. Je ne suis pas d'accord avec le concept actuel de $400 à $1,200 que vous connaissez. Mais ce que je voudrais faire comprendre, et peut-être que nous nous écartons quelque peu du sujet, c'est que nous ne pouvons pas mettre sur les épaules de la Commission des pensions le fait que, jusqu'ici, il y a eu cette limite de 100 p. 100.

[*Text*]

that up to this particular point there has been this 100 per cent limitation. That has to be laid at our door as legislators. I am at a slight disadvantage in not having a copy of the transcript of what you said, because perhaps you did not mean it that way, but I wanted to make that particular point.

There are three points I would like to clear up. I realize, Mr. Chairman, that I must not take too much time, but I would like to clear these points up at this moment.

The Chairman: Take whatever time is required, Mr. MacRae.

Mr. MacRae: Thank you. The second point which was made by the Past President was this, if I understood him correctly. He suggested, in effect, that he did not think there had been suggestions from the Canadian Pension Commission to various governments over the years; the present government, or the government a few years ago which I supported and so on. I do not know that that could be an absolute fair criticism. At least it is one that I would not know about. I would think knowing the calibre of the men that have been there, I am sure that they quite likely made a great many suggestions. If they were not implemented, again, it could be attributed to people like me.

The third point I wanted to make—perhaps the witness wishes to comment on the point I just made, but I will make my third point and then he might comment on the third one as well.

I gather he suggested that after the Woods Report was turned over to the Minister, the Hon. Roger Teillet, I believe originally, there was a departmental study instituted. I personally felt that there was an awfully long delay in getting that report into the hands of the government. We were given the reason that it was a matter of translation and quite likely it was, but this Commission was set up in 1965 under Mr. Justice Woods and this is 1969 and we are just getting at it now. However, be that as it may. The witness I gathered was critical of the fact that what the Minister did at that point was to institute a departmental study, but I cannot see what else the government could have done at that point, except to call in men like Mr. Anderson, Mr. Reynolds and Mr. Ward and a great many of the others and say: "All right, we have been given this. the government has given this. You gentlemen take this and go over it with a fine tooth comb and then come up with what you think is good and what you think we can do with regard to doing justice to this very special group of men and women of this country, the men and women who served." This group

[*Interpretation*]

C'est nous, en tant que législateurs, qui devrions en être tenus responsables. Je regrette, je n'ai pas en main le texte de votre déclaration, mais je voulais vous faire savoir mon point de vue à ce sujet. J'ai d'autres points que j'aimerais éclaircir ici. J'espère que je n'abuserais pas du temps du comité mais j'aimerais clarifier ceci à l'heure actuelle.

Le président: Il est aussi bien de l'éclaircir tout de suite.

M. MacRae: Merci, ce que je voulais aussi dire, c'est que si j'ai bien compris, on a laissé entendre, en fait, qu'on ne croyait pas qu'il y avait eu des suggestions provenant de la Commission des pensions du Canada aux différents gouvernements, au cours des années que ce soit le gouvernement actuel ou d'autres gouvernements précédents dont je faisais partie, je ne sais pas si cette critique a été juste. Je connais la valeur des personnes qui en faisaient partie. Alors, s'ils avaient été au courant de la situation, je suis certain qu'ils auraient pris des mesures pour la modifier. Ce que j'aimerais aussi déclarer, j'y reviendrai plus tard peut-être, je vais passer au troisième point.

Je crois que l'orateur a déclaré, qu'après la présentation du Rapport Woods au ministre, le ministre Roger Teillet, je crois, à ce moment-là, qu'on a institué une enquête, une étude au sein du ministère. Je crois, moi, qu'il y a eu là un délai inexcusable avant que nous n'obtenions le Rapport, nous membres du gouvernement. Disons qu'au lieu d'utiliser le mot «excuse», j'utiliserai plu'ôt le mot «raison». Disons qu'il s'agissait de difficultés de traduction, c'est possible, mais enfin, la commission a été créée en 1965 sous l'autorité du juge Woods; n'oubliez pas que nous sommes en 1969 et que nous venons juste de recevoir le rapport. Enfin, la situation est celle que nous connaissons. On a critiqué le fait que le ministre a créé un groupe au sein du ministère.

[*Texte*]

here this morning has service which is above many of the rest of us perhaps, although I happen to be a pensioner myself.

Be that as it may; what else could the government have done except set up a departmental committee at that particular point and study this. I think they took quite a long time, but—again, as I said, this is a matter of opinion—what else could they have done? I have no more questions, Mr. Chairman, at this point. Perhaps the witness might want to answer.

[*Interprétation*]

Que vouliez-vous que le gouvernement fasse, sinon que de demander à des hommes comme M. Anderson, M. Reynolds et M. Ward, et un grand nombre d'autres et de leur demander qu'est-ce que vous croyez qui est bon, qu'est-ce qui devrait être modifié, qu'est-ce que nous pourrions faire pour rendre justice à ce groupe très spécial d'hommes et de femmes du Canada qui ont servi leur pays? Qui ont peut-être mieux servi leur pays que plusieurs d'entre nous, bien que je sois, pensionné moi-même. Que voulez-vous que le gouvernement fasse sinon créer un groupe d'études au sein du Ministère pour étudier la question. Peut-être que cela a pris trop de temps, mais il fallait quand même que cela soit fait. Voilà la fin de mes remarques; je ne sais pas si le témoin désire répondre à mes observations.

• 1030

The Chairman: Mr. Black.

Mr. Black: Mr. Chairman, I honestly believe that when a commission is set up they are given the responsibility to study the subject matter and to recommend to the department and to the government their decisions on what they have found. The Woods Commission from 1965 to 1968 surveyed the problems of the veterans of Canada, surveyed the Pension Commission and came up with their recommendations as they were instructed. I believe that it would be up to the Minister to take their recommendations and that would be the basis for his recommendations to the government.

The Chairman: But this was a royal commission.

Mr. Whicher: Mr. Chairman, may I say something? This may be very good in theory and I happen to be one of those who support many of the recommendations of the Woods Committee that are not in the White Paper, but I can assure you, sir, that there are tons and tons of papers in the House of Commons since the time of Sir John A. Macdonald, containing recommendations to various governments that have not been accepted.

The government of the day must accept the responsibility, not only to the veterans of Canada, but to all of the people of Canada and with them rests the final decision. If we do not like the way they operate, then at the next election we can kick them out, but to think that the government must accept

Le président: Monsieur Black.

M. Black: Lorsqu'une Commission est établie, je crois qu'il lui incombe d'étudier l'objet de son mandat et de recommander au Ministère et au gouvernement l'application du résultat de ces travaux. De 1965 à 1968, la Commission Woods a fait une enquête sur les problèmes des anciens combattants du Canada, sur la Commission des pensions et ce n'est qu'ensuite qu'elle a présenté ses recommandations. Il appartient maintenant au Ministre de fonder ses recommandations au gouvernement sur celles de la Commission.

Le président: C'était une commission royale.

M. Whicher: Monsieur le président, puis-je dire quelque chose? Je suis l'un de ceux qui sont d'accord avec plusieurs des recommandations du rapport Woods, même celles qui ne sont pas comprises dans le Livre blanc. Je puis vous assurer que depuis l'époque de Sir John A. Macdonald il y a des tonnes et des tonnes de documents contenant des recommandations à divers gouvernements, qui se sont accumulés à la Chambre des communes et qui n'ont jamais été acceptés.

Le gouvernement actuel doit prendre ses responsabilités en ce qui concerne non seulement les anciens combattants mais aussi le peuple entier et prendre les décisions qui s'imposent. Nous n'aimons pas la façon d'agir du gouvernement, nous pouvons le rejeter aux prochaines élections. En pratique, le gou-

[*Text*]

recommendations by the Carter Commission, the Woods Commission or any of the other hundreds of commissions is based strictly on theory and not on practice.

Mr. Chairman: Mr. Black.

Mr. Black: I have just been told a fact, a fact that I did not know. Undoubtedly it is something that I have missed and I appreciate being told.

The Chairman: I think Mr. Howard has something to say on this. I think he is on the same point? If so, go ahead.

Mr. Howard (Okanagan Boundary): Mr. Chairman, in the course of the discussions on multiple disabilities we have discussed this principle.

The Chairman: Are you going to another point, Mr. Howard? I am sorry, Mr. Bigg said he was going to discuss this. Are you on the same point. If so, go ahead.

Mr. Howard (Okanagan Boundary): In discussing these multiple disabilities we discussed this fact of the basic pension and the fact that in the past we have not agreed to exceed it.

It seems to me there should be some discussion here about earning ability because all of the veterans we are talking about are not

• 1035

without some earning ability. Obviously, a man who is a quadriplegic has no earning ability to speak of, but a man who has one leg off may have as good earning ability in certain fields as a man with two legs. I would like to hear some discussion about what studies have been done on earning ability in relation to pensionable rights.

We could say that a man who has these disabilities should not be assessed in any way as to his earning ability, but we all have to reconcile in some way the undoubted rights that injured veterans have in relation to the ability of a nation to pay and I think because of this we have to look at the possibility that a veteran has for earning his living when he suffers these injuries. I would like to know what comments you have on the studies that have been done on this in relation to multiple injuries.

Mr. Campbell: May I answer that?

The Chairman: Please do.

Mr. Campbell: Mr. Chairman, with all due respect, I do not see how this point really ties

[*Interpretation*]

vernement n'est pas tenu d'accepter les recommandations de la Commission Carter, de la Commission Woods ni d'aucune autre commission.

Le président: Monsieur Black.

M. Black: Je ne savais pas cela. C'était quelque chose que j'ignorais et je suis heureux de l'apprendre.

Le président: Je crois que M. Howart a une question à poser?

M. Howard (Okanagan-Boundary): Monsieur le président, nous avons discuté ce principe au cours des débats sur les infirmités multiples.

Le président: Est-ce que vous changez de sujet monsieur Howard? Continuez si vous ne changez pas le sujet.

M. Howard (Okanagan-Boundary): En discutant la question des infirmités multiples nous avons parlé des pensions de base.

Il me semble qu'on devrait discuter ici de l'aptitude à gagner sa vie, parce qu'enfin les anciens combattnats dont on parle ont quand même une certaine valeur ouvrière. Évidemment, un quadriplégique n'a pas une grande aptitude à gagner, mais un homme qui n'a qu'une jambe peut aussi bien gagner sa vie, dans certains domaines, qu'un homme qui à l'usage de ses deux jambes. J'aimerais savoir quelles études ont été faites sur l'aptitude à gagner en rapport avec les droits à la pension.

Peut-on affirmer qu'un invalide n'a pas besoin d'aide si son aptitude à gagner est encore presque complète? L'ancien combattant à le droit indiscutable à obtenir une pension, mais d'autre part il faut tenir compte de son aptitude à gagner sa vie.

J'aimerais connaître vos observations sur les études qui ont été faites au sujet des infirmités multiples?

M. Campbell: Puis-je répondre, monsieur le président.

Le président: Oui.

M. Campbell: Monsieur le président, je ne vois pas comment ce point puisse se rapporter

[*Texte*]

in with the other one which I understood the hon. member to say followed along the previous subject; I do not see the connection at all. Nevertheless, in an endeavour to answer this question, I assume from the hon. member's comments that he is referring to the equivalent of a means test. To the best of my knowledge, sir, there certainly has been no study done on this, and neither the Woods Committee Report nor the submissions of briefs from the various veterans organizations suggested the inclusion of a means tests, reference the Woods Committee where they say that pension is a matter of right. By the same token I do not see how you can say that a veteran with one leg off when he is 21 years old is able to have certain earning powers which he may not have when he is 31 years old because of the aggravation or the consequential disabilities that have occurred as a result of that leg or arm or whatever disability may be involved.

In summation, the main point in answer to your question is that I interpret it to mean that you are referring to the equivalent of a means test and I know of nowhere in the Woods Committee Report or in the veterans submissions so far where there has been any discussion or talk of a means test.

The Chairman: There is actually a section in the Pension Act, Section 28 (4), which Mr. Reynolds has brought to my attention, which says:

> (4) No deduction shall be made from the pension of any member of the forces owing to his having undertaken work or perfected himself in some form of industry.

Mr. Howard (Okanagan Boundary): Mr. Chairman, I am not suggesting there should be a means test; I am not in any way suggesting this. What I am suggesting is that there is an additional argument in connection with our demand for additional pensionable amounts for multiple injuries and that some consideration should be given to the fact that a veteran can get a 100 per cent pension and still be in a position to earn a full living whereas a veteran who is a quadriplegic is in the position of not being able to earn anything in addition to his pension. I asked if there have been any studies made of the relationship between disability and earning power. Do you have any statistics on this if these studies have been made? I am not suggesting that there should be any means test.

Mr. Black: To my knowledge, sir, there have been no studies made on this matter,

[*Interprétation*]

à ce que nous avons déjà discuté. Je puis répondre au député que je ne vois pas du tout le rapport.

D'après les commentaires qu'a fait le député, je crois qu'il parle de ce qui serait l'équivalent d'une vérification des moyens de vivre. A ma connaissance, il n'y a pas eu d'études de faites sur ce sujet. Ni le rapport du Comité Woods ni les mémoires des différentes associations d'anciens combattants n'ont parlé d'une vérification des moyens de vivre. Le Comité Woods affirme plutôt que la pension est un droit. Je ne comprends pas que vous puissiez affirmer qu'un ancien combattant qui a perdu une jambe à l'âge de 21 ans puisse avoir une certaine aptitude à gagner sa vie, alors qu'à 31 ans il ne l'a plus à cause des infirmités secondaires qui s'ajoutent à son infirmité première.

Bref, pour répondre à votre question, je crois que vous parlez de l'équivalent d'une vérification des moyens de vivre, mais ni le rapport du Comité Woods ni les mémoires présentés par les anciens combattants ne parlent de ce sujet.

Le président: M. Reynolds signale à mon attention le paragraphe (4) de l'article 28 de la Loi sur les Pensions qui est libellé ainsi qu'il suit:

> (4) «Nulle déduction ne doit être faite de la pension d'un membre des forces parce qu'il a entrepris un travail ou qu'il s'est perfectionné dans un genre quelconque de travail.»

M. Howard (Okanagan-Boundary): Je ne veux pas dire du tout, monsieur le président, qu'il doit y avoir une vérification quelconque. Ce que je veux dire c'est qu'il devrait y avoir des allocations supplémentaires dans le cas d'infirmité supplémentaire. Il se peut d'après moi qu'un ancien combattant reçoive une pension à 100 p. 100 alors qu'il est toujours en mesure de gagner sa vie, tandis qu'un quadriplégique s'il reçoit toujours la pension à 100 p. 100 est absolument incapable de gagner sa vie. Je demande simplement si des études ont été faites sur le rapport qui existe entre les infirmités et l'aptitude à gagner sa vie. Avez-vous des statistiques concernant cette question?

M. Black: A ma connaissance aucune étude n'a été faite à ce sujet. Prenez un employé

[*Text*]

but by the same token, I think, when you take the ordinary labourer's wage in the government's employ on which we are basing the pension you will find that there have been no studies made on his income. He gets his pay. Neither have there been any studies made on his ability to work after hours to make additional money. There have been no studies made pertaining to the earning ability of his wife, of any inheritance or, when you get right into it, Sections 20, 21 and 22 of the Act which says that a pensioner if he is killed and his widow gets a sum of money she has to turn that over to the government in order to receive her rightful pension. That is all I have to say on that point.

Mr. Bigg: This is one of my favourite subjects, too. The pension paid over the years has always been at the lowest level, the average lowest level of labouring wages. It does not take into account in any way the ability to earn your living apart from that.

The Chairman: That is part of the theory of it, is it not?

Mr. Bigg: Yes, and I claim it is eminently fair when you are talking about the 100 per cent pensioner, but when we consider the man who is not only 100 per cent disabled in the labour market, but who also is disabled in the refinements, for instance, musical ability if he does not have his ears or artistic ability if he does not have his eyes, then it brings up another problem which cannot be handled with a single yardstick and this is the problem with which the multiple disability people are concerning themselves and so are we.

The Chairman: I think that is a very good statement, Mr. Bigg, of the essential problem which we have to face. How do you deal with the problems of this type of case which we recognize? Can you deal with them by taking the usual traditional approach?

Mr. Bigg: Yes, I think you can. We also need to think about a ceiling on his income. If we merely take the pension, say we get it up to the $4,000 or $4,100 level which we are asking for, I do not think we are going to be able to multiply that by three and a half because you will get into a total income, perhaps, which would not be in keeping with the taxpayer's ability to pay or which we may not think it is anyway. I think we have to bear in mind, possibly, the national average of wages when you get beyond this into the new category, not at the lowest level, but, let us say, a $7,000 average for all levels as well as the ability of the wife to contribute her share as many are doing today which results,

[*Interpretation*]

ordinaire du gouvernement, il n'y a pas de vérification de son revenu, quand il reçoit sa pension. On ne fait pas d'étude sur le fait qu'il puisse continuer à travailler après les heures de travail pour gagner d'autre argent. Après le moment où il reçoit sa pension, on ne fait pas de vérification de son aptitude à gagner ni de celle de son épouse, ni d'un héritage. D'après les articles 20, 21 et 22 de la Loi, la veuve d'un pensionné qui reçoit une certaine somme d'argent après le décès accidentel de son mari doit la remettre au gouvernement pour avoir le droit de toucher la pension qui leur revient.

M. Bigg: Je voudrais dire, monsieur le président, pour ma part, que la pension versée au cours des années a toujours été au niveau le plus bas de ce qu'on verse aux travailleurs non-spécialisés. Il n'est nullement tenu compte de l'aptitude à gagner.

Le président: Cela fait partie de votre théorie, n'est-ce pas?

M. Bigg: Oui. Cela est très juste dans le cas de celui qui reçoit une pension de 100 p. 100, mais quand un homme ne peut absolument pas avoir accès sur le marché du travail et qu'il ne peut même plus jouir de la vie du tout, parce qu'il a perdu par exemple l'ouïe ou la vue, cela soulève d'autres problèmes que l'on ne peut pas juger avec le critère actuel. Voilà le problème des personnes qui souffrent d'infirmités multiples.

Le président: Voilà qui résume bien le problème dont nous avons à nous occuper.

Que faites-vous des problèmes de ce genre que nous reconnaissons? Pouvez-vous vous en occuper en les abordant de la façon habituelle?

M. Bigg: Je crois que oui. Nous devons réfléchir au sujet d'un plafond des revenus. Si nous prenons uniquement la pension, disons qu'elle est à peu près de $4,000 ou $4,100, je ne crois pas que nous puissions multiplier cela par 3½ parce qu'il s'agirait alors d'un revenu qui ne serait pas en rapport avec la capacité des contribuables. Il faudrait prendre le salaire moyen, non pas un niveau de salaire le plus bas, mais disons à un niveau moyen d'à peu près $7,000. On vérifie ensuite la capacité de gain de l'épouse comme c'est souvent le cas aujourd'hui pour tenter d'établir quel est le revenu de la famille, soit disons environ $12,000 par année.

[*Texte*]

perhaps—I just will pick figures out of the air—in a family income of $12,000 a year.

• 1040

However, most of the crippled veterans are unable to add anything to the basic 100 per cent pension and their wives, in many cases, are restricted to nothing more than the attendance allowance, so between the two of them, at the present time, they will not get much more than $6,000 and possibly even with our amendments $8,000. So they still will be $4,000 behind the average national income.

I would not see anything wrong in theory with us bringing the maximum pension for all the combined disabilities up to a ceiling of $12,000, $14,000 or something of that nature. I do not think that that would be unreasonable in the few exceptional cases of a man who has lost his eyes, his ears, his legs and his complete enjoyment of life. I believe that when the Pension Act was first written if this had been envisaged and the difficulty the Pension Commission would have in giving justice to all cases without undue pressure on the taxpayer, it would have been put into the Act in clear unequivocal terms the ceilings and basis—very clear guidelines—within which the Pension Commission could act.

The Chairman: Mr. Dawson, I think, once or twice you have had your hand up and I have not recognized it for which I apologize.

Mr. Russell W. Dawson, First Dominion Vice-President, War Pensioners of Canada Inc.: I would like, if I may, Mr. Chairman, to answer the hon. member's question regarding the number in receipt of pensions, the answer to which can be found in the Annual Report of the Department of Veterans Affairs. There is no doubt this report is in your library. It gives the percentage of those in receipt of 5 per cent pensions, 10 per cent pensions, 15 per cent pensions, World War I, World War II, Korean veterans. All that information is at our disposal. There is also a guideline on disability which is illustrated by the Table of Disabilities. I would suggest to the younger veteran that you see your pension medical examiner. They, like everyone else, are human and could go overboard without a guide. We go along with that, but we do object to Item II of the Table of Disabilities, which is also in the library here, which states:

[*Interprétation*]

Cependant, la plupart des anciens combattants handicapés ne sont pas capables d'ajouter quoi que ce soit à leur pension de 100 p. 100 et leurs épouses dans de nombreux cas sont restreintes à ne recevoir qu'une allocation de soins ainsi, à eux deux, ils n'auront pas un revenu supérieur à $6,000 et possiblement de $8,000 selon nos modifications. Même avec ces améliorations, le revenu de la famille sera encore de $4,000 moins élevé que la moyenne nationale. Je ne crois pas qu'il serait déraisonnable, d'augmenter le maximum de la pension à un plafond de $12,000 ou $14,000 environ, dans les cas exceptionnels, où une personne qui a perdu ses yeux, l'ouïe, l'usage de ses jambes, et qui ne peut plus jouir de la vie. Il me semble que lorsqu'on a rédigé la première Loi sur les pensions, on avait prévu ce genre de difficultés et la Commission des pensions avait du rendre justice dans tous ces cas sans surcharger les épaules du contribuable. On aurait dû clairement indiquer dans la Loi les taux de base et les plafonds—des directives très précises—à l'intérieur desquels la Commission aurait pu agir.

Le président: Monsieur Dawson, je pense qu'à une ou deux reprises vous avez demandé la parole. Je m'excuse de ne pas vous l'avoir donnée.

M. Russell W. Dawson (1er vice-président national, Association des Pensionnés de guerre du Canada Inc.): Si vous me le permettez, monsieur le président, j'aimerais répondre à la question de l'honorable député quant au nombre de personnes qui reçoivent une pension. On peut trouver ce chiffre dans le rapport annuel du ministère des Affaires des Anciens combattants. Je suis certain qu'il se trouve à la bibliothèque du Parlement. Vous verrez à ce moment-là, quel est le nombre de gens qui reçoivent des pensions de 5 p. 100, de 10 p. 100 ou de 15 p. 100, le nombre des anciens combattants de la 1re Guerre mondiale, de la 2e Guerre mondiale ou de la guerre de Corée. Tous ces renseignements sont à votre disposition. Je dirais aux plus jeunes parmi les anciens combattants d'aller voir leur médecin-conseil des pensions. Ils sont humains et peuvent prendre une décision sans avoir à consulter des directives. Nous sommes d'accord avec cela, mais nous nous objectons au deuxième paragraphe de la Table des invalidités que vous trouverez certainement aussi à la bibliothèque et qui stipule que:

[*Text*]

> Where more than one pensionable disability exists, the combined assessment will be based on the combined disablement as a whole, but in no case will the combined assessment exceed 100 per cent.

This is the guide and they have to be guided like anyone else, but we do object to that because if the combined assessment is 150 per cent, then the man should be paid 150 per cent based on the basic rate which we also submit should be based on the rates of the lowest paid civil servant, cleaners, helpers and so on. Many men have 5 per cent pensions, many have 10 per cent and many have 15 who are quite capable of earning a living.

[*Interpretation*]

> Lorsqu'une invalidité ouvrant droit à pension existe, que l'évaluation totale soit basée sur le total des invalidités combinées, mais qu'en aucun cas cette évaluation ne devra dépasser 100 p. 100.

Voilà qui doit servir de guide aux examinateurs, ils doivent avoir des points de repère comme tout un chacun, mais il ne faut pas que l'on crée des injustices en faisant cela. Si l'évaluation combinée atteint 150 p. 100, l'ancien combattant devrait recevoir une pension de 150 p. 100 du taux de base, qui, selon nous, devrait être fixé vis-à-vis du salaire des travailleurs les moins payés de la Fonction publique, tels que les nettoyeurs, les aides, etc... N'oubliez pas qu'un grand nombre d'anciens combattants reçoivent des pensions de 5 p. 100, de 10 p. 100 ou de 15 p. 100 quand ces derniers seraient parfaitement capables de gagner leur vie.

• 1045

The Chairman: Mr. Dawson, we provide coffee for the members here at 10.45 a.m. I hope you will be prepared to take a five minute break at this time.

Mr. Dawson: I am not unprepared to cease. I think I have said my little piece.

The Chairman: No, you can have another run at it right after a cup of coffee. How about that?

Le président: M. Dawson, nous aurons du café à 10 heures 45 et j'espère que vous serez prêts à prendre une pause-café de 5 minutes.

M. Dawson: Je pense que je suis prêt à m'interrompre. J'ai dit ce que j'avais à dire.

Le président: Vous pourrez poursuivre après la pause-café si vous le désirez. Merci.

(RECESS)

(PAUSE)

• 1105

The Chairman: Can we resume please? We had questions which were generally directed at the preliminary part of the brief. I wonder if we could go into discussing the sections of the brief itself. Would that be agreeable to the Committee? Are there any general questions anyone wanted to ask before I do this? Mr. Peters, did you have something?

Le président: Je me demande si nous pourrions peut-être passer à la discussion. Nous avons eu quelques questions relatives au texte préliminaire du mémoire. Je me demande si l'on peut aborder le mémoire lui-même? Est-ce que le Comité est d'accord? Y-a-t-il des questions d'ordre général à poser, avant que nous entreprenions ce travail? Monsieur Peters, vous auriez quelques questions?

Mr. Peters: I just wanted to make a comment on some of the discussion because it seems to have hinged on this problem of 100 per cent disability and multiple disability and the 350 per cent that might apply. We talk about $15,000 as being a lot of money and I was just roughly calculating in my mind the case of Tony, who was here yesterday. If he were in the Civic Hospital, we would be paying at least $100 a day for him, which is $35,000 a year. When we put him out we consider $4,000 plus certain other benefits, but we really should try to equate $4,000 against $35,000, which we would have to pay for him in hospital.

M. Peters: Je voudrais seulement faire un commentaire. Au sujet de certaines discussions sur le problème du 100 p. 100 d'invalidité et des 350 p. 100 des invalidités multiples, nous disions que $15,000 faisaient beaucoup d'argent. Mais je calculais par exemple, que dans le cas de Tony, qui témoignait hier, s'il était à l'hôpital Civic, le gouvernement devrait payer au moins $100 par jour pour les soins qu'il recevrait, ce qui fait quand même dans les $35,000 par an. Lorsqu'il est sorti, nous étudions la possibilité d'une allocation de $4,000 et certains autres avantages, mais vraiment, nous essayons de faire la relation entre les $4,000 et les $35,000

[*Texte*]

I think we should not lose sight of the fact that there are alternatives to the system that we use and those alternatives are neither humane nor advantageous because if a young person can get out of the hospital, obviously his morale is much better than it is in, but the cost in hospital was a very large sum and this country kept many of its people in DVA hospitals for years and years and years. Now we are not doing that and we must keep in mind the cost we had originally that we do not have any longer and these are sizable sums of money. It seems unreasonable to me to see a young fellow whom we probably will not see again—in my opinion he would have a fairly short life span—worrying about borrowing money because the amount we are giving him is just not enough.

Maybe 350 per cent pension is too much; maybe it is not enough. We have seen some pretty clear evidence that what we are doing now is not satisfactory. This country certainly can afford the type of treatment that we want for our veterans and I think that as politicians sometimes we are overly cautious about acting on a reasonable basis, but I think that a reasonable basis has to be fair to all concerned as well as to the taxpayer.

The Chairman: I cannot but agree with a good deal of what you say, Mr. Peters. I notice that Mr. Whicher has his hand up.

Mr. Whicher: I too agree with what Mr. Peters said. I would like to tell the gentlemen, the witnesses at the head table and any of the others who are listening at the rear who are also interested in this, that it is the feeling of this Committee that we are going to break the 100 per cent limit—don't you ever worry about that—for the first time. How high it goes, of course, is...

The Chairman: And it may not be on the same formula; it may be on a different formula.

Mr. Whicher: It may not be on the same formula but we are going to try to break it. We are not going to say no at all. I happen to be on the government side and I am going to make my voice loud and clear. I think that even though we disagree with the principle on which the government through the White Paper has brought it about, by suggesting

[*Interprétation*]

que le gouvernement devrait dépenser s'il était à l'hôpital.

Nous devrions penser qu'il y a des solutions de rechange et que celles-ci ne sont ni très humaines, ni très avantageuses, car si un homme jeune peut sortir de l'hôpital, il faut penser que son moral est bien meilleur. Il faut aussi dire que dans ce pays, le coût des hôpitaux étant très élevé, et que nous confinons un grand nombre d'anciens combattants dans des hôpitaux pendant des années et des années. Maintenant, nous devons penser autrement. Nous devons toujours penser que les frais qui existaient avant n'existent peut-être plus aujourd'hui et que ceci représente une somme d'argent appréciable. Il ne me semble pas raisonnable, de toute façon, que ce jeune homme, que peut-être nous ne reverrons jamais, parce que nous savons bien que sa vie est hypothéquée, ait des problèmes financiers et qu'il doit emprunter de l'argent, parce que nous lui en donnons trop peu.

Peut-être que leur donner 350 p. 100 de pension serait trop ou trop peu. Il me semble que nous avons des preuves très réelles que ce que nous leur donnons n'est pas suffisant. Ce pays peut certainement se permettre de leur donner de meilleurs traitements et je pense que, nous, qui sommes dans la politique, nous sommes peut-être trop scrupuleux. Nous devons faire toutes les choses qui sont raisonnables, c'est notre devoir, mais peut-être que parfois nous nous oublions un peu.

Le président: Je suis vraiment d'accord avec vous, monsieur Peters, je dois vous le dire. Monsieur Whicher.

M. Whicher: Je suis tout à fait d'accord avec ce que M. Peters vient de dire et je voudrais dire à ce monsieur, et aux témoins qui sont à la table et à toutes les personnes qui sont ici en train de nous écouter et qui sont assises à l'arrière de cette salle, je pense que ce Comité, j'ai l'impression que le Comité va dépasser finalement cette fameuse limite de 100 p. 100—ne vous en faites pas—pour la première fois. Jusqu'à quel point allons-nous le dépasser...

Le président: Ce ne sera peut-être pas la même formule, mais nous allons essayer de briser cette barrière. Nous n'allons pas dire entièrement non.

M. Whicher: Ce ne sera peut-être pas la même formule, mais nous allons passer pardessus cette limite. Je ne voudrais pas parler d'une manière trop brutale, mais je dois dire que nous ne sommes peut-être pas d'accord avec le principe du Livre blanc qui est établi par le gouvernement, mais je suggère que peut-être on pourrait leur donner des aides,

[*Text*]

that there could be grants or something like that up to $1,200, they too have suggested that the 100 per cent limit will be broken. We are going to break it. We are going to try to break it in a different way but they have at least acknowledged and accepted the fact that some veterans deserve more than 100 per cent. Do not think for one moment that we will not be emphasizing it very, very strongly indeed. Of course we are not in a position to say how high it will go or on what basis it will be done, but it is going to be over 100 per cent, sir. I can assure you that.

Mr. Black: Could I ask if the Committee, in following this hon. gentleman's idea or other hon. gentlemen's ideas, could get away from any idea of handouts. This is the $400 to $1,200 item which appears to the veterans as a hand-out, and this is definitely what they do not want. I am fortunate, thank God, that I am not a multiple disability veteran and I do not envy their lot one bit and I would not envy them one bit if you give them $100,000 a year. I do not think anybody in Canada would either. But let us not make it as a hand-out or a means test. Thank you.

• 1110

Mr. Whicher: There will be no hand-outs.

The Chairman: Mr. Badanai and Mr. Howard.

Mr. Badanai: What do you mean by a means test? I do not see from reading the White Paper or from the explanation given by the Minister that a means test is involved in the $400 up to $1200 benefit to a 100 per cent pensioner. How did you arrive at the term of means test?

Mr. Black: Sir, I would answer that by stating that it says the minimum would be $400 and the maximum would be $1200.

Mr. Badanai: Right.

Mr. Black: This is the way it is put in the White Paper. Any person who receives $400 presumably would not have as much need as somebody who receives $1200, so this is what we term as a means test.

Mr. Badanai: All he would be required to do is ask.

Mr. Black: Then you have to go in, investigate and determine according to his means, his needs, what amounts you will grant him.

[*Interpretation*]

d'une certaine somme de $2,200. Eux aussi ont suggéré que la limite de 100 p. 100 soit brisée. Nous, nous allons y arriver aussi mais d'une autre façon. Peut-être que nous arriverons à reconnaitre que certains anciens combattants méritent plus que 100 p. 100. Croyez, monsieur, que nous allons certainement insister sur ce point. Maintenant, nous ne pouvons pas encore, je le répète, vous dire jusqu'à quel point nous irons, et comment nous le ferons, mais je puis vous assurer que ce sera au-delà de 100 p. 100.

M. Black: Puis-je demander si le Comité a quelque idée sur ce que ces messieurs ont et comment la recommandation sera formulée? Est-ce que ce sera une augmentation de 400 à 1,200 dollars? Est-ce que cette somme apparaît comme un acte de charité aux anciens combattants; ils ne veulent pas d'une telle action. Je remercie le ciel pour cela de ne pas être un invalide de guerre, et, je n'envie pas leur sort le moins du monde, même pas si vous leur donniez $100,000 par année et je pense que personne au Canada ne les envie. Mais ne faisons pas de cette mesure ni un acte de charité ni un contrôle du revenu.

M. Whicher: Ce ne sera pas un acte de charité!

Le président: M. Badanai et M. Howard.

M. Badanai: Monsieur le président, que voulez-vous dire par «contrôle du revenu»? Je ne vois pas ni dans le Livre blanc, et ni dans les explications que le ministre nous a données qu'un contrôle des revenus est impliqué dans l'allocation de $400 à $1,200 attribuée à un pensionné à 100 p. 100. Comment arrivez-vous à ce que vous appelez un contrôle du revenu?

M. Black: Je répondrai à ceci, monsieur, que le minimum fixé par le Livre blanc est de 400 et le maximum de 1,200 dollars.

M. Badanai: C'est exact.

M. Black: C'est ainsi que l'on peut le lire dans le Livre blanc. Toute personne qui recevrait, disons 400 dollars n'aurait certainement pas autant de besoins que celui qui recevra 1,200 dollars. Donc, c'est ce que nous appelons un contrôle du revenu.

M. Badanai: Tout ce qu'il a à faire, c'est de demander.

M. Black: Il faudra donc faire des recherches, il faudra voir quels sont les besoins de ces anciens combattants, ce dont ils ont

[*Texte*]

This is what the veteran does not want. All he wants is something that is his right. He wants you to tell him that it is his right and how you come up with the sum is up to you gentlemen, but whatever it is let us keep it as of right.

Mr. Badanai: Well, the government has to know the extent of his disabilities. It may be 100 per cent, 200 per cent, or 300 per cent. That is the reason why the $400 was set in the White Paper and the $1200, or any amount in between. I dare say that one with a 300 per cent disability would be entitled to a larger grant than one with just 100 per cent disability. Would you not agree with that?

Mr. Black: Oh, yes, that is the idea of the brief. We ask that these people get their just rights, but I believe that the percentage is in the man's file which states he has a percentage so much for this and so much for that and the total is so much; that is the best way to base it. What amount of money you give him in return is up to you gentlemen.

Mr. Badanai: There is another question, Mr. Chairman, perhaps not pertinent to the question just dealt with, but I think it bears repeating because the suggestion was made by various organizations that appeared before us during the last few days, that the government was slow in preparing and in presenting the White Paper. As everyone knows it was tabled in March 1968.

Well it was the spring of 1968 that we had an election. We might remember, too, that it took about two and a half years for the Woods Committee to prepare its report. It was only natural to assume then and to expect that, with all circumstances considered, the government would have to have considerable time in order to study the recommendations of the report. Finally it was tabled.

Also, in authorizing the Committee to proceed with a hearing I think they proceeded with all possible speed, therefore, I would say that the government could not have acted any quicker. I just wanted to make these observations, Mr. Chairman.

• 1115

The Chairman: Thank you, Mr. Badanai. Mr. Howard.

Mr. Howard (Okanagan Boundary): Mr. Chairman, further to what has been said by Mr. Whicher and some of the others, I am

[*Interprétation*]

besoin. Et c'est ce que le vétéran ne veut pas. Le vétéran veut quelque chose qui soit juste. Il veut qu'on lui dise que c'est ce à quoi il a droit mais quoiqu'il en soit c'est à vous de décider.

M. Badanai: Bien, mais le gouvernement doit connaître l'étendue des invalidités de l'ancien combattant. Son infirmité est peut-être de 100 p. 100, de 200 p. 100, ou de 300 p. 100. Donc, c'est là la raison pour laquelle le Livre blanc fixe un montant de 400 à 1,200 dollars. Je dirais que celui qui a une invalidité fixée à 300 p. 100 a droit à une allocation plus importante que celui qui a une évaluation de 100 p. 100.

M. Black: Je suis d'accord avec vous, c'est là l'idée du mémoire. Nous demandons que ces gens reçoivent une allocation selon leurs droits, mais je crois que le pourcentage qui figure dans son dossier, un certain pourcentage pour ceci un pourcentage pour cela et le total est de x, ceci est peut-être le meilleur moyen de faire l'évaluation. Le montant que vous lui donnerez, c'est à vous de le déterminer, messieurs.

M. Badanai: Une autre question monsieur le président. Elle n'est pas très tout à fait dans cet ordre d'idée, mais je crois qu'il faudrait la répéter parce que la suggestion a été faite par plusieurs organismes qui se sont présentés devant ce Comité au cours des derniers jours au sujet que le gouvernement a été très lent à préparer et à présenter ce Livre blanc. Et comme tout le monde le sait il a été déposé en mars 1968.

Nous avons eu une élection à ce moment-là. Et, nous devons nous rappeler que le Comité Woods a pris deux ans et demi pour préparer son rapport.

Donc, ce serait uniquement raisonnable de s'attendre à ce que le gouvernement, quelles que soient les circonstances, ait beaucoup de temps pour étudier les recommandations de ce rapport, et finalement d'en arriver à une décision.

Et aussi, afin d'autoriser le Comité permanent à tenir des audiences, et je pense que le Comité a agit le plus rapidement possible. Et de ce fait, monsieur, je dirais que le gouvernement n'aurait pas pu agir plus rapidement. Je voulais juste clarifier ce point.

Le président: Merci, monsieur Badanai. Monsieur Howard?

M. Howard (Okanagan-Boundary): A la suite de ce qui a été dit par M. Whicher et par d'autres personnes, je suis un peu visé à

[*Text*]

concerned that, because of some of the comments I made before the intermission and some of the discussions I had during intermission, there may be a misunderstanding that I am in favour of some kind of means test or something of this kind. I want to say that I am not in favour of anything of this kind. I agree with the principle of pensions as of right and I am very strongly in favour of the idea that there should be a differentiation between 100 per cent and something beyond 100 per cent. I have long regarded this as a great inequity that the 100 per cent limit should be established on the basis that it was. I agree very much with Mr. Whicher that now we have this principle established in theory of a change above the 100 per cent figure those of us on this side are certainly going to support it very strongly. Whatever formula is arrived at we are going to try and come up with the best formula we can and support it very strongly and endorse it. I am very much in favour of this principle of something beyond 100 per cent.

The Chairman: Thank you Mr. Howard. Are there any other general comments? Shall we proceed with reviewing the sections of the brief. We have another delegation which I think is ready to appear. I think there has been a fair amount of discussion on the relationship to social legislation and the need to make sure benefits are a matter of right and not a matter of means. I think we have had fairly adequate discussion on that point.

What about page 2, the reference to Federal Financial Austerity? Is there any comment anyone wants to make there?

Page 3—Adjudication and Appeals—we have had, I might add, fairly substantial discussion while dealing with a number of the briefs on precisely this point; the recommended changes in the initial adjudication procedure and the changed role of the Pension Commission. I think the lack of questioning on this point simply reflects the fact that we have had a fair amount of discussion with other delegations.

The Attendance Allowance—is there anything anyone wants to raise here on this point? Mr. Whicher.

Mr. Whicher: Of course, to be fair to the people who have given us this brief, the reason we are not talking about things like attendance allowance is because yours is a

[*Interpretation*]

cause de certains commentaires que j'ai faits avant la pause café, et de certaines discussions auxquelles j'ai pris part durant la pause, car j'ai peur qu'une manvaise interprétation veuille que je sois en faveur d'un système quelconque de contrôle du revenu. Je veux souligner que je ne suis aucunement en faveur d'un tel système. Je suis d'accord avec le principe voulant que les pensions constituent un droit. Et je suis tout à fait d'accord qu'il devrait y avoir une différence entre les vétérans qui ont 100 p. 100 d'invalidités et ceux qui ont plus, et tâcher d'abolir cette grande inégalité que représente le plafond de 100 p. 100.

Je suis tout à fait d'accord avec M. Whicher, maintenant que nous avons pour principe bien établi, de changer ce fameux plafond de 100 p. 100. Et, nous qui sommes de ce côté, nous allons supporter cette formule et nous allons essayer de trouver la meilleure formule possible que nous appuyerons avec vigueur. Nous sommes en faveur du principe allant au-delà de ce 100 p. 100.

Le président: Merci monsieur Howard. Maintenant, y a-t-il d'autres commentaires en général? Nous allons donc passer à l'étude des divers paragraphes de ce mémoire car vous comprenez certainement que nous avons encore une autre délégation qui doit se présenter devant nous.

Je pense que nous avons eu suffisamment de discussions sur la relation entre les législations sociales et le besoin de s'assurer que les avantages sont une question de droit et non de revenu. Et nous avons eu suffisamment de discussions sur ce point.

Qu'avons-nous à dire au sujet de la page 2 qui touche le programme d'austérité financière fédéral.

La page 3, Décisions et Appels.—On a eu, je devrais ajouter, une bonne discussion sur un certain nombre de mémoires touchant ce point, les changements qui ont été recommandés au sujet de la procédure des décisions et les changements du rôle de l'appel dans la Commission des pensions. Je pense que le manque de questions sur ces points reflète les discussions nombreuses qui ont déjà eu lieu.—Allocation de soins—Quelqu'un veut-il dire quelque chose à ce sujet? M. Whicher.

M. Whicher: Pour être honnête avec les gens qui nous ont présenté ce mémoire, il faudrait leur dire que la raison pour laquelle nous n'avons pas parlé de l'allocation des

[*Texte*]

repetition of what many briefs have said and I think everybody around the table agrees with you; that is the reason we are not making any comment.

The Chairman: Right. Automatic Age Increase—Mr. Bigg.

Mr. Bigg: Mr. Chairman, there is a question throughout these discussions that has intrigued me. If there is virtue in an automatic age increase, why should it not be across the board? If you are going to have an automatic increase according to age I really do not know why persons with 5 per cent pensions should not get consideration as they approach retiring age anymore than men with 50 per cent who are by far already in a much preferred category. A man with a 50 per cent pension is, I think, very generously treated throughout the Act. His widow is protected and so forth. I would hope if there were to be any difference at all, that the more the disabilities the more carefully the pension should be looked at as the pensioner gets to be totally disabled. Yet, according to the brief, he should get an automatic increase in benefits. Still a person who has 10 per cent because of one leg damaged or something like that, if he were a postman or something like that, as he got older he could not walk as well. I do not understand why there should be a cut off at 50 per cent either.

Have you anything to say about that, or do you think it weakens your case?

Mr. Black: We brought out the 80 and 90 per cent, sir.

• 1120

Mr. Bigg: Oh, I can see that. I can understand there is a gap all right where the 80 or 90 per cent should get 100 per cent, but I do not know why a man with 40 per cent disability, for instance, should not in some circumstances automatically get 50 per cent, if it is a serious thing like an amputation or some other serious physical disability. If there is logic in the fact that two legs would deteriorate at age 55, I do not know why one leg would not deteriorate perhaps even more. The strain of carrying the body on one leg it seems to me would be . . .

The Chairman: Mr. Dawson?

Mr. Dawson: In answer to that, I know that we of the War Pensioners of Canada Inc. felt,

[*Interprétation*]

soins, est que votre mémoire ne fait que répéter les choses que plusieurs mémoires nous ont déjà décrites. Je pense que tout le monde qui est autour de cette table est d'accord avec moi pour dire que c'est la raison pour laquelle nous n'avons fait aucun commentaire.

Le président: C'est exact. L'augmentation automatique à cause de l'âge.—Monsieur Bigg?

M. Bigg: Monsieur le président, il y a une question que je voudrais poser, il y a ces chiffres qui m'intriguent. Y a-t-il vraiment une raison pour laquelle il faut donner une augmentation automatique, je ne vois pas pourquoi elle ne devrait pas être générale. S'il y a une augmentation automatique à cause de l'âge, pourquoi certaines personnes ayant une pension de 5 p. 100 n'obtiennent aucun avantage quand elles s'approchent de la retraite? Un homme qui reçoit une pension de 50 p. 100 est, je le crois, généreusement traité par la Loi. Sa veuve jouit d'une protection, etc....

Et j'espère que plus ces anciens combattants sont victimes d'invalidités plus nous devons apporter de soins dans l'attribution de leurs pensions d'invalidités. Et nous devons regarder ceci avec beaucoup d'attention et nous devons débattre la question très attentivement. Selon ce mémoire ils devraient recevoir une augmentation automatique avec l'âge même si ces personnes avaient une invalidité de 10 p. 100 à une jambe. S'il s'agit d'un postier, il marchera désormais avec plus de difficultés et je ne vois pas pourquoi le gouvernement n'augmenterait pas les gens dont la pension est de moins de 50 p. 100.

Est-ce que vous avez quelque chose à dire à ce sujet ou cela infirmerait-il votre cause?

M. Black: Nous n'avons parlé que des cas d'invalidité à 80 ou 90 p. 100.

M. Bigg: Oui, je vois cela, je comprends ce fait. Il y a une disparité là, mais je ne vois pas pourquoi un homme qui aurait une invalidité à 80 ou 90 p. 100 devrait obtenir une pension à 100 p. 100 et que celui qui a 40 p. 100 d'infirmité, dans certains cas, ne pourrait pas être montée jusqu'à 50 p. 100. Si c'est une chose très sérieuse comme une amputation ou comme une personne qui est handicapée d'une manière physique. Si l'on admet que les deux jambes se détériorent à 55 ans; je ne vois pas pourquoi une jambe ne pourrait se détériorer encore plus. Il me semble que l'effort de porter le corps sur une jambe est aussi grave . . .

Le président: Monsieur Dawson?

M. Dawson: Oui, monsieur. Nous, de la section des Pensionnés de guerre du Canada,

[*Text*]

and I have to be frankly honest, that we had to deal with the 50 per cent pensioners first. Now in some years to come as the honourable member has mentioned, if we are successful at the 50 per cent pensioner we probably would be going after the 40 per cent and the 30 per cent. Like you we feel we are dedicated and we do not want to ask for too much because we know that the government is limited in what it can give to veterans.

The Chairman: Are there any other questions on this section?

Mr. Peters: Well, Mr. Chairman, I am inclined to agree with Mr. Bigg that in some cases—I am thinking of those who are close to the 50 per cent where there is a great advantage to the family to be over the 50 per cent—that if the automatic age increase applied to those who have reached 40 per cent and a period of time went by then the advantage would be probably greater to get over the 50 per cent of the widows benefits than it would be at some of the other degree of disability categories.

Nursing Sister Agnes E. Lizmore (Honorary Dominion Secretary, War Pensioners of Canada Inc.): May I say something?

The Chairman: Yes.

Nursing Sister Lizmore: I agree heartily with that because I work with veterans and I know that a number of them feel that the Canadian Pension Commission keeps them under the 50 per cent just to save the government money because of their wives collecting afterwards. So I think this would give them a great lift if they knew that as they came to that age they would be automatically raised.

Mr. Bigg: Another reason I brought that up is because there has been an awful lot of talk about means tests and also confusion with the War Veterans Allowance. The War Veterans Allowance to many veterans is considered a stop-gap, an excuse for not pensioning. They say, "Well you can always get War Veterans Allowance."

I know that many veterans feel that if they got their pension by right they would not have to consider going for War Veterans Allowance which they consider in the nature of going with your hat in your hand. That is why I brought this up here because an automatic increase at 40 per cent in some cases—

[*Interpretation*]

nous avons cru, et je ne vous le cacherai pas, nous avons cru devoir nous occuper d'abord des pensionnés à 50 p. 100. Maintenant si nous réussissons avec les pensionnés à 50 p. 100, nous allons nous occuper de ceux qui ont 40 p. 100 et de ceux qui ont 30 p. 100. Nous pensons nous consacrer à cette tâche. Nous savons que nous ne pouvons pas demander trop parce que le gouvernement est limité dans ses moyens, mais nous voulons quand même obtenir ce qui nous est dû.

Le président: Y a-t-il d'autres questions dans cette section?

M. Peters: Monsieur le président, je suis d'accord avec M. Bigg que dans certains cas, je pense à ceux qui sont près des 50 p. 100 où il y a plus d'avantages pour la famille, à dépasser les 50 p. 100, qu'au cas où il y a augmentation automatique d'âge pour ceux qui atteignent les 40 p. 100, et qu'une certaine période de temps s'est écoulée il leur sera probablement plus avantageux de dépasser les 50 p. 100, pour les bénéfices qui sont alloués à leurs veuves, que de rester à d'autres niveaux de catégories d'infirmités...

Sœur Agnus E. Lizmore (Secrétaire honoraire des pensionnés de guerre du Canada): Puis-je dire quelque chose?

Le président: Oui.

Sœur Agnus E. Lizmore: Je suis entièrement d'accord avec ceci, parce que j'ai travaillé avec ces gens et je sais qu'un certain nombre parmi ceux-ci a l'impression que la Commission canadienne des pensions les garde d'une manière perpétuelle en-dessous des 50 p. 100 pour épargner des dépenses au gouvernement. Car leurs épouses toucheraient les sommes par la suite et ceci pourrait peut-être les aider et leur donner un grand réconfort moral s'ils savaient qu'arrivés à cet âge, leur pension serait automatiquement relevée.

M. Bigg: Cette autre raison pour laquelle j'ai mis ceci, c'est qu'il y a déjà eu pas mal de commentaires faits sur la question de prouver les moyens d'existence et pas mal de confusion avec l'allocation des anciens combattants. L'allocation aux anciens combattants est considérée par beaucoup d'anciens combattants comme un bouche-trou, une excuse pour ne pas cotiser à une pension, car ils se disent qu'ils peuvent toujours obtenir cette pension.

Je sais que nombreux seraient les anciens combattants qui, s'ils étaient sûrs de recevoir leur pension de droit ne réclameraient pas les allocations qu'ils considèrent comme une aumône. C'est pour cela que j'ai mentionné ceci ici car si vous augmentez automatiquement la pension à 40 p. 100 dans certains

[*Texte*]

again I say I know it is difficult—where the Canadian Pension Commission know there is a deterioration in health would be better than recommending they go to the War Veterans Allowance for what they consider a handout or social welfare. They often feel, and so do their families I know, had they been given perhaps this benefit of the doubt in some of these cases they would...

It would not be such a strain on the taxpayers part because after all War Veterans Allowance comes out of the same general pot and in some cases it is more generous than the pension you get as of right. There is more actual money paid out of it and yet a lot of veterans would rather have a smaller pension as of right than get a larger allowance from the public treasury on the begging basis. Now that is, I brought this up here because I did not know when else I could do it, and I just wanted a comment from the delegation.

Mr. Black: Mr. Chairman, I would like to reply to that if you will. There are veterans in receipt of up to 80 per cent pensions who found it more favourable to apply for War Veterans Allowance. It is true, they have made this because of sickness. The pensioner is only allowed hospitalization for his disability. For any other sickness he has to supply his own doctors, medical care, hospitalization, et cetera. The War Veterans Allowance takes care of the wife, the medical, the doctors, the hospitalization, the prescriptions—all these things that are so overbearing on the veteran who is trying to get along on his pension or trying to supplement it by working outside. It is so overbearing that they find it is more advantageous to take the War Veterans Allowance and have these obligations taken care of. It is unfortunate that pensions have lagged behind for so long that this is actually the case.

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The Chairman: Are there any other general comments? We have another delegation ready to meet with us and as I said before, I do think that the discussion of War Veterans Allowance is outside the terms of reference of our Committee. I would not want to spend a great deal of time on that.

Mr. Peters: Surely the comments that were made indicate the advantageous position of one as applied to the other is not out of order?

[*Interprétation*]

cas—mais je sais bien que ceci est difficile—dans les cas où la Commission des pensions sait qu'il y a détérioration de la santé; ce serait préférable à une demande d'allocations qui est plus ou moins un acte de charité ou de bienfaisance. Ils considèrent souvent, et aussi leur famille, je le sais, que si on leur avait donné le bénéfice du doute dans certains cas, ils auraient...Je ne pense pas que ce serait une charge tellement lourde pour les contribuables car, après tout, les allocations proviennent de la même source et, dans certains cas, sont supérieures à la pension à laquelle les anciens combattants ont droit. En fait, le gouvernement dépense plus en allocations et pourtant de nombreux anciens combattants préféreraient avoir droit à une plus petite pension, que d'obtenir des allocations plus importantes en provenance du trésor public en tant que charité. J'ai mis cette question sur le tapis, parce que je ne savais quand j'en aurais eu l'occasion, et que je désirais simplement avoir les commentaires de la délégation.

M. Black: Monsieur le président je répondrai à ce sujet qu'il y a des anciens combattants qui reçoivent jusqu'à 80 p. 100 des pensions et qui ont trouvé plus avantageux de demander l'allocation aux anciens combattants. Ils ont fait cela à cause de la maladie, cela est vrai. Le pensionné a seulement le droit à l'hospitalisation pour raison d'infirmité de guerre. Pour toutes autres maladies, il doit se procurer ses propres médecins, ses soins médicaux, son hospitalisation, etc. Et l'allocation aux anciens combattants sert à subvenir aux besoins de son épouse, à supporter les frais médicaux de médecins, d'hospitalisation, de médicaments. Tout ceci est beaucoup trop pour l'ancien combattant qui essaie de vivre avec sa pension ou qui essaie de la compléter en travaillant. Il est peut-être plus avantageux pour l'ancien combattant de choisir l'allocation et, grâce à elle, de ne pas avoir à acquitter les frais que nous avons mentionnés. Il est fort regrettable que cette pension n'ait pas été rajustée depuis si longtemps.

Le président: Y a-t-il d'autres commentaires d'ordre général? Nous avons une autre délégation qui désirerait se présenter. Je pense, comme je l'ai dit à maintes reprises, que les allocations aux anciens combattants ne font pas partie de notre juridiction et que je n'aimerai pas y consacrer plus de temps.

M. Peters: Il est certain que les commentaires qui ont été faits pour comparer les avantages de l'une des solutions par rapport à l'autre n'étaient pas à côté de la question.

[*Text*]

The Chairman: We could spend a good deal of time making comparison of the weaknesses and advantages of one against the other.

Mr. Peters: Well, Mr. Chairman, we have just been discussing the wages of the civil servant in the low category in relation to pensions, I really . . .

The Chairman: That has been a basic yardstick, and again there is a basic problem of how far we can go there. I have not ruled out that part. In practice we can review the whole work of the department if that is the wish of the Committee, but I really question how far we should go.

Mr. Peters: Well I suggest, Mr. Chairman, that we have not gone too far in this regard.

The Chairman: Fine, fine.

Mr. Black: Mr. Chairman, we have one item here pertaining to the loss of paired organs which we are afraid might be misunderstood so we brought it up. We want it understood that we think it has to be consequential otherwise we would definitely have to disagree with it. We would not want anybody thinking that a veteran who was blown up, who had one leg amputated at the lines, came back to hospitalization and later, two or three months later found they had to amputate the other leg, or in any other circumstances would he end up with 50 per cent pension for the second amputation. We do not believe the government means this.

Mr. Campbell: Mr. Chairman, I would like to continue that. In the White Paper where the two headings are "Consequential Disability" and "Loss of Paired Organ" it would be interpreted in two different manners. It is our contention that if you take out the second heading and continue on it has an entirely different meaning. Although only four lines in our brief refer to consequential disabilities it is of prime importance, in my thinking, that the point is brought forth to the Committee that on page 13 of the White Paper "Loss of Paired Organ" follows "Consequential Disability". It is our understanding that loss of paired organ is actually a continuation of consequential disability and does not refer to loss attributed to service. Therefore, if you follow the White Paper with the two headings as it is you get an entirely different conception in our opinion than if you strike out the

[*Interpretation*]

Le président: Enfin, nous pourrions passer bien du temps à voir les carences de l'une par rapport aux avantages de l'autre.

M. Peters: Monsieur le président, nous avons justement discuté les salaires, par exemple, des fonctionnaires de la plus basse catégorie, en rapport avec les pensions, je crois vraiment . . .

Le président: Oui, c'est là-dessus que l'on se fonde; et, à nouveau, jusqu'où pouvons-nous aller en principe? En pratique, nous pouvons remettre en cause et étudier tout le travail du ministère, si c'est le désir du Comité, mais je me demande vraiment jusquoù nous pouvons aller?

M. Peters: Eh bien! je pense, monsieur le président, que nous n'avons pas été trop loin dans l'étude de cette question.

Le président: Bon, c'est très bien.

M. Black: Monsieur le président, il y a quelque chose dont je voudrais parler: il s'agit de la perte des organes pairs. Question que nous avons peut être mal comprise; c'est pourquoi nous en avons parlé. Nous croyons que cela doit être assimilé aux infirmités secondaires autrement nous ne sommes pas d'accord. Nous ne voulons pas que quelqu'un croit qu'un ancien combattant, qui a été blessé et qui a perdu une jambe au front et qui a été hospitalisé et deux ou trois mois plus tard s'aperçoit qu'il doit subir l'amputation de l'autre jambe, ou de toute autre circonstance, se retrouverait avec une pension de 50 p. 100 pour la seconde amputation. Je ne pense pas que ce soit l'intention du gouvernement de nous donner un traitement si peu juste de toute façon.

M. Campbell: Monsieur le président, je voudrais parler de cette question. Dans le Livre blanc on trouve deux en-têtes: «Invalidités secondaires» et «Pertes d'organes pairs». Cela peut s'interpréter de deux façons. Nous prétendons que si vous supprimez le deuxième en-tête et que vous continuez, vous trouverez un sens tout à fait différent. Bien que seulement quatre lignes soient consacrées dans notre mémoire aux invalidités secondaires, il est d'une importance capitale, à mon avis, que l'on fasse remarquer au Comité qu'à la page 14 du texte français du Livre blanc, l'invalidité secondaire précède la perte d'un organe pair. En fait, la perte d'un organe pair est une espèce de conséquence de l'invalidité secondaire et ne concerne pas la perte subie pendant le service dans les Forces armées. Donc si vous suivez le Livre blanc tel qu'il est vous aurez, à notre avis, une toute autre signification que si vous voyez le deuxième

[*Texte*]

second heading and combine it with "Consequential Disability".

The Chairman: That is a very interesting point. I think it is the first time it has been made in that way before the Committee. Are there questions that members want to raise on this point?

Mr. Bigg: I think we will question the departmental officials and I have made a note of that.

The Chairman: Are there any further comments? Page 5 of the brief deals with basic rates and I think we have had some discussion dealing with this. Page 6 deals with consequential disabilities which is the point you have just raised. Legal damages—again I think that the observation is fair and it has been made by other briefs as well.

Mr. Peters: Could I just ask a brief question?

The Chairman: Yes, Mr. Peters.

Mr. Peters: Is this a fairmly common problem? Does it involve a large number of people?

Mr. Black: No, it involves very few people.

Mr. Peters: It is just an occasional case.

Mr. Black: However, I would suggest that

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Sections 20, 21 and 22 be stricken right from the Pension Act; that would eliminate all problems.

Mr. Peters: I am just wondering how often does this come to your attention, that a case arises in this manner?

Mr. Black: There was one case brought to our attention of a chap travelling from North Bay, I believe it was, to Toronto. He had a flat tire, got out to fix his tire, was struck by another car and was killed. His widow had to pay for the ambulance back to Toronto, had to pay the funeral charges and so on, bore all the expenses herself, and then had to take the case against the party involved. They won the case, there was an award, then the government approached her and told her directly that she could either live on that amount—say, it was $30,000—until she used up all her pension money and then they would start paying her pension again, or else she could give them the money now and they would continue with her pension.

[*Interprétation*]

en-tête et le combinez avec «Invalidité secondaire».

Le président: C'est une question très intéressante. Je crois que c'est la première fois que celle-ci est ainsi exposée au comité. Y a-t-il d'autres questions à ce sujet?

M. Bigg: Je pense que nous interrogerons les fonctionnaires du ministère et j'en ai pris note.

Le président: Y a-t-il d'autres commentaires? La page 5 du mémoire traite du taux de base et je pense que nous en avons parlé. La page 6 traite des infirmités secondaires ce qui est la question que vous venez de soulever. Les dommages-intérêts? Je pense à nouveau que la remarque faite est juste et elle a déjà été faite dans d'autres mémoires.

M. Peters: Puis-je poser une brève question?

Le président: Oui. M. Peters.

M. Peters: Est-ce que c'est un problème assez fréquent? Affecte-t-il un grand nombre de personnes?

M. Black: Non, cela n'affecte qu'un petit nombre de personnes.

M. Peters: Il s'agit d'un cas exceptionnel.

M. Black: Je crois que les articles 20, 21 et 22 devraient être éliminés de la Loi sur les pensions. Ceci réglerait tous les problèmes.

M. Peters: Je voulais savoir si cela se produisait assez souvent? Est-ce qu'il y a des cas qui ont été soumis à votre attention de cette façon?

M. Black: Oui, il y en a eu un d'une personne revenant de North Bay. Je crois qu'elle se rendait à Toronto. Elle a eu une crevaison et est descendue de voiture pour réparer. Elle a été heurtée par une autre voiture et tuée. L'épouse a dû payer l'ambulance pour revenir à Toronto. Elle a dû payer les funérailles elle-même. Elle a ensuite porté l'affaire en justice. Elle a gagné sa cause et obtenu des dommages-intérêts. Le gouvernement l'a alors approchée pour lui déclarer tout net: «maintenant vous avez $30,000, vous les utilisez jusqu'à ce qu'il ne vous en reste plus, par la suite nous reprendrons le versement de votre pension ou encore, vous nous donnez l'argent que vous venez de recevoir et nous continuerons à vous verser votre pension».

[*Text*]

Now if that happened to you or I—let us put it that way because I am not 50 per cent or over—that money would be my widow's. But because the gentleman happened to be 50 per cent or over, his widow, in turn, had to give that money to the government and take her pension by right.

Mr. Peters: So it is fairly limited in application then?

Mr. Black: Oh definitely. The government would not lose a cent by closing that out. I think it costs them more heartaches and bad feelings than what it is worth.

The Chairman: There is some relief proposed in the White Paper but it does not go the whole way.

Mr. Peters: I was just wondering about the extent of it. We have heard only two cases in this regard and I was just wondering if it was exensive or not.

The Chairman: I think we can find out more readily from the department, Mr. Peters.

Are there any further questions on this point? We have had some discussion on Multiple Disabilities. Are there any further questions to be raised?

Mr. Peters: Before we leave that, in relation to the legal damages what happens to insurance? I understood that this legal case you just mentioned produced $30,000. What happens if a pensioner over 50 per cent has $10,000 insurance?

Mr. Black: That is his, sir. That becomes his widow's, it goes to his estate and the government does not touch it.

Mr. Peters: How come there is a difference?

Mr. Black: That is what we would like to know.

Mr. Bigg: It is a third party liability.

The Chairman: Are there any other questions on the brief?

Mr. Turner (London East): I am sorry I was out but I had to make a phone call.

Who would you suggest should be on the final Appeal Board? Should they all be outsiders, should there be a layman on it? Who would you like to see on the board?

[*Interpretation*]

N'oubliez pas que cela aurait fort bien pu arriver à ma femme ou à la vôtre, c'est de l'argent auquel elle aurait droit, si je suis pensionné dans une proportion de 50 p. 100 ou plus, mais à l'heure actuelle la veuve doit rembourser l'argent au gouvernement pour recevoir la pension à laquelle elle a droit.

M. Peters: Cela est assez limité quant à son application?

M. Black: Oui, certainement le gouvernement ne perdra pas grand chose à éliminer ces articles de la loi, et il éliminerait bien du ressentiments en tout cas.

Le président: Il y a quelques améliorations proposées dans le Livre blanc à ce sujet, mais elles ne vont pas si loin.

M. Peters: Je me demandais justement quelle était leur portée. J'ai entendu parler de deux cas, c'est pourquoi je voulais savoir si cela s'appliquait à un grand nombre de cas?

Le président: Peut-être que les gens du Ministère pourraient nous donner plus de renseignements là-dessus. D'autres questions à ce sujet? Passons à la page 7, «infirmités multiples», nous en avons déjà discuté, quelqu'un d'autres a quelque chose à ajouter.

M. Peters: Avant de quitter le sujet, puis-je poser une question ayant trait aux dommages-intérêts, qu'est-ce qui se produit pour l'assurance? Le cas que vous venez de mentionner a donné lieu à des dommages-intérêts de $30,000. Supposons que le pensionné dans une proportion de plus de 50 p. 100 ait eu une assurance de $10,000?

M. Black: C'est la sienne, et à ce moment-là l'argent va à la succession et revient à l'épouse. Le gouvernement n'y touche pas.

M. Peters: Alors comment y a-t-il une différence?

M. Black: C'est justement ce que nous aimerions savoir monsieur.

M. Bigg: C'est une responsabilité aux tiers.

Le président: D'autres questions sur le mémoire lui-même?

M. Turner (London-East): Je m'excuse d'avoir eu à m'absenter pour un appel téléphonique. Quant à l'appel final, qui devrait être chargé de l'entendre? Devrait-il être référé à un jury constitué de gens de l'extérieur, devrait-il y avoir de simples particuliers? Comment voudriez-vous que le jury soit constitué?

[*Texte*]

Mr. Campbell: Mr. Chairman, may I answer that one?

The Chairman: Yes, Mr. Campbell.

Mr. Campbell: I would like the honourable Member to consider this as a suggestion from this association only. For example, the White Paper talked about 15 bodies; as it were, 10 for the Entitlement Hearing Division and five for the Appeal Board. To our mind, these are still intermarried and there is no way of separating them. Now if this Appeal Board were made up of three or five members our association would not suggest that they come from the legal fraternity, for example, but possibly from the Department of Veterans Affairs. In this way our association feels that any appellant who would go before such an Appeal Board would be treated in the same manner as I would if I went before the Supreme Court of Canada—by an entirely separate group. We, as well as the appellant, are completely unable to separate these 15

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people. For example, if they came to us from the Department of Veterans Affairs rather than from the Pension Commission this would be one of the conceivable answers. Have I answered your question?

Mr. Turner (London East): Thank you very much.

The Chairman: Are there any other questions? If not, I would like to thank the members of the delegation who have come here and presented their briefs. I know the Committee has listened with interest. We have very much appreciated what you have done, in particular your willingness to answer questions and to attend with your brief.

Mr. Campbell: Thank you very much.

The Chairman: Our next delegation is from the Army, Navy and Air Force Veterans in Canada. Mr. Lundberg is the Dominion President. Mr. Chadderton is appearing with him in the capacity of Acting Secretary.

Mr. Jack C. Lundberg (Dominion President, Army, Navy and Air Force Veterans in Canada): Gentlemen, before I begin I would like to say that Comrade J. P. Niven, our National Secretary-Treasurer, has undergone serious surgery and has since suffered a mild heart

[*Interprétation*]

M. Campbell: Monsieur le président, puis-je répondre?

Le président: Oui, M. Campbell.

M. Campbell: Monsieur le député, voici: c'est une proposition qui émane de notre Association uniquement. Par exemple, lorsque le Livre blanc parlait de 15 personnes, 10 pour la Division de l'audition d'admissibilité et 5 pour le jury d'appel, à notre avis ces groupes sont toujours interdépendants les uns des autres dans leur façon de penser et il est difficile de les en empêcher. Si ce jury d'appel devait être composé de trois ou cinq membres, notre Association préférerait que les membres de ce tribunal d'appel viennent, par exemple, du ministère des Affaires des anciens combattants plutôt que du milieu juridique. De cette manière, notre Association pense que tout appelant qui se présente devant un tel jury serait traité de la même manière que s'il comparaîssait devant la Cour Suprême du Canada, il serait jugé par un tribunal entièrement indépendant, mais il nous est parfaitement impossible de penser que ces 15 personnes ainsi désignées répondent à cette exigence. Si ces personnes venaient du ministère des Affaires des anciens combattants plutôt que de la Commission des pensions ce serait à notre avis une façon de résoudre le problème, celle que nous proposons. Est-ce que cela répond à votre question?

M. Turner (London-East): Merci infiniment.

Le président: D'autres questions? Non? Alors je vais en profiter pour remercier les membres de la délégation qui nous ont présenté leurs mémoires. Nous vous avons écouté avec intérêt, nous apprécions votre travail et surtout votre obligeance à répondre à nos questions. Je tiens à vous en remercier.

M. Campbell: Nous vous remercions également, monsieur le président.

Le président: Nous avons maintenant l'Association des anciens combattants de l'Armée, de la Marine et de l'Aviation. M. Lundberg en est le président, il y a M. Chadderton, que vous connaissez bien, il est secrétaire adjoint de cette Association.

M. Jack C. Lundberg (Président de l'Association des anciens combattants des armées de terre, de l'air et de mer du Canada): Messieurs, avant d'entreprendre la lecture du mémoire, je dois vous dire que notre secrétaire est actuellement confiné à l'hôpital, il a

[*Text*]

attack, otherwise he would be here this morning assisting me. Mr. Clifford Chadderton, a life member of our association, has acted in the capacity of a consultant in pension work for a number of years and has agreed to sit in this morning and pinch-hit for J. P. Niven, our National Secretary-Treasurer.

The Chairman: Could I explain our procedure before you commence. In the past we have encouraged witnesses to go right through their brief. However, this one is a little more extensive—I note 31 printed pages—and is going to take more time. Is it your wish that we discuss it section by section or do you want to go through it all first? What is your preference?

Mr. Lundberg: Mr. Chairman, I think I could proceed as far as page 13 before it would be necessary to stop.

The Chairman: Thank you.

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Mr. Lundberg: Then we could have discussion on that part. Mr. Chairman and Gentlemen, the survey of the Canadian Pension Commission and the Pension Act, which required some two and one half years for completion, is considered by the Army, Navy and Air Force Veterans to be a most comprehensive work of its kind. The 148 recommendations contained in the Committee's report could give Canada's Veterans and outstanding pension programme. The many inequities and omissions—which have long been the subject of criticisms voiced by Veterans Organizations over the years—could finally be rectified—and we could see the remaining 25 to 35 years of pension administration as something in which all Canadian could take pride.

It seems very obvious to us that the Woods Committee has shown the way. The White Paper on Veterans Pensions, released by the Honourable, the Minister of Veterans Affairs on September 9th, 1969, indicated the Government's present position in regard to the Woods Committee recommendations. The Army, Navy and Air Force Veterans was pleased to learn, through the Honourable, the Minister, that the White Paper does not represent a final commitment, particularly inasmuch as there are a number of recommendations which have not been dealt with by the White Paper or, alternatively, the proposed improvement as seen in the White Paper does not, in the opinion of our Association, go far enough in meeting the recommendations of the Woods Committee in certain areas.

[*Interpretation*]

subi une grave opération chirurgicale et il a eu ensuite une crise cardiaque. Il devait m'assister ce matin, c'est pourquoi M. Chadderton un de nos plus anciens membres a bien voulu venir nous aider ce matin en remplacement de M. J. P. Niven, il a déjà travaillé pendant nombre d'années pour nous à titre de conseiller dans les affaires de pension.

Le président: Avant de commencer pouvons-nous expliquer notre façon de procéder. Dans le passé, nous avons toujours encouragé les témoins à aller jusqu'au bout de leur mémoire. Cependant celui-ci est assez important, j'ai compté 31 pages imprimées. Cela va nous prendre plus de temps. Voulez-vous que nous en discutions article par article ou préférez-vous le lire jusqu'au bout?

M. Lundberg: J'aimerais le lire jusqu'à la page 13 environ avant de m'arrêter pour passer à la discussion.

Le président: Merci. C'est parfait.

M. Lundberg: Monsieur le Président, Messieurs, l'Association des anciens combattants des armées de terre, de mer et de l'air du Canada estime que l'étude portant sur la Commission canadienne des pensions et la Loi sur les pensions, étude à laquelle le Comité Woods a dû consacrer deux ans et demi est l'une des plus complètes jamais entreprises. Les 148 recommandations formulées par le Comité dans son rapport pourraient donner aux anciens combattants du Canada un régime de pensions de premier plan. Les injustices et les lacunes innombrables,—qui font l'objet, depuis de nombreuses années, des critiques des associations d'anciens combattants,—pourraient enfin être corrigées,—et les 25 ou 35 années du régime de pensions pourraient faire l'orgueil de tous les Canadiens. Il nous semble évident que le Comité Woods nous a tracé la voie dans laquelle nous devrons nous engager. Le Livre blanc sur les pensions des anciens combattants, que le ministre des Affaires des anciens combattants a rendu public le 9 septembre 1969, indique l'attitude actuelle du gouvernement à l'égard des recommandations du Comité Woods. L'Association des anciens combattants des armées de terre, de mer et de l'air du Canada fut heureuse d'apprendre, de la bouche même du ministre, que le Livre blanc ne représente pas une attitude immuable, car il passe sous silence un bon nombre des recommandations du Comité Woods et propose des améliorations qui, de l'avis de notre association, ne vont pas assez loin dans le sens des recommandations faites par le Comité Woods dans certains domaines.

[*Texte*]

We visualize that the Standing Committee on Veterans Affairs of 1969 will predictably be one of the most important Parliamentary committees in the history of veterans legislation. Gentlemen, we are dependent upon your Committee to fill in the gaps between the recommendations of the Woods Committee and the less-generous proposals of the White Paper. We appreciate the opportunity to come before you today, in the hope that we can furnish additional information in respect of these gaps.

Secrecy:

One of the most important generalizations in the Woods Committee report concerned what it called the "shroud of secrecy" which has surrounded Veterans Pension Administration.

The Woods Committee suggested that the policy of the Canadian Pension Commission should be one of "full disclosure" instead of the present one of providing only limited information to the applicant, to those who represent him, and to the public at large. The Woods Committee considered this as possibly "the most serious flaw" in the administration of the Pension Act and gave the following examples:

(1) The Commission does not as a generrule attempt to lay down interpretations, presumably on the premise that "to define is to restrict".

(2) Medical advice from the Commission Staff to the Commission is handled on the basis of confidential memoranda (i.e., the "white slip").

(3) Pension is refused on the grounds of pre-enlistment disabilities without production of evidence upon which the decision is taken.

(4) The Commission, in preparing its written decisions, does not provide a full explanation of the reasons for refusal.

(5) The testimony given at appeal boards is not recorded, except that of a medical nature. Even then, this is transcribed only if the application fails.

We are pleased to note, from the White Paper, that the government intends to rectify the first four of the five problems as set out above. Concerning number 5, we have not seen the procedural rules which will be laid down in the matter of testimony given at entitlement board hearings and we can only suggest that, if and when entitlement boards

[*Interprétation*]

Nous croyons que le Comité permanent des affaires des anciens combattants de 1969 sera l'un des plus importants de tous les comités parlementaires qui ont jalonné l'histoire de la législation des anciens combattants. Messieurs, nous comptons sur votre comité pour combler l'écart qui existe entre les recommandations du Comité Woods et les propositions moins généreuses du Livre blanc. Nous apprécions vivement l'occasion qui nous est fournie de comparaître aujourd'hui devant vous, dans l'espoir que nous pourrons vous fournir de plus amples renseignements au sujet de cet écart.

L'atmosphère de mystère

Une des observations les plus importantes, que renferme le rapport du Comité Woods, concerne, selon l'expression employée par le Comité, «l'atmosphère de mystère» qui entoure l'administration des pensions.

Le Comité Woods a exprimé l'avis que la Commission canadienne des pensions devrait adopter une politique «d'information totale» au lieu de sa politique actuelle de fournir le moins de renseignements possible au requérent, à ses représentants et au grand public. Le Comité a jugé que c'était peut-être là «une des lacunes les plus graves» de l'application de la Loi sur les pensions, et il en a donné les exemples suivants:

(1) En règle générale, la Commission ne tente pas d'expliciter ses interprétations; partant probablement du postulat que «définir, c'est restreindre».

(2) Les avis que la Commission reçoit de ses propres médecins sont traités en stricte confidence sur «feuillets blancs».

(3) La Commission rejette une demande de pension pour cause d'invalidité antérieure à l'enrôlement, sans faire connaître la preuve sur laquelle s'appuie la décision.

(4) La Commission ne fournit pas, dans ses décisions écrites, une explication suffisante des motifs du rejet de la demande.

(5) Les témoignages entendus par les bureaux d'appel ne sont pas consignés, exception faite des expertises médicales, et même celles-ci ne sont transcrites que lorsque la demande est rejetée

Nous sommes heureux de constater, en parcourant le Livre blanc, que le gouvernement se propose d'apporter une solution aux quatre premiers de ces problèmes. En ce qui a trait au cinquième, nous n'avons pas vu les règles de procédure qui régiront les témoignages déposés devant les bureaux d'admissibilité et nous pouvons seulement recommander que, si

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are instituted, all testimony should be recorded, so that it can be available if the application does fail.

The Army, Navy and Air Force Veterans has suggested, in many past submissions, that veterans Organizations—and the veteran himself—have the right to know all the facts which are brought before the Commission where an application fails. We consider it particularly important to compliment the Woods Committee in regard to its recommendations in this regard—and we are pleased to learn that the government intends to make some significant improvements in this area.

Social Welfare Aspects:

Another general criticism in the Woods Report concerns Commission policy in regard to the social welfare aspects of its administration. In addition to basic entitlement for pension, the Commission administers a wide variety of supplementary benefits. These differ from the *entitlement provisions*, in that the main requirement in these supplementary areas is the final application of a "means test" in regard to the financial circumstances of the case.

It is not too clear, from the White Paper, as to the proposals of the government in regard to the recommendations of the Woods Committee in these supplementary areas. We do hope, however, that Commission policies will be clarified—with the result that there will be some relaxation and/or standardization of adjudication in regard to these matters. We shall be dealing, later in this brief, with some of the specific recommendations.

Requirement for Modernization:

Another significant finding in the report is to the effect that the procedures of the Commission require modernization. Many of these had been evolved in the years immediately following World War I, and it would seem that little effort was made to keep pace with advances in administrative practice. Here again, the Army, Navy and Air Force Veterans has consistently brought to the attention of the Government the need for the Pension Commission to streamline its administration and procedures. Fortunately, the Woods Committee complaints in this regard are well documented. It would appear, from the White Paper, that the necessary remedial action will be taken to bring more modern practices into effect for the Commission. This will be welcomed by veterans generally.

[*Interpretation*]

jamais les bureaux d'admissibilité sont établis, tous les témoignages devraient être consignés afin qu'ils soient disponibles si la demande est rejetée.

L'Association des anciens combattants des armées de terre, de mer et de l'air a déjà déclaré dans de nombreux mémoires que les associations d'anciens combattants et le requérant lui-même ont le droit de connaître tous les faits soumis à la Commission, dans le cas d'une demande rejetée. Nous croyons qu'il est particulièrement important de féliciter le Comité Woods de ses recommandations à cet égard, et nous sommes heureux d'apprendre que le gouvernement se propose d'apporter des améliorations importantes en ce domaine.

Aspect social

Une autre critique du Rapport Woods, qui a une portée générale, concerne l'attitude de la Commission à l'égard des aspects de son administration qui s'apparentent aux mesures de bien-être social. En plus du droit à la pension de base, la Commission administre une grande variété de prestations supplémentaires. Ces prestations diffèrent du droit à pension en ce sens que leur attribution est assujettie à une «évaluation des moyens» du requérant.

Le Livre blanc n'expose pas clairement les propositions du gouvernement concernant les recommandations du Comité Woods dans ces domaines supplémentaires. Nous espérons, toutefois, que les règles de conduite de la Commission seront précisées et qu'il en résultera un certain adoucissement ou une normalisation des décisions de la Commission concernant ces prestations. Nous traiterons, plus loin dans le présent mémoire, de certaines recommandations particulières du Rapport Woods en ce domaine.

Besoin de modernisation

Une autre conclusion importante du Rapport Woods porte sur la nécessité de moderniser les méthodes de la Commission. Un grand nombre de celles-ci ont été établies au cours des premières années qui ont suivi la Première Guerre mondiale, et il semble que la Commission ait fait peu d'efforts pour profiter des progrès de la technologie administrative. Notre association n'a pas cessé d'attirer l'attention du gouvernement sur la nécessité de moderniser l'administration et les méthodes de la Commission canadienne des pensions. Fort heureusement, les critiques formulées par le Comité Woods en ce domaine sont bien documentées. Il semblerait, d'après le Livre blanc, que l'on prendra les mesures nécessaires pour que la Commission adopte des méthodes plus modernes. Cette nouvelle sera

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Appeals:

One of the major areas in the report concerns the procedures in the handling of appeals. At present the appeal procedure within the Commission comprises an arrangement where appeal boards composed of three commissioners conduct hearings to consider appeals from previous decisions. This procedure applies only to basic entitlement. And there is no appeal in regard to applications for the supplementary benefits. Moreover, this procedure brings up the often-criticized practice where the appeals are heard by members of the same board (that is the Pension Commission) that made the original decision. These Commissioners work together, share common office space and are jointly responsible for the administration of the Pension Act. It seems patently unfair that the only appeal in connection with a Pension Commission decision is where the applicant appears before three of the confreres of the very men who made the initial decision. This may be justice—but it certainly does not give the appearance of justice—an all important factor in Pension Law.

The main report of the Committee contains a recommendation for the institution of a Pension Appeal Board as the final arbiter in pension applications. The Army, Navy and Air Force Veterans considers that this is the only feasible answer to the problem of appeals.

It may mean that the federal government will have to consider an increased expenditure to institute this Appeal Board. However, two factors should be taken into consideration as follows:

(1) Firstly, this is but a small price to pay for the necessary insurance which will see to it that the Pension Act is administered with proper consideration for what might be called the due process of law.

(2) Secondly, a study of the Woods Report indicates that, although the establishment of a Pension Appeal Board would require an increased outlay in government expenditure, this Board would take over many of the functions now carried out by the Pension Commission itself. Thus, the expense of the Pension Appeal Board would be somewhat offset

[*Interprétation*]

bien accueillie par l'ensemble des anciens combattants.

Appels

Un des principaux chapitres du Rapport Woods a trait aux méthodes de traitement des appels. La procédure d'appel actuelle de la Commission comporte une disposition en vertu de laquelle des bureaux d'appel formés de trois commissaires tiennent des séances pour examiner et juger les appels interjetés contre les décisions antérieures de la Commission. Cette procédure s'applique seulement au droit à la pension de base. Il n'existe aucun droit d'appel dans le cas des avantages supplémentaires. En outre, cette procédure a souvent donné prise à la critique, du fait que les appels sont entendus par des membres de la même commission (c'est-à-dire la Commission canadienne des pensions) qui a rendu la décision en première instance. Ces commissaires travaillent ensemble, partagent les mêmes bureaux et sont solidairement responsables de l'application de la Loi sur les pensions. Il semble clairement injuste que le seul recours en appel du requérant contre une décision de la Commission canadienne des pensions soit de se présenter devant trois des collègues des hommes qui ont rendu la décision initiale. Ce régime est peut-être juste, mais il ne donne certainement pas l'impression de l'être, alors qu'il est très important qu'un régime de pension donne cette impression.

Le rapport majoritaire du Comité Woods recommande l'établissement d'un Bureau d'appel des pensions ayant le pouvoir de statuer en dernière instance sur les demandes de pension. Notre association estime que c'est la seule solution pratique au problème des appels.

Le gouvernement fédéral sera peut-être obligé d'envisager une dépense additionnelle pour établir ce bureau d'appel. Il y aurait lieu, toutefois, de tenir compte des deux facteurs suivants:

(1) En premier lieu, ce serait une façon peu coûteuse de se procurer l'assurance nécessaire que la Loi sur les pensions serait appliquée selon ce qu'on pourrait appeler les voies de droit régulières.

(2) En second lieu, l'étude du Rapport Woods révèle que, bien que l'établissement d'un Bureau d'appel des pensions signifierait une augmentation des dépenses du gouvernement, ce bureau se verrait attribuer plusieurs des fonctions actuelles de la Commission canadienne des pensions. En conséquence, le coût du Bureau d'appel des pensions serait com-

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by the probable reduction in the cost of the Commission.

The White Paper proposes that the responsibility for appeals should rest with an "APPEAL SECTION" of a new Pension Commission. This seems, in our opinion, to defeat the very purpose which led the Woods Committee to propose a new Appeal Board or, in the case of the minority report, an ombudsman. The Woods Committee saw that the major flaw in the entire pension system was the fact that the "appearance of justice" was not present, in that the appeals were handled by the same body which was responsible for the administration of the Act.

As we understand the proposal in the White Paper, this same flaw would continue to exist in that, instead of an independent appellate review, appeals would still behandled by a section of the Pension Commission.

The only solution, as we see it, is for the government to adopt the proposal of the Woods Committee, to establish an independent appeal board. We are in sympathy with the position of the government in regard to economic factors—but these factors should not be a deterrent to the institution of a remedy to this most important matter of pension appeals.

It has already been pointed out, in the submission of the nationally-chartered veterans organizations of Canada, that there is possibly some little coincidence in the fact that the new appeal procedure proposed in the White Paper utilizes the exact number of commissioners for which provision is made under the existing establishment for the Pension Act. This leads to the suggestion that, perhaps, the government wanted to establish a new procedure without disturbing the present complement of commissioners. Commendable as this might be, it might seem to overlook one very important fact!! That is to say, if and when a new appeal procedure is instituted—along with the new benefits and improvements in the Pension Act—we can logically expect a virtual landslide of new applications. This will understandably create a backlog which will require some expanded adjudication machinery for a period which we estimate to be as long as two or three years. Therefore, it would seem very obvious that the existing complement of 15 commissioners—no matter how they are re-shuffled—will be insufficient to deal with this backlog. It can be safely assumed, therefore, that over the next three years at least the existing 15 Commissioners might well be used at the proposed Entitle-

[*Interpretation*]

pensé, dans une certaine mesure, par la réduction probable de celui de la Commission.

Le Livre blanc propose que la responsabilité de juger les appels soit confiée à une «Division des appels» d'une Commission des pensions restructurée. A notre avis, cette proposition semble aller à l'encontre du but que le Comité Woods cherchait à atteindre en proposant la formation d'un nouveau bureau d'appel et, dans le cas du rapport minoritaire, la nomination d'un ombudsman. Le Comité Woods a constaté que la principale lacune du régime de pensions était l'absence de «l'apparence de justice», en ce sens que les appels sont jugés par le même organisme qui est responsable de l'application de la Loi.

Il nous semble que la proposition formulée dans le Livre blanc aurait pour effet de perpétuer cette lacune car, au lieu d'une révision par un organisme d'appel indépendant, les appels seraient encore jugés par une section de la Commission canadienne des pensions.

La seule solution, à notre avis, est que le gouvernement adopte la recommandation du Comité Woods et établisse un bureau d'appel indépendant. Nous ne sommes pas en désaccord avec l'attitude du gouvernement en ce qui concerne les facteurs économiques, mais ces facteurs ne devraient pas empêcher l'adoption d'une solution efficace à ce problème très important des appels.

Le mémoire des associations nationales d'anciens combattants du Canada a déjà souligné la possibilité qu'il existe une certaine coïncidence dans le fait que la nouvelle procédure d'appel proposée dans le Livre blanc requiert exactement le même nombre de commissaires que le régime actuel, établi en vertu de la Loi sur les pensions. Nous pourrions en conclure que le gouvernement voulait peut-être établir une nouvelle procédure sans modifer la composition actuelle de la Commission. Aussi louable que soit cette intention, elle semble bien ne pas tenir compte d'un fait très important! En effet, si jamais le gouvernement établit une nouvelle procédure d'appel—en plus des nouveaux avantages et des modifications apportées à la Loi sur les pensions—il y aurait lieu de s'attendre à une avalanche de nouvelles demandes. Il est à prévoir qu'il en résultera un arriéré, et nous estimons que durant deux ou trois ans l'appareil d'adjudication devra disposer de moyens accrus. En conséquence, il nous semble tout à fait évident que l'effectif actuel de 15 commissaires—quelle que soit la répartition qu'on en fasse—ne pourra suffire à liquider cet arriéré. On peut affirmer sans crainte, par conséquent, que, pendant les trois prochaines années tout au moins, les 15 commissaires

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ment Board level. In fact, this seems to be an absolute necessity if we are to avoid the congestion which will otherwise result in pension adjudication.

This seems to mean that the proposal of the Government, to split the adjudication at the level of the new Commission into 10 commissioners for Entitlement Boards and five commissioners for an appeal section is impractical to say the least. There would, in our view, simply be insufficient commissioners to handle the task. Therefore *some* additional number of personnel will undoubtedly be required during the initial stages of the new procedure. Possibly it would be feasible to suggest that three new appointments be made to the Appeal Board from persons not now connected with the Commission, and two of the existing commissioners be elevated to this Board. This then would leave a complement of 13 commissioners to fulfill the duties of the proposed Entitlement Board.

The suggested establishment of a Directorate of Pensions within the Department of Veterans Affairs does not appear to be a prerequisite to a better pension procedure for Canada's veterans. So far as we can determine, the Woods Committee saw no real problems at the initial stages of adjudication, so long as Commission procedures were streamlined, suitable instructions were issued and quality control procedures instituted. We feel that less disruption would result if the existing machinery were made to work—rather than to attempt to establish a new directorate in the Department of Veterans Affairs. There is another significant element which should enter this consideration. We refer to the fact that one of the larger responsibilities of the Department is for *welfare*. It is a well-established principle that welfare does not and cannot enter into the administration of pensions. Perhaps we can be excused, therefore, if we express some concern about the possibility that the administration of pensions at the lower philosophy of welfare should effects of the philosophy of welfare should such be transferred to the Department of Veterans Affairs.

This Department does an excellent job in regard to adjudication and administration of War Veterans Allowance. This is, undeniably, a welfare concept. We feel, however, that there should be no direct connection between the Department and pensions. It is noted, of course, that the proposal is to establish a

[*Interprétation*]

actuels pourraient être employés au niveau des bureaux d'admissibilité proposés. En vérité, cela semble même une nécessité absolue, si nous voulons éviter la congestion qui se produirait autrement dans le jugement des demandes de pensions.

Il semble ressortir de tout cela que la proposition du gouvernement, suivant laquelle 10 des membres de la nouvelle commission formeraient les bureaux d'admissibilité et les 5 autres le bureau d'appel, est impraticable, et c'est le moins que l'on puisse en dire. A notre avis, il n'y aurait pas suffisamment de commissaires pour faire le travail. En conséquence, il faudra sans aucun doute augmenter le personnel au cours de la période de début de la nouvelle procédure. Nous aimerions proposer qu'il serait peut-être possible de nommer au Bureau d'appel des pensions trois personnes n'ayant actuellement aucun lien avec la Commission et de leur adjoindre deux des commissaires actuels. Il resterait donc 13 commissaires pour s'acquitter des fonctions dévolues aux bureaux d'admissibilité proposés.

L'établissement d'une direction générale des pensions au sein du ministère des Affaires des anciens combattants ne semble pas essentielle pour établir une meilleure procédure. Pour autant que nous puissions nous en assurer, le Comité Woods n'envisageait aucune difficulté majeure aux premiers échelons de la procédure de jugement des demandes, sous réserve que les méthodes de la Commission soient modernisées, que des directives appropriées soient publiées et qu'une méthode de contrôle de la qualité soit établie. Nous croyons qu'il y aurait moins de bouleversement si les rouages actuels étaient rendus plus efficaces plutôt que d'établir une nouvelle direction au sein du ministère des Affaires des anciens combattants. Il y a encore un autre point important à considérer: une des responsabilités les plus lourdes du Ministère est le bien-être des anciens combattants. C'est un principe bien établi que le bien-être ne peut pas et ne doit pas faire cause commune avec l'administration des pensions. On nous pardonnera peut-être, en conséquence, d'exprimer l'inquiétude que provoque chez nous la possibilité que les premiers échelons de l'administration des pensions subissent les effets de la philosophie du bien-être social s'ils étaient transférés au ministère des Affaires des anciens combattants.

Ce ministère accomplit un excellent travail d'adjudication et d'administration des allocations aux anciens combattants. Il s'agit là, incontestablement, d'une mesure de bien-être social. Nous sommes d'avis, toutefois, qu'il ne devrait exister aucun lien direct entre le Ministère et les pensions. Nous savons, cela va

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separate *directorate*—and presumably the same personnel who are involved in the administration of war veterans allowance and other welfare benefits would not be engaged in the work of this new directorate. Notwithstanding, it does seem necessary to suggest that any attempt to place pensions within the confines of the Department of Veterans Affairs could be a dangerous step.

We wonder, also, if in proposing the establishment of a Directorate of Pensions within the Department of Veterans Affairs, sufficient thought has been given to the possible attitude of the pension applicant. Canada's Veterans have long ago accepted the concept that pensions are awarded as of right and there is bound to be misunderstanding if the veteran now is required to submit his application for pension through the same Department that has, up to now, handled the applications for welfare benefits. The use of the Department of Veterans Affairs in the administration of pension is, in the very least, questionable. To the best of our knowledge no one suggested this and it does not seem to be part of the remedy required to correct the problems of our pension administration.

May we be permitted one further comment regarding the proposed Appeal Division of the new Pension Commission. Over the years, officers of our Association have discussed the question of pension appeals with members of Parliament. We are aware, of course, that many members receive complaints from their constituents concerning pension applications. Up until now, the only answer that a Member of Parliament has been able to give, when an appeal has been refused, is that the Pension Commission is autonomous, and that there is no appeal from the Commission decisions, unless a "leave to reopen" could be obtained on the basis of new evidence.

When the Woods Committee Report was made public, our Association felt that the Member of Parliament would welcome the proposed Appeal Board, for a number of reasons including the fact that he could explain, to a dissatisfied applicant, that the case had been the subject of an independent review. If, however, the proposal to establish an Appeal Division within the Commission is proceeded with, the Member of Parliament will still have to deal with the applicant's complaint to

[*Interpretation*]

sans dire, qu'il est question d'établir une *direction* distincte, et on peut supposer que le personnel préposé à l'administration des allocations aux anciens combattants et des autres prestations de bien-être social ne serait pas mêlé au travail de cette nouvelle direction. Néanmoins, il nous apparaît nécessaire de dire qu'il serait vraisemblablement dangereux de confier l'administration des pensions au ministère des Affaires des anciens combattants.

Nous nous demandons également si, en proposant l'établissement d'une direction générale des pensions au sein du ministère des Affaires des anciens combattants, on a suffisamment songé à ce que pourrait être l'attitude du requérant. Les anciens combattants du Canada ont depuis longtemps accepté le principe que la pension leur est accordée *de droit*, et la confusion règnera sans aucun doute s'ils doivent maintenant soumettre leurs demandes de pensions par l'entremise du ministère qui, jusqu'à présent, s'est occupé de leurs demandes de prestations de bien-être social. Le recours au ministère des Affaires des anciens combattants pour administrer les pensions est tout au moins contestable. Pour autant que nous sachions, personne n'a proposé une telle solution, qui ne semble d'ailleurs pas appropriée, compte tenu de la nature du problème des pensions.

Qu'il nous soit permis de faire une autre remarque au sujet de la division des appels que le gouvernement se propose d'établir au sein de la nouvelle Commission des pensions. Depuis de nombreuses années, les représentants de notre association ont abordé la question des appels au cours d'entretiens avec des députés. Nous savons, naturellement, que de nombreux députés reçoivent des plaintes de leurs commettants au sujet de demandes de pensions. Jusqu'à maintenant, la seule réponse qu'un député pouvait donner, dans le cas du rejet d'un appel, était que la Commission canadienne des pensions est un organisme autonome et que ses décisions ne peuvent faire l'objet d'aucun appel, à moins que le requérant n'obtienne la «permission de reprendre sa demande» pour cause de nouvelles preuves.

Lorsque le Rapport Woods fut rendu public, notre association était d'avis que, pour plusieurs raisons, les députés feraient bon accueil au Bureau d'appel des pensions proposé et, en particulier, parce qu'ils pourraient expliquer aux requérants mécontents que leur cas avait été examiné par un organisme indépendant. Par contre, si l'on adopte la proposition d'établir une section des appels au sein de la Commission, les députés devront encore répondre aux plaintes des requérants, qui croiront que

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the effect that his case did not really receive fair treatment, because it was merely reviewed by a group belonging to the same body which made the decision at the Entitlement Board stage.

In conclusion, the Army, Navy and Air Force Veterans repeat the view of the National Council of Veteran Associations. That is to say, we commend to the Parliamentary Committee the proposals of the Woods Committee, which were to establish a completely separate or independent appellate body, housed in a separate building, and one which would have no connection of any kind with the Pension Commission itself.

Regular Forces:

We were disappointed to note that the White Paper contained no reference to any remedies in the administration of that section of the Pension Act which deals with coverage for personnel of the Regular Force.

The Woods Report proposes a complete revamping of the provisions for the coverage for Regular Force service in peacetime. Under the existing Act, the requirements for death or disability pension arising out of peacetime service are more restrictive than for wartime service. The report recommends that pensions be paid wherever the disability or death can be related to service, and that this should include recreation, transportation, exposure to special health and environmental hazards, and acts done as part of service operations, training and administration.

The Army, Navy and Air Force Veterans have, over the years, developed very serious concern for the manner in which the Pension Commission has handled claims coming as a result of peace time service. In the first place, it has been apparent that the Pension Commission does not fully understand the terms and conditions which exist in the Regular Forces today. This seems obvious from the decision which the Commission has handed down, refusing pension, as it felt that there was no requirement from a service viewpoint for the applicant to have been performing in the way he was. The Woods Report contains a number of excellent examples in this regard.

We do not necessarily feel that the Pension Commission (or anyone else for that matter) should be held responsible. As the Woods Committee Report states, the problem is that

[*Interprétation*]

leur demande n'a pas été étudiée d'une façon équitable, parce qu'elle a simplement été étudiée par un groupe de personnes faisant partie de l'organisme qui a rendu la décision à l'échelon du bureau d'admissibilité.

En guise de conclusion, l'Association des anciens combattants des armées de terre, de mer et de l'air du Canada fait sienne l'opinion du Conseil national des associations d'anciens combattants. En d'autres termes, nous demandons au Comité parlementaire d'approuver les recommandations du Comité Woods selon lesquelles il y aurait lieu d'établir un organisme d'appel complètement séparé ou indépendant, logé dans un immeuble distinct, un organisme n'ayant absolument aucun lien d'aucune sorte avec la Commission canadienne des pensions.

Forces régulières

Nous avons été déçus en constatant que le Livre blanc ne proposait aucune amélioration à l'application de la partie de la Loi sur les pensions qui a trait à la protection accordée au personnel des forces régulières.

Le Rapport Woods propose une refonte complète des dispositions applicables au personnel des forces régulières en temps de paix. Les dispositions actuelles de la Loi permettant d'accorder des pensions d'invalidité ou de décès à l'égard du service en temps de paix sont plus restrictives que celles qui s'appliquent au service en temps de guerre. Le Rapport recommande que la pension soit accordée chaque fois qu'il est possible d'établir un lien entre l'invalidité ou le décès et le service et que ces dispositions devraient s'appliquer également aux activités récréatives, aux déplacements, à l'exposition, aux risques particuliers pour la santé, aux dangers de milieu et aux actes qui se rattachent aux opérations, à l'entraînement et à l'administration militaires.

Depuis plusieurs années, notre association est très troublée de la manière dont la Commission des pensions juge les demandes de pension découlant du service en temps de paix. En premier lieu, il est évident que la Commission canadienne des pensions ne comprend pas parfaitement les circonstances et les conditions qui existent de nos jours dans les forces régulières. Cela semble évident d'après les décisions que la Commission a rendues et dans lesquelles elle refuse une pension en se disant d'avis que le service n'exigeait pas que le requérant se livre aux activités auxquelles il s'est livré. Le Rapport Woods renferme plusieurs excellents exemples de cette attitude.

Nous ne croyons pas nécessairement que la Commission canadienne des pensions (ou même toute autre personne) doive en être tenue responsable. Ainsi que le dit le Rapport

[*Text*]

the pension legislation for peacetime forces was brought into being in 1920—and was intended to cover the activities in the peacetime forces in those days. Today, the integrated armed forces perform thousands of hazardous tasks. They use ultra-modern weaponry and transportation methods. They are extremely mobile, moving to all four corners of the earth and, particularly, they are in some cases the only residents of a great portion of Canada's northland. All of these factors require a very special type of "workmen's compensation" for the Regular Forces. The Army, Navy and Air Force Veterans hail the advanced and spectacular recommendations of the Woods Committee Report which called for re-vamping of the provisions of the legislation for Regular Force personnel.

[*Interpretation*]

Woods, le problème tient au fait que les dispositions de la Loi sur les pensions qui s'appliquent aux forces régulières du temps de paix ont été adoptées en 1920, et qu'elles devaient s'appliquer aux activités qui avaient cours dans les forces régulières à cette époque. De nos jours, les forces armées intégrées exécutent des milliers de tâches périlleuses. Elles utilisent des armes et des moyens de transport ultra-modernes. Elles sont extrêmement mobiles, se rendent aux quatre coins du monde et sont même les seuls habitants d'une très grande partie du Nord du pays. Tous ces facteurs militent en faveur d'un mode très spécial «d'indemnisation des accidents du travail» au sein des forces régulières. Notre association applaudit les recommandations très avancées et spectaculaires du Rapport Woods, qui réclament la modernisation des dispositions de la Loi applicables au personnel des forces régulières.

• 1155

Are there any questions, Mr. Chairman, on what has been read so far? We are approaching 12 o'clock.

The Chairman: Mr. MacRae has a question. I am sorry; Mr. Marshall?

Mr. MacRae: I do not mind waiting until after 12, too, Mr. Chairman, if you want to stop now.

The Chairman: Shall we adjourn at this point? Mr. Lundberg?

Mr. Lundberg: It is entirely at the pleasure of the Committee, sir.

The Chairman: There are certain questions that Mr. MacRae and Mr. Marshall want to raise. Shall we adjourn until 2 o'clock?

Mr. Marshall: I move that we adjourn, Mr. Chairman.

The Chairman: We will meet again at 2 o'clock.

Monsieur le président, y aurait-il des questions sur ce qui a été lu jusqu'ici? Il va bientôt être midi.

Le président: M. MacRae a une question à poser. Non, je m'excuse. Monsieur Marshall?

M. MacRae: Je peux très bien attendre jusqu'à cet après-midi, si vous voulez ajourner maintenant, monsieur le président.

Le président: Voulez-vous que nous ajournions maintenant? Monsieur Lundberg?

M. Lundberg: Je suis à la disposition du Comité, monsieur le président.

Le président: MM. MacRae et Marshall désirent poser quelques questions. Allons-nous lever la séance jusqu'à 2 heures de l'après-midi?

M. Marshall: Je propose que nous ajournions jusqu'à deux heures, monsieur le président.

Le président: Nous reprendrons à 2 heures.

AFTERNOON SITTING

SÉANCE DE L'APRÈS-MIDI

• 1415

The Chairman: Can we call the Committee to order, please. Mr. Lundberg, you were proceeding with your brief this morning. I think we interrupted at one stage for questions and I think we are ready to go ahead now. Is that right?

Mr. Lundberg: That is right, Mr. Chairman. Thank you very much. Prior to going ahead,

Le président: La séance est ouverte. Alors, monsieur Lundberg, vous étiez en train de lire le mémoire ce matin. Nous avons arrêté à un moment donné mais nous sommes prêts à poursuivre.

M. Lundberg: Merci, monsieur le président. Les interprètes m'ont toutefois avisé que je

[*Texte*]

Mr. Chairman, I have been informed by the translator that I have been reading too fast and they have requested that I slow down, which I am prepared to do. It will mean, of course, that I shall not finish my brief this afternoon but The Royal Canadian Legion has graciously given me tomorrow morning if we do not finish this afternoon. To Donald Thompson, the Secretary General of The Legion, I extend my sincere thanks and appreciation.

Mr. Chairman, I was very remiss this morning. I guess I was too anxious to get started with you fine gentlemen and I forgot to introduce the Honorary Dominion President of the Army, Navy and Air Force Veterans in Canada, Brigadier James L. Melville.

The Chairman: He comes here in many capacities—former Chairman of the Pension Commission—and is very well known to members here.

Mr. Lundberg: When we closed off, Mr. Chairman, I believe somebody wished to ask a question and unfortunately we had already completed.

The Chairman: I think you will find that there will be a fair number of questions and we will follow the procedure of not taking a narrow view of the agenda. They can come back to the point that you have covered.

Mr. Lundberg:

Benefit of the Doubt:

We are pleased also to note that the White Paper is recommending a revision in the Benefit of Doubt principle. We have no specific information on this but we do understand that the government is prepared to accept, to all intents and purposes, the wording of the Woods Committee proposal. In the event that some additional comment would strengthen the recommendation in the White Paper, we take this opportunity to furnish further views.

The Benefit of the Doubt clause has been the subject of serious criticism since it became part of the Pension Act in 1930. The Woods Report suggests that much of the difficulty lies in the inability to interpret the existing clause in the legislation, and suggests that it be replaced by a provision that the applicant should not require a preponderance of evidence in support of his claim. The Army, Navy and Air Force Veterans admits that it has never been able to fully comprehend the benefit of the doubt clause. In fact, as the Woods Report points out, this clause seems to be capable of any one of eight or ten different

[*Interprétation*]

lisais le texte à une vitesse de bolide. Alors, je vais tenter de ralentir si cela peut leur venir en aide. Je ne sais pas si j'aurai le temps de tout le lire cet après-midi, mais enfin, la Légion royale canadienne sont prêts à me laisser du temps demain matin pour que je puisse terminer la lecture du mémoire au cas où je n'aurais pas le temps de le terminer cet après-midi. Alors, je veux dire à la Légion que je les remercie infiniment. Je voudrais ajouter autre chose auparavant. J'ai tellement hâte de commencer que j'oubliais quelque chose. Je voulais présenter notre président national honoraire, des anciens combattants de l'Armée, de la Marine et des Forces de l'air, brigadier James L. Melville.

Le président: Enfin, il est bien connu des députés ici, en tant qu'ancien président de la Commission des pensions. Il est le bienvenu.

M. Lundberg: Je me demande s'il n'y avait pas quelqu'un qui voulait poser des questions. Alors, de toute façon, sa présence nous sera utile.

Le président: Je crois qu'il y aura un grand nombre de questions. Alors, nous allons revenir sur les points sur lesquels vous aurez des questions à poser.

M. Lundberg:

Bénéfice du doute

Nous sommes également heureux de constater que le Livre blanc recommande une révision du principe du bénéfice du doute. Nous n'avons aucun renseignement particulier à offrir à ce sujet, mais nous comprenons que le gouvernement est disposé à accepter, à toutes fins utiles, l'énoncé de la recommandation du Comité Woods. Dans l'espoir que des remarques additionnelles pourraient appuyer la proposition du Livre blanc, nous saisissons cette occasion d'apporter de nouveaux arguments.

Depuis qu'elle a été incorporée à la Loi sur les pensions, en 1930, la disposition concernant le bénéfice du doute a fait l'objet de critiques sévères. Le Rapport Woods prétend qu'une grande partie de la difficulté vient de l'impossibilité d'interpréter la disposition actuelle de la Loi, et propose qu'elle soit remplacée par une autre stipulant que le requérant n'a pas besoin de la prépondérance de la preuve pour appuyer sa demande. Notre association avoue qu'elle n'a jamais réussi à saisir pleinement le sens de cet article de la Loi. En vérité, ainsi que le souligne le Rapport Woods, cette disposition semble pouvoir s'in-

[*Text*]

interpretations. Accordingly, we in this organization wish to emphasize the need to simplify the benefit of the doubt clause so that it can be applied to the benefit of the pension applicant. We feel that the simplification, as proposed by the Woods Committee, is without question, the long-sought answer.

As the Woods Committee points out, the benefit of the doubt is merely extra weight which is added to the pensioner's claim because he rendered service to his country and because the evaluation of a pension application is not an exact science; and because very often the applicant cannot muster witnesses or evidence in regard to events which happened many years ago, and in battlefields in foreign countries.

The benefit of the doubt, if used as this additional weight, would mean that even though the individual Commissioner came to the conclusion that there was a preponderance of evidence against the claim, he could still cast his vote in favour of an award, on the strength of the benefit of the doubt clause.

The Woods Report wisely suggests that the benefit of the doubt clause should not be confused with the intent and purpose of the Act—although seemingly this has been one of the serious faults in its application over the years. That is to say, many people appeared to run away with the idea that the benefit of the doubt clause governed not just adjudication but every facet of administration of the Pension Act. As the Woods Committee Report points out, this had the effect of dissipating the real objective of the clause, which was its application at the time of adjudication.

The Woods Report did feel, however, that there was a need to declare the intent and purpose and it is suggested that this be done in the form of a special section of the Act to provide "every reasonable consideration for those disabled or bereaved by Military Service".

We understand from the White Paper, page 14, column 1, that:

> "Other amendments to be proposed for the Pension Act will include a special section expressing the general purpose of the Pension Legislation."

We presume this to mean that the Woods Committee recommendation has been accepted—and we express our appreciation for this. Have you any questions, gentlemen, on that?

The Chairman: Are there any questions? Mr. Marshall.

[*Interpretation*]

terpréter d'une dizaine de façons différentes. En conséquence, nous voulons appuyer sur la nécessité de simplifier l'article du bénéfice du doute afin qu'il puisse profiter au requérant. Nous sommes d'avis que la simplification proposée par le Comité Woods est, sans contredit, la réponse recherchée depuis longtemps.

Ainsi que l'explique le Comité Woods, cette disposition ne fait qu'ajouter un peu plus de poids à la demande du requérant, parce qu'il a servi sa patrie, que l'évaluation d'une demande de pension n'est pas une science exacte et que, très souvent, le requérant est incapable de produire les témoins ou les preuves concernant des événements survenus il y a de nombreuses années sur les champs de bataille de pays étrangers.

Le bénéfice du doute, utilisé ainsi pour donner plus de poids à la demande, signifierait que même si un commissaire en arrivait à la conclusion que la prépondérance de la preuve joue contre le requérant, il pourrait quand même se prononcer en faveur de l'attribution d'une pension, en s'appuyant sur l'article du bénéfice du doute.

Le Rapport Woods fait preuve de sagesse en soulignant que le bénéfice du doute ne doit pas être confondu avec l'esprit et l'objet de la Loi—bien que ce soit là l'une des principales erreurs dont son application fut marquée au cours des années.

C'est-à-dire que beaucoup de gens semblaient avoir l'impression que la clause concernant le bénéfice du doute ne s'appliquait pas seulement à l'attribution, mais aussi à chaque aspect de l'application de la Loi sur les pensions. Comme le signale le rapport du Comité Woods, cette idée a contribué à compromettre les véritables objectifs de cette clause qui visent son application au moment de l'attribution.

Le rapport Woods estime cependant qu'une déclaration d'intention et d'objet est nécessaire et à cette fin, il propose d'insérer un article spécial à la Loi pour prévoir «toute considération raisonnable pour ceux qui deviennent invalides ou affligés par le service militaire».

Voici ce que nous voyons dans le Livre blanc, à la colonne I de la page 14:

> «D'autres modifications à proposer à la Loi sur les pensions comprendront un article spécial exprimant l'objet général de la législation sur les pensions».

Sans doute, cela veut-il dire que la recommandation du comité Woods a été acceptée et nous en sommes très heureux.

Le président: Quelqu'un a-t-il des questions à ce sujet?

[*Texte*]

Mr. Marshall: Mr. Chairman, I have a general question but I can wait until after.

The Chairman: Whenever you think it appropriate—now or later.

Mr. Marshall: Well, I have to preface my remarks by saying that I was a past president of The Legion. I had four and a half years active service and 20 years reserve service and I say with all due respect that I am concerned about the charges that are being made about the Pension Commission. I would also like to say that I am a new member of Parliament and since I came here and have deolt with a number of cases, I have had complete co-operation.

I would like to ask Mr. Chadderton, when the Woods Committee were doing their investigation, they must have interviewed the members of the Pension Commission. I am wondering how this was done. For example, one of the witnesses this morning made a charge that the Pension Commission were keeping a pension below the 50 per cent figure so that the government would not have to spend any money on paying his dependent after he died. I find this a serious charge to make and I am wondering where it arose and how the Pension Commission were interviewed. Were they called as witnesses; were they allowed to rebut any of the examples of inefficiency? I would just like to hear a short resumé, if you think it is in order, Mr. Chairman.

The Chairman: I think it is in order if it suits the witness to do so.

Mr. Chadderton: Yes. If you will just give me one second.

The Chairman: Mr. Chadderton.

Mr. Chadderton: Mr. Chairman, in answer to the suggestion by one of the witnesses this morning that the Commission purposely keeps pensions below 50 per cent, I refer you to any annual report of the Department of Veterans Affairs. The statistics for class 12 of pension which is 42 to 47 per cent. This would be the group most generally affected by not being over into this 48 per cent category. That is the smallest group of pensioners of all the pensioners we have. This is a pretty good indication to me at least that instead of depriving a pensioner in this category of an opportunity to go above 50 per cent, the Commission goes a very long way out of its way to review constantly, the files of those who are in the 40 and 45 per cent category to see is something cannot be done by extending "benefit of doubt" and every other benefit to bring them up over the 48 per cent. I certain-

[*Interprétation*]

M. Marshall: J'avais une question d'ordre général. Je puis attendre plus tard.

Le président: Enfin, c'est comme vous voulez.

M. Marshall: Bon alors, n'oubliez pas que j'ai déjà été président de la Légion. J'ai été en service actif pendant quatre ans et demi et j'ai passé vingt ans dans les forces de réserve. Je m'intéresse aux accusations qui sont portées contre la Commission des pensions. Je veux aussi vous dire que, en tant que nouveau député j'ai traité plusieurs cas et reçu une collaboration totale.

J'aimerais demander à M. Chadderton si, lorsque le Comité Woods poursuivait son enquête, il a vu les membres de la Commission des pensions. Par exemple, l'un des témoins a prétendu ce matin, que la Commission des pensions maintenait les pensions en deçà du 50 p. 100 afin que le gouvernement n'aie pas à verser d'argent à la personne à charge du pensionné lorsqu'il est décédé. Je trouve que c'est là une accusation grave et je me demande d'où elle provient et comment on a questionné les membres de la Commission des pensions? Ont-ils été convoqués à titre de témoins; ont-ils l'occasion de réfuter les exemples d'inefficacité? J'aimerais entendre un bref résumé, si vous croyez que c'est dans l'ordre, monsieur le président.

Le président: Rien ne s'oppose à ce que le témoin réponde à cette question, s'il le désire.

M. Chadderton: Oui. Si vous voulez m'accorder une seconde.

Le président: Monsieur Chadderton.

M. Chadderton: Monsieur le président, à la suite de la déclaration faite ce matin par l'un des témoins à l'effet que la Commission maintient à dessein les pensions en deçà du 50 p. 100, je vous réfère à tout rapport annuel du ministère des Affaires des anciens combattants. Les chiffres pour les pensions de la classe 12 qui sont de 42 à 47 p. 100. C'est le groupe qui souffrirait le plus de n'être pas dans la catégorie des pensions au-dessus de 50 p. 100. C'est le groupe de pensionnés le moins nombreux de tous. Cela me semble la preuve qu'au lieu d'essayer de priver les pensionnés de cette catégorie d'une occasion d'aller au-delà de 50 p. 100, la Commission s'efforce au contraire, par la constante révision des dossiers de ceux qui relèvent des catégories de 40 et 45 p. 100, d'établir si on ne pourrait pas faire quelque chose en leur accordant le «bénéfice du doute» et tout autre avantage pour

[*Text*]

ly do not think that anyone could substantiate the suggestion that the Commission purposely keeps people below 48 per cent.

I have always considered that figure as most significant. I also know, and the Commission Chairman can table them, that there are instructions within the Commission which specifically call for these pensioners in the 40 and 45 per cent category to be called in and examined. So I am glad to sort of get the air cleared on that question. It bothered me when I heard it.

As to the examination of the Canadian Pension Commission, as you know I was the secretary of the Woods Committee and the Woods Committee proceeded in a number of ways to do this. They certainly interviewed the Deputy Chairman of the Commission at length on appeals and appeal procedures because this was his bailiwick, so to speak, and they interviewed the Chairman. They did not conduct interviews with individual commissioners. Naturally they went to some district offices of the Commission and they went to other offices of the Commission, but if you are referring specifically to the Chairman, Deputy Chairman, and the Commissioners of the Commission, I would have to say that most of their investigation on a personal basis was with the Deputy Chairman and some conferences with the Chairman himself.

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In addition to that, arrangements were made under which two Commissioners appeared before the Woods Committee and gave evidence. They were made available by the Chairman and given carte blanche to say anything they felt like. Two Commissioners appeared before the Committee and were questioned and presented their views on how the Commission carried on.

I would say also, though, Mr. Chairman and gentlemen, that a great deal of the investigation, if that is the right word, by the Woods Committee was on the basis of files; that is to say, they received briefs from a number of organizations, they received briefs from the Veterans Bureau, from the Department of National Defence, who were involved, of course, and from some individual members of Parliament. However, most of what you would call the inside investigation was on the basis of reviewing Commission files, Commission policies as they existed on the files and I think that you can tell a great deal from that type of thing. Photocopies were made of a lot of the information the Commission considered pertinent and those files are with the Public Archives records branch now, of course, but

[*Interpretation*]

les placer dans la catégorie de plus de 48 p. 100.

J'ai toujours estimé que ces chiffres sont très révélateurs. Je sais aussi que la Commission a des instructions demandant que ces pensionnés des catégories 40 et 45 p. 100 soient convoqués et examinés. Je suis donc heureux de pouvoir sur ce point éclaircir la question. J'ai été inquiété quand cette question a été soulevée.

Quant à l'examen de la Commission des pensions du Canada, j'ai été, comme vous le savez, secrétaire du comité Woods, qui s'y est pris de diverses façons pour faire cet examen. Le président adjoint de la Commission a été interviewé à maintes reprises et interrogé sur la question des appels et la procédure d'appel, puisque c'était son domaine. Le président a aussi été interrogé. La Commission n'a pas interviewé chaque commissaire en particulier. Naturellement elle s'est rendue dans quelques bureaux, régionaux et autres, de la Commission, mais si vous parlez plus particulièrement du président, du président adjoint et des hauts fonctionnaires de la Commission, il faut dire qu'il s'agissait d'entrevues particulières avec le président adjoint et d'entretiens avec le président lui-même.

D'autre part, deux commissaires ont été invités à témoigner devant le Comité Woods. Le président leur a laissé carte blanche: ils pouvaient dire ce qu'ils jugeaient bon. Deux commissaires ont comparu devant le Comité et ont été invités à présenter leurs vues sur le fonctionnement de la Commission.

Je voudrais ajouter que l'enquête du Comité Woods s'est fondée en grande partie sur des dossiers; c'est-à-dire qu'elle a reçu les mémoires d'un certain nombre d'organisations, du Bureau des anciens combattants, du ministère de la Défense nationale et de certains députés. Mais la majeure partie de ce qu'on pourrait appeler l'enquête interne s'est fondée sur l'examen des dossiers de la Commission, des politiques de la Commission, et je crois qu'on peut dire beaucoup en se fondant sur ce genre de renseignements. La Commission Woods a photocopié les documents jugés utiles et les a déposés à la division des dossiers, aux archives publiques; mais ils n'en sont pas moins devenus une partie de l'histoire du rapport Woods.

[*Texte*]

they became part of the history of the Woods Report.

They also reviewed a number of individual pensioners' files to trace what had happened to specific cases from the time the man applied until the time he had exhausted his procedural rights under the Pension Commission. That is the type of investigation which Mr. Justice Woods and his colleagues carried out, sir.

Mr. Marshall: This is probably repeating a question, but would you agree that the Canadian Pension Commission could be the victims of the legislation, rather of their own versions of the legislation, in how they make decisions?

Mr. Chadderton: That is an interesting question, Mr. Chairman and I cannot answer it. I would rather refer if you will just give me a moment...

Mr. Guay (St. Boniface): I would like to ask, Mr. Chairman, the member who is questioning Mr. Chadderton to explain to us possibly in a broader term, the word "victim" that he has used in his question.

Mr. Marshall: I do not know if this is the right word but I am saying that the legislation has been in effect for very many years and it is coming about now that there are a lot of things left to be desired with regard to the Canadian Pension Commission. I feel that it is the fault of legislation and it is the fault of government and not of the Pension Commission and I am asking Mr. Chadderton if he feels he would like to make a comment on this; if this might be so.

Mr. Chadderton: I think, Mr. Chairman, I am prepared to answer it in this way. From my knowledge, the Woods Committee approached the problem from the point of view of not attempting to make headlines. It is a very simple thing in the feeling of a committee to ... It is a very simple thing to make headlines today by castigating the people whom you are investigating and the Woods Committee felt this would be a flash in the pan, it would be good for headlines. They could say, perhaps that the Commission had fallen down on its responsibilities and bring a heap of abuse upon the Commission. Rather than that, the over-all plan in preparing its report, was to make remedial proposals, recommendations and that they would in effect speak for themselves.

If I can be permitted a personal comment, I think they do. In some cases, Mr. Chairman and gentlemen, you can see that the fault must have obviously been with the legislation

[*Interprétation*]

La Commission a aussi examiné un certain nombre de dossiers de pensionnés pour suivre certains cas particuliers, depuis le moment où la personne soumet sa demande jusqu'à la fin de la procédure prévue par la Commission des pensions. Voilà le genre d'enquêtes que le juge Woods et ses collègues ont menées.

M. Marshall: Je répète probablement une question, mais admettriez-vous que la Commission canadienne des pensions puisse être victime des mesures législatives, c'est-à-dire de sa propre version de la loi, quant à la façon de prendre des décisions?

M. Chadderton: C'est là, monsieur le président, une question intéressante à laquelle je ne puis répondre. Je préférerais, si vous me laissez un moment...

M. Guay (Saint-Boniface): J'aimerais, monsieur le président, demander à celui qui a posé la question à M. Chadderton, de nous expliquer ce qu'il entend par «victime».

M. Marshall: Je ne sais pas si c'est le mot juste mais je veux dire que les mesures législatives sont en vigueur depuis nombre d'années et il semble maintenant que bien des choses laissent à désirer en ce qui concerne la Commission des pensions du Canada. Je crois que c'est la faute des mesures législatives et celle du gouvernement, et non celle de la Commission des pensions, et je demande à M. Chadderton s'il a sur ce point quelqu'observation; s'il pourrait en être ainsi.

M. Chadderton: Je peux, monsieur le président, répondre ainsi. D'après les renseignements dont je dispose, le Comité Woods s'est gardé de faire les manchettes. Il est très facile aujourd'hui de faire les manchettes en critiquant sévèrement les personnes en place. Ils auraient pu dire que la Commission a failli à la tâche et l'ensevelir sous la critique. Mais ils ont préféré s'en tenir, dans la rédaction de leur rapport, aux remèdes et suggestions qui parleraient d'elles-mêmes.

Et si je puis me permettre une opinion, elles parlent d'elles-mêmes. Dans certains cas, on peut voir que la faute est attribuable aux mésures législatives parce que le juge Woods

[*Text*]

because Mr. Justice Woods and his colleagues have suggested improvements in the legislation. In other instances, it must have been in the procedures and they had no hesitation in suggesting that some of the procedures were outdated, outmoded and that these were things which could have been changed by the Commission and were not. I do not want to say that that necessarily implies a criticism of the Commission, that is up to you. Certainly there were recommendations of a procedural nature which the Commission could have implemented and they did not. Those recommendations would have to stand by themselves.

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With regard to the operation of the Commission itself, there is a very important chapter of this Report which deals with the Chairman and the Deputy Chairman and the Commissioners and it implies some necessity for improvement in the way Commissioners are appointed. It implies and suggests that more attention should be paid to the qualifications of the Commissioners before they are placed on the Commission and you can take that any way you like it. It also goes into some length about the necessity for things such as quality review, quality controls, and this type of thing. Also along the same lines, Mr. Chairman and gentlemen, there are the recommendations concerning the necessity for instructions to be issued within the Commission on the various aspects—medical, pension law and so on—and these are things which the Commission presumably could have done and did not. But rather than come right out and condemn the Commission for this, the plan of the Woods Report was to make the recommendation and leave it to the people who studied the report to decide whether or not this implies criticism of the Commission. I must say that I am pleased that this question has come out. I am answering it as honestly as possible.

We could take a lot of time, I could give you direct quotes out of here, but this would hold up your proceedings. I would suggest to you that most of what I have said is contained in the actual recommendations themselves which run all the way through the report. However, in the conclusion of the report there is a section dealing with the Commission and, if I recall correctly, it does say that the Woods Committee found the Commission to be dedicated to its purposes, not always doing the exact job that the Woods Committee felt it should do but generally and on the whole performing satisfactorily, sir.

[*Interpretation*]

et ses collègues ont proposé des améliorations. Dans d'autres cas, c'est plutôt de la procédure qu'il s'agit, et ils n'ont eu aucune hésitation à dire que certaines procédures sont complètement désuètes et auraient pu être changées par la Commission et ne l'ont pas été. Je ne veux pas dire qu'il faille y voir une critique de la Commission, c'est-à-dire vous. Sans doute, il y a eu des modifications de la procédure qui ont été proposées et que la Commission aurait pu appliquer, mais elle ne l'a pas fait.

En ce qui concerne le fonctionnement de la Commission, il y a un chapitre très important du rapport qui concerne le président, le vice-président et les commissaires, et on y mentionne la nécessité d'améliorer la procédure de nomination des commissaires. Mais on y propose d'accorder une plus grande importance à la compétence des commissaires avant leur nomination. On parle aussi de la nécessité de choses comme la révision de la qualité, et de contrôle de ce genre. Ce genre de chose a été également étudié; il y a des recommandations concernant la nécessité d'avoir des directives à l'intérieur de la Commission sur différents aspects, l'aspect médical, l'aspect des pensions, et ainsi de suite. Voilà des choses que la Commission aurait pu faire d'elle-même. Au lieu de condamner la Commission pour ne pas l'avoir fait, le rapport Woods a préféré faire des recommandations visant à faire appliquer ce que la Commission aurait dû faire.

Je suis heureux que cette question soit venue sur le tapis, j'espère que j'ai éclairci la situation.

Je pourrais vous donner des citations mais enfin cela ralentirait simplement votre procédure. J'ai résumé la question; la plupart des choses que j'ai dites sont contenues dans les recommandations elles-mêmes tout le long du rapport. Dans la conclusion du rapport, il y a une section qui traite de la Commission et on y dit, si je me rappelle bien, que le Comité s'est aperçu que la Commission visait à faire un bon travail, elle ne faisait peut-être pas tout ce qu'elle aurait dû faire, mais dans l'ensemble elle faisait un travail satisfaisant.

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Mr. Marshall: Thank you very much, Mr. Chairman. I know that there was no criticism just for the sake of criticism. I realize everybody is sincere and is trying to bring about better improvements. This will help me when questioning the Commission. Thank you.

The Chairman: Are there other questions at this point? If not, would you like to proceed with your brief?

Mr. Chadderton: The next section, gentlemen, deals with multiple disabilities. If you would permit me a general comment before I start, there has been a lot of comment in this Committee about this particular section. You might think that some of what I am going to read is redundant but in a way it might be a very good review because in the Army and Navy brief, as you will see, there is an attempt to round out some of the things that have been said and perhaps put them into perspective.

Multiple Disabilities:

Another major recommendation in the Report is that provision be made for supplementary pension for multiple amputees, paraplegics and totally blinded pensioners, under the principle where the first 100 per cent assessment be based on loss of earning power, and that additional pension be paid where other factors such as pain, disfigurement, loss of enjoyment of life, and shortening of the life span exist in a substantial degree.

This matter will be dealt with in briefs from other organizations. Perhaps it is sufficient to say here that the Army, Navy and Air Force Veterans has long stood solidly in favour of a substantial improvement in the coverage in the Act for multiple disability cases. We again compliment the Woods Committee for having devised what appears to us to be not only an unique, but also a most practical solution to this dilemma which has long plagued our pension administrators. Because of the imposition of an artificial 100 per cent ceiling, the Pension Commission has been prohibited from paying the full amount of pension to those whose need is the greatest—specifically the paraplegics, the war blinded and the multiple amputees.

We cannot, however, agree with the proposal in the White Paper concerning the possible method by which the government intends to provide additional benefits for the multiple disability case. The views of our Association were brought to the attention of the Committee, as part of the joint statement of the

[*Interprétation*]

M. Marshall: Merci, monsieur le président. Je sais qu'il n'y avait pas eu de critique pour le simple plaisir de critiquer. Je sais que les gens qui ont fait ce travail étaient très sincères et voulaient améliorer la situation. Ceci nous aidera lorsque nous entendrons la Commission. Merci.

Le président: Y a-t-il d'autres questions à ce moment-ci? Alors voulez-vous poursuivre la lecture du mémoire?

M. Chadderton: La section suivante, messieurs, traite des infirmités multiples. Il y a eu pas mal de commentaires qui ont été faits à ce sujet dans d'autres représentations à ce Comité. Peut-être ce que je vais lire va vous sembler une répétition, mais c'est peut-être nécessaire, parce que vous trouverez les mêmes choses dans le mémoire de l'Armée et de la Marine. Ce sera un résumé, qui sera quand même utile.

Invalidités multiples:

Le rapport contient une autre recommandation importante. Il propose une disposition prévoyant une pension supplémentaire pour les amputés multiples, les paraplégiques et les aveugles totaux, en vertu du principe selon lequel la première évaluation de 100 p. 100 se fonde sur la perte du pouvoir de gain, et que la pension supplémentaire soit payée si d'autres facteurs, comme la souffrance, la défiguration, la perte de la joie de vivre et la diminution de l'espérance de vie, existent dans une mesure importante.

La question sera examinée dans les mémoires d'autres organisations. Peut-être suffira-t-il de dire ici que l'association des anciens combattants de l'armée, de la marine et de l'aviation réclame depuis longtemps à grands cris une amélioration sensible des dispositions prévues dans la loi pour les cas d'invalidités multiples. Nous félicitons de nouveau le Comité Woods d'avoir trouvé ce qui nous semble une solution, non seulement unique, mais aussi une solution très pratique à ce vieux dilemme de nos administrateurs des pensions. A cause de l'imposition d'un plafond artificiel de 100 p. 100, il a été interdit à la Commission des pensions de payer le plein montant de pension à ceux qui en ont le plus besoin, c'est-à-dire les paraplégiques, les aveugles de la guerre et les amputés multiples.

Nous ne pouvons cependant accepter la proposition formulée dans le Livre blanc au sujet de la méthode possible que le gouvernement entend suivre pour verser des prestations supplémentaires aux invalides multiples. Les vues de notre Association ont été exposées au Comité dans le cadre de la déclaration

[*Text*]

nationally chartered veterans organizations, presented on September 18, 1969 and again in the submission to your Committee from the National Council of Veteran Associations in Canada on September 19, 1969.

We are pleased that the Government is prepared to accept the necessity to pay pensions in excess of the 100 per cent level. Our objections are based on two points, as follows:

(1) The financial inadequacy of the proposed grants between $400 and $1,200 per annum; and

(2) The method by which this type of compensation will be made available to the multiple disability casualty.

Concerning the level of the proposed grants, it would seem to us that the maximum grant of $1,200 would not go very far in correcting the present situation. Multiple disability casualties have been underassessed in Canada since the commencement of our Pension Act in 1919. We have been plagued by adherence to the mythical 100 per cent

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ceiling. We have often wondered if, instead of "percentages" our pension assessments had been based on "points", whether the reluctance on the part successive governments would have disappeared many years ago. We cannot help believing that the multiple disability pensioner has been deprived of his proper assessment because of the somewhat logical assumption that it is not possible to go beyond 100 per cent. This would be true *only* if 100 per cent represented total disablement, *which it does not!* A man, to be totally disabled, would persumably have to be deaf, dumb, blind, unable to speak and to have lost either all his limbs or at least lost the function to use them. I might also say that I think he would also have had to lose his mental capacity. We feel we must repeat that 100 per cent disablement means *only* that he is totally disqualified to earn his living in the unskilled labor market.

What, then, would be considered as a fair pension for the multiple disability casualty. We consider that one does not have to be a pension expert, an economist, a medical doctor or have any other type of special qualifications to come up with the answer. With the cost of living being what it is, and wage rates being what they are, surely we should be indemnifying the wheelchair paraplegic somewhere in the neighbourhood of $10,000 a year. He is not only disqualified from earning his

[*Interpretation*]

conjointe des organisations nationales agréées d'anciens combattants, le 18 septembre 1969, et de nouveau dans le mémoire soumis à votre Comité par le conseil national des Associations d'anciens combattants du Canada, le 19 septembre 1969.

Nous sommes heureux de voir que le gouvernement est disposé à reconnaître la nécessité de payer des pensions supérieures au niveau de 100 p. 100. Nos objections se fondent cependant sur deux points, et les voici:

(1) L'insuffisance, au point de vue financier, des subventions proposées de $400 à $1,200 par année, et

(2) La méthode qui sera utilisée pour mettre ce type de compensation à la disposition de l'invalide multiple.

A propos du niveau de subventions proposé, il nous semble que le montant maximal de $1,200 ne contribuerait guère à remédier à la situation actuelle. Les invalides multiples ont été sous-évalués au Canada depuis l'entrée en vigueur de notre Loi sur les pensions en 1919. Nous avons toujours eu à souffrir parce que, paraît-il, il fallait respecter le plafond mythique de 100 p. 100. Nous nous sommes souvent demandé si, au lieu de se fonder sur des pourcentages, nos évaluations de pension avaient été fondées sur des points, les gouvernements ne se seraient pas décidés, il y a longtemps, à trancher la question. Nous ne pouvons nous empêcher de croire que l'invalide multiple a été privé de son évaluation véritable à cause de l'hypothèse apparemment logique selon laquelle il est impossible de dépasser 100 p. 100. Cela serait vrai *seulement* si ce 100 p. 100 représentait l'invalidité totale, ce qui n'est *pas le cas*. Pour être totalement invalide, un homme devrait supposément être sourd, muet et aveugle, incapable de parler et avoir perdu l'usage de ses membres ou du moins avoir perdu la faculté de s'en servir. Nous tenons à répéter ici qu'une invalidité de 100 p. 100 signifie *seulement* qu'il est devenu totalement incapable de gagner sa vie sur le marché du travail non spécialisé.

Dès lors, demandons-nous ce qui serait une pension juste pour un invalide multiple. A notre avis, il ne faut pas être spécialiste des pensions, économiste, médecin ou avoir d'autres qualifications spéciales pour trouver la réponse. Le coût de la vie étant ce qu'il est, et les salaires étant au niveau qu'ils ont atteint, nous devrions sûrement verser au paraplégique cloué à sa chaise roulante une indemnité de l'ordre de $10,000 par année. Non seulement est-il absolument incapable de gagner sa

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living in the unskilled labour market, but is subjected to *all* of the other special factors outlined in the Woods Report on a 24-hour a day basis. They are:

Anatomical loss
Loss of enjoyment of Life
Pain and Suffering
Scarring and disfigurement
Loss of life expectancy

The same situation must necessarily apply to the quadruple amputee—and to the triple amputee and the war blinded in a lesser extent.

We cannot help feeling that the government, in its proposal in the White Paper, is approaching the problem from the wrong end. It is not reasonable to take 100 per cent pension and add to that supplementary grants for specified amenities. Instead, the multiple disability casualty should be looked upon as a special category and in our opinion the government should start at a level of somewhere near $10,000 for the paraplegic and rate the other multiple disability casualties somewhat below this.

It is realized, however, that there must be some orderly application of accepted pension principles. It seems to us that this must be precisely why the Woods Committee felt that it was possible to take the present level of 100 per cent for disqualification in the unskilled labour market, and relate to this figure, on a percentage basis, the assessment which should be given for the degree in which each of the various groups in the multiple disabilities category are affected by the five factors:

To illustrate, a paraplegic would be assessed as follows:

> Loss of earning power 100 per cent; Loss of life expectancy 50 per cent; Pain and discomfort 50 per cent; Loss of enjoyment of life 50 per cent; Scarring and disfigurement 50 per cent; Anatomical loss 50 per cent; Total 350 per cent.

Compared with this, a double leg amputee—and that would be above the knee—would be assessed as follows:

> Loss of earning power 100 per cent; Loss of life expectancy 10 per cent; Pain and discomfort 10 per cent; Loss of enjoyment of life 15 per cent; Scarring and disfigurement 25 per cent; Anatomical loss 25 per cent; Total 185 per cent.

Concerning the method or principle of indemnification for multiple disabilities, we

[*Interprétation*]

vie sur le marché du travail non spécialisé, mais il est frappé, tout le temps, par *tous* les autres facteurs spéciaux prévus dans le rapport Woods. Voici ces facteurs:

Perte anatomique
Perte des plaisirs de la vie
Douleurs et souffrances
Cicatrices et défiguration
Diminution de l'espérance de vie.

La même chose doit nécessairement s'appliquer à l'amputé quadruple et à l'amputé triple ainsi qu'à l'aveugle de la guerre, dans une mesure moindre.

Nous trouvons, malgré nous, que le gouvernement, dans son Livre blanc, aborde le problème à l'envers. Il n'est pas raisonnable de prendre une pension de 100 p. 100 et d'y ajouter des subventions supplémentaires pour des points précis. Il faudrait plutôt considérer l'invalidité multiple comme une catégorie spéciale et à notre avis, le gouvernement devrait commencer à un niveau d'environ $10,000 pour le paraplégique et établir les pensions des autres invalides multiples un peu en bas de ce montant.

Nous savons cependant qu'il faut un certain ordre dans l'application des principes acceptés au sujet des pensions. A notre avis, c'est précisément pour cette raison que le comité Woods a jugé qu'il serait possible de prendre le niveau actuel de 100 p. 100 pour l'incapacité de gagner sa vie sur le marché du travail non spécialisé, et de calculer à partir de ce chiffre, selon des pourcentages, l'évaluation à accorder pour le degré où se situent tous les autres groupes d'invalidité multiple touchés par les cinq facteurs.

Pour illustrer notre point vue, disons qu'un paraplégique serait évalué de la façon suivante:

> Perte de pouvoir de gain 100 p. 100; Diminution de l'espérance de vie 50 p. 100; Douleurs et inconfort 50 p. 100; Perte des plaisirs de la vie 50 p. 100; Cicatrices et défiguration 50 p. 100; perte anatomique 50 p. 100; Total 350 p. 100.

En comparaison, un amputé des deux jambes serait évalué de la façon suivante:

> Perte du pouvoir de gain 100 p. 100; Diminution de l'espérance de vie 10 p. 100; Douleurs et inconfort 10 p. 100; Perte des plaisirs de la vie 15 p. 100; Cicatrices et défiguration 25 p. 100; Perte anatomique 25 p. 100; Total 185 p. 100.

Au sujet de la méthode du principe de l'indemnisation pour invalidités multiples, nous

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must state our objection, if the White Paper implies that this would be handled in the same manner as lump sum grants under the Assistance Fund for War Veterans Allowance recipients. Bearing in mind, however, that some of the same people who administer the Assistance Fund have undoubtedly had a hand in the planning which went into the White Paper proposal, we cannot help but recognize the similarities between the Assistance Fund and the proposed method of indemnifying multiple disability casualties.

In explanation, under the Assistance Fund it was possible until a few weeks ago (we understand that lump sum assistance has now been cancelled) for a War Veterans Allowance recipient, who required some specific amenity, to make application, and to receive either a regular monthly amount or a lump sum by way of additional financial aid. Presumably this same type of procedure is envisaged in the White Paper for multiple disability cases. If this is true, we must take this opportunity to suggest that this would be introducing a shockingly bad philosophy to the awarding of pensions—and one which we believe does not exist in any country in the World. Pension is a matter of right. The disabled veteran is given an assessment and pension is paid in accordance with that assessment as related to a table of dollar values.

Where the assessment is in excess of 100 per cent (as it obviously is in the multiple disability case) the procedure of payment can be based on a very simple mathematical formula as follows

(1) Determine the value of one percentage point which, under current rates could be expressed as follows:
1 pt. = $265/100 or $2.65

(2) Determine the total percentage points for any given multiple disability, which in the case of a double leg amputee, for example, is cited in the Woods Report at 185.

(3) Carry out the multiplication, which (using the figures above) would be as follows:
$2.65 times 185 = $490.25

This then, would be the monthly compensation for double amputation which, under current assessments and current rates, is $265 monthly for the single pensioner.

Although the White Paper did not state the specific categories to be covered, it should be stressed that in general, the multiple disability category is composed of the multiple

[*Interpretation*]

nous devons de manifester objection, si le Livre blanc veut dire que cette méthode serait administrée de la même façon que les subventions globales versées aux bénéficiaires des allocations aux Anciens combattants, en vertu du fonds d'assistance. En songeant cependant que les mêmes personnes qui administrent le fonds d'assistance ont sûrement eu à s'occuper de la planification du Livre blanc, nous ne pouvons que reconnaître les similarités entre le fonds d'assistance et la méthode proposée d'indemnisation des invalidités multiples.

Pour expliquer ce point de vue, disons qu'en vertu du fonds d'assistance, il était possible, il y a encore quelques semaines, (on nous dit que l'aide versée sous forme globale est maintenant annulée) pour un bénéficiaire d'allocation aux anciens combattants, qui avait besoin d'un avantage spécial, de faire une demande et de recevoir soit une mensualité ou une somme globale sous forme d'aide financière supplémentaire. C'est peut-être la même sorte de méthode qu'envisage le Livre blanc au sujet des invalidités multiples. Si c'est exact, nous devons saisir l'occasion de dire ici que ce serait appliquer une bien mauvaise théorie à l'attribution des pensions, théorie qui, à notre connaissance, n'existe nulle part au monde. La pension est un droit. L'ancien combattant invalide est évalué et sa pension est versée en conformité de cette évaluation selon un barème calculé en dollars.

Lorsque l'évaluation dépasse 100 p. 100 (comme c'est évidemment le cas pour un invalide multiple), la méthode de paiement peut se fonder sur une formule mathématique très simple. La voici:

1) Déterminer la valeur d'un point de pourcentage qui, selon les taux actuels, pourrait s'exprimer de la façon suivante:
1 point = $265/100 ou $2.65

2) Déterminer le nombre de points de pourcentage pour une invalidité multiple donnée, ce qui, dans le cas d'un amputé des deux jambes, par exemple, est établi dans le rapport Woods à 185.

3) Calculer la multiplication qui, selon les chiffres donnés ci-dessus, s'établirait comme il suit:
$2.65 multiplié par 185 = $490.25

Ce montant serait l'indemnisation mensuelle pour l'amputation double alors que, selon les taux et les évaluations présentement en vigueur, la pension, pour un célibataire, est de $265 par mois.

Le Livre blanc n'a pas dit quelles catégories devraient être visées, mais il a bien précisé qu'en général, la catégorie des infirmités multiples comprend les amputations multi-

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amputations, the war blinded and the paraplegics. It is of interest that in the United States, special provision is made for these three classes of pensioner, over and above the regular 100 per cent pensioner. We feel that if the same coverage could be provided in the Canadian legislation, most if not all veterans organizations would fully approve of the method. The requirement is to make statutory provision by way of an increased assessment for these specific disabilities, the result of which would be a regular monthly increase in the pension cheque.

Mr. Chairman, I will stop at this point and mention to the Committee that following the meetings yesterday with the representatives of The Sir Arthur Pearson Association and the Canadian Paraplegic Association, we had a meeting and I have been asked by Ken Langford to place this proposal before you.

It is pretty obvious that 350 per cent, certainly at the projected $4,150 or even at the current $3,180, might be a pretty healthy jump for the taxpayer to absorb at this time.

The Chairman: Especially if it is tax free.

Mr. Chadderton: Well, especially tax free. We feel that there are very few people involved and we do not really believe that the public would object to it, but we also realize that one of the real problems is that the thing has lagged behind since 1919 and perhaps it is not fair, all at once, for someone to try to rectify a gap of that size. At the same time, I think you can understand our alarm at any lump sum or annual grant approach to it on the basis of specified amenities, because what really matters to the multiple disability case is that he is compensated in the true extent of the disability which, even taking the Pension Commission's own table, comes to 185 per cent for a double leg amp. What the multiple disability casualties are saying right now through me, Mr. Chairman, is: Please attempt to maintain that percentage, that 350 per cent.

I feel certain that the groups representing these people would be quite prepared, if the government cannot go for the full 350 per cent, to go for what you might call the half rate above 100 per cent. I just throw this out for your consideration and I also quote a couple of figures to show you how it would work.

If you took 350 per cent, which would be the paraplegic, and you gave him a half rate above 100 per cent at current rates of pension

[*Interprétation*]

ples, les aveugles de guerre, et les paraplégiques. Il est intéressant de savoir qu'aux États-Unis, une disposition spéciale est prévue pour ces trois catégories de pensionnés, en plus évidemment du pensionné ordinaire à 100 p. 100. Nous pensons que si les mêmes dispositions pouvaient être insérées dans la législation canadienne, la plupart, sinon toutes les organisations d'anciens combattants approuveraient entièrement cette méthode. Ce qu'il faut, c'est prévoir une disposition statutaire au moyen d'une évaluation accrue pour ces invalidités spéciales, disposition qui aurait pour résultat une augmentation mensuelle du chèque de pension.

Monsieur le président, je voudrais m'arrêter maintenant et mentionner au comité qu'après les séances d'hier avec l'Association Sir Arthur Pearson et l'Association canadienne des paraplégiques, nous sommes réunis et monsieur Ken Langford m'a demandé de vous soumettre cette proposition.

Il est bien évident que 350 p. 100 de la pension proposée de $4,150 ou même du $3,180 actuel peut représenter un saut assez important pour le contribuable.

Le président: En particulier si cela n'est pas imposable.

M. Chadderton: En effet. Nous croyons qu'il y a très peu de personnes en cause et à notre avis, le public ne s'y opposerait pas, mais nous nous rendons compte qu'un des véritables problèmes vient du fait que cela traîne depuis 1919 et qu'il n'est peut-être pas juste qu'une personne essaie tout à coup de remplir un écart d'une telle envergure. Vous pouvez comprendre en même temps, notre agitation à l'approche d'une somme globale ou d'une subvention annuelle évaluée d'après des infirmités précises, car ce qui importe dans le cas d'une personne atteinte d'infirmités multiples, c'est qu'elle est indemnisée d'après l'importance réelle de son invalidité qui, même si l'on se réfère à la propre table de la Commission canadienne des pensions, établit à 185 p. 100 l'amputation des deux jambes. Monsieur le président, les personnes qui sont atteintes d'infirmités multiples me prient de demander de maintenir le pourcentage actuel, soit 350 p. 100.

J'ai bien l'impression que leurs représentants seraient préparés, si le gouvernement ne peut accorder 350 p. 100 d'accepter ce qu'on pourrait appeler le mi-taux au-dessus de 100 p. 100. Je vous en parle pour votre gouverne et pour cela, je vous cite une couple de chiffres pour vous montrer comment cela pourrait fonctionner. Si vous prenez 350 p. 100, pour le paraplégique, et lui accordez le mi-taux au-dessus de 100 p. 100 aux taux

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for a single pensioner, it would bring him up to $7,155 a year, or $595 a month. He is now getting $265, sir. So that would be an increase of $330 a month. Even that might sound like a lot, but bear in mind he has had this for a long time and we have to do something.

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Mr. Guay (St. Boniface): That is plus the allowance for his wife.

Mr. Chadderton: In addition to this, he would continue to get the allowances for dependents at the same rate as the 100 per cent pensioner. It was never envisaged that 350 per cent would be across the board. That is only on his basic disability.

The other one to take account of is one also quoted in our brief, the 185 per cent for a double leg amputee. If you were to give him the half rate above 100 per cent because of anatomical loss and all these other things, it would bring him up to $4,531 a year, or $377 a month compared with his present $265, which would give him, I must say in our view a modest increase of $112. I do not know if this is in order, Mr. Chairman. I am glad you have not stopped me but it is too late now.

The Chairman: No, I had no intention of stopping you.

Mr. Chadderton: I did not think you would, sir, and I hope this is in order. Incidentally, we appreciate the way the Chairman is handling these meetings. We do not want to take advantage of him or the Committee.

I have been here for most of the discussions and we have reached the point in this multiple disability thing where I think we are making some headway, but also we have a very serious roadblock in this 350 per cent. As I say, It was a good opportunity for all the multiple disability people to get together last night and discuss it. They leave that on the record for you to consider.

The Chairman: May I interrupt you now, Mr. Chadderton, because you have touched on a very vital point and everyone's hand went up at once. My problem is who gets recognized first, because there are at least four members who are anxious to say something right now. I will recognize Mr. Whicher, Mr. Bigg, Mr. Badanai and Mr. Guay. I hope this is satisfactory.

[*Interpretation*]

courants de la pension pour un pensionné célibataire, $7,155 par an ou $595 par mois. Il reçoit actuellement $265, monsieur. Cela représenterait une augmentation de $330 par mois. Même cela peut sembler important, mais rappelez-vous qu'il l'a eu pendant longtemps et nous devons faire quelque chose.

M. Guay (Saint-Boniface): Cela s'ajoute à l'allocation de sa femme.

M. Chadderton: Oui. Il continuerait à toucher les allocations pour ses dépendants au même taux que le pensionné évalué à 100 p. 100. On n'avait jamais prévu que 350 p. 100 serait un pourcentage général basé sur l'invalidité.

On doit aussi tenir compte de l'autre pourcentage cité dans le mémoire, le 185 p. 100 pour une amputation des deux jambes. Si vous lui accordez le mi-taux au-dessus de 100 p. 100, à cause de la perte anatomique et autres, il toucherait $4,531 par an ou $377 par mois; à comparer au $265 qui lui accorderait, je dois dire à notre avis, une augmentation modeste de $112, j'ignore si c'est approprié, monsieur le président, mais je suis heureux que vous ne m'ayez pas arrêté, mais il est trop tard maintenant.

Le président: Je n'avais nullement l'intention de vous arrêter.

M. Chadderton: Je ne croyais pas que vous le feriez, monsieur et j'espère que cela est juste. Nous aimerions indiquer que nous sommes satisfaits de la manière dont le président mène les séances du Comité et nous ne voudrions pas en profiter.

J'ai participé à la plupart des discussions et nous en sommes arrivés au point où j'ai l'impression que, pour les personnes atteintes d'infirmités multiples, nous faisons des progrès, mais d'un autre côté, nous nous apercevons que nous serons bloqués par ce fameux 350 p. 100. Il me semble que c'était une bonne occasion pour les personnes atteintes d'infermités multiples de se réunir, hier soir et d'en discuter. Ils vous laissent cette question à l'étude.

Le président: Puis-je vous interrompre, monsieur Chadderton, car vous avez touché un point très important, où toutes les mains se sent levées d'un coup. La question est de savoir qui pourra parler le premier parce qu'au moins quatre membres du Comité sont impatients de parler tout de suite. Je cède donc la parole à messieurs Whicher, Bigg, Badanai et Guay. J'espère que cela satisfait tout le monde.

[*Texte*]

Mr. Whicher: Mr. Chairman, this is a very touchy point and Mr. Chadderton has said some of the things that have been in our minds. I think I should preface what I am going to say by mentioning what Mr. Marshall said. I want everyone to know that I am on the veterans' side. I had a long experience of active service and I was lucky. I have also been engaged in Canadian Legion work for many, many years. Therefore, I do not want Mr. Chadderton or the other witness to think that what I am saying is in any way in criticism of what has been presented here today or on other days. But because I am on your side, I am going to ask a couple of questions. They will be asked by other people when we suggest that certain benefits should be raised when this is discussed in other places.

First I want to say, regarding the figures mentioned for such people as the amputees and the paraplegics and the blind, that I would go along with almost any figure and I think Mr. Chadderton has been somewhat generous in bringing the percentage down from what was suggested in this brief and in other briefs. These are special cases and they paid a price that simply cannot be paid in money. Any amount of money that they require for the necessities of life to make them a little happier I think we, the general public, should be prepared to pay.

Now, Mr. Chadderton, we come to other things. Remember that I am taking the other side while being on the veterans' side. I had five years and seven months in the Army and most of that time was spent overseas.

When increases in pensions are mentioned—and I am talking here about general pensions—there are bound to be comparisons with other welfare measures. I know veterans' pensions are not welfare measures, but I am talking about the uneducated public, and they are bound to compare veterans' pensions with so-called welfare measures. As I mentioned this morning, the children of people who are drawing mothers' allowance in the Province of Ontario, or people who are drawing disability pensions or blind pensions—I am talking about so-called civilians—or widows' pensions at the age of 60 in the Province of Ontario, get just as hungry and their bellies are just as empty as veterans' children.

Therefore, if this rate is brought up to something that is not reasonable, then there is bound to be criticism by—we will call it

[*Interprétation*]

M. Whicher: Voilà un sujet très délicat et monsieur Chadderton a exprimé quelques-unes des idées que nous avions. Je crois que je devrais préparer ce que je vais dire en mentionnant les propos de Marshall. Je veux que chacun sache que je suis pour les anciens combattants. J'ai eu une longue période de service et j'ai été chanceux. J'ai aussi participé aux travaux de la Légion canadienne pendant plusieurs années. Je ne veux donc pas que monsieur Chadderton ou les autres membres pensent que ce que je veux dire c'est une critique adressée contre ce qui a été présenté dans le passé et aujourd'hui. Mais étant donné que je suis de votre côté, je vais vous poser deux questions que d'autres personnes demanderont lorsque nous allons demander à quelle période les bénéfices devraient être augmentés, dans d'autres endroits.

D'abord, je voudrais dire au sujet des chiffres qui ont été mentionnés pour les amputés, les paraplégiques et les aveugles, que je serais d'accord avec n'importe quel chiffre et qu'à mon avis, monsieur Chadderton a été un peu généreux de diminuer le pourcentage par rapport à celui qui était présenté dans ce mémoire et dans d'autres. Il s'agit de cas spéciaux et ils ont payé un prix qui ne peut être remboursé en argent. Tout montant d'argent dont ils ont besoin pour se procurer les nécessités de la vie afin de les rendre plus heureux, le public en général, devrait être prêt à leur rembourser.

Monsieur Chadderton, abordons d'autres sujets. Rappelez-vous que je prends le parti contraire alors que j'appartiens aux anciens combattants. J'ai passé 5 ans et 7 mois de service dans l'armée et la plus grande partie du temps outre-mer.

Lorsque l'on parle d'augmentation des pensions, je parle des pensions en général. Il est naturel de les comparer aux autres mesures sociales. Je sais que les pensions des anciens combattants ne sont pas des mesures sociales, mais je parle du public qui n'est pas renseigné et qui va comparer ces pensions des anciens combattants aux mesures dites sociales. Comme je l'ai mentionné ce matin les enfants des personnes qui touchent des allocations de mère en Ontario ou des pensions d'infirmité ou des pensions d'aveugle, j'entends les soi-disant civils ou les pensions de veuves à 60 ans en Ontario, ont autant faim et leur ventre est aussi creux que celui des enfants des anciens combattants.

Par conséquent, si le taux est élevé démesurément, il y aura des critiques de la part d'un public non renseigné, nous l'appellerons

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whatever we want—the uneducated public or the people who are not as familiar as we are with veterans' problems. There is bound to be criticism if this goes too high in their opinion and they are going to say that they need a great deal more too. Now I am the first one to admit it; of course they need more. But besides representing veterans and besides representing people on mothers' allowance, disability pensions and blind pensions, we also represent taxpayers.

I know from the moderate way we have been addressed by people who have presented these briefs that they appreciate this fact that there is a limit to where we can go.

In my opinion, we must appreciate that right now veterans are treated—and I am one of them—as well as any veterans in the world.

Only lately was there an increase in pensions given to United States veterans, which brings their pensions up to our present level of today, October 1, 1969. There may be the odd exception but, taking it right across the board, this is so. Even if the moderate proposals of the Woods Report are brought into being we will be ahead of the wealthiest country in the world, our neighbours to the south. These are things that are going to be brought up by the general public.

Mr. Chairman, I would like to ask Mr. Chadderton a question. When such questions are put to us what are we going to say about the mother in Newfoundland, in Quebec or in Ontario who is on mothers' allowance, what are we going to say about the war veterans allowance recipient—I realize this is regarded as a welfare measure—who is treated much better financially than the recipients of other welfare or social measures in the Province of Ontario? What answer are we going to give to such people? But when veterans' pensions are increased—I have said that they must be increased, as far as I am concerned, for paraplegics, the blind and the other terrible cases that we have as a result of our men and women giving their all—what answer are we going to give if they are increased to the figure that you suggest, $4,180 for a single man?

We are fortunate in having a man like Mr. Chadderton before us to answer such questions. I have been told that 70 per cent of

[*Interpretation*]

comme nous le voudrons, ou des personnes qui ne connaissent pas les problèmes des anciens combattants. Il est inévitable qu'il y aura des critiques, si ceci va trop haut d'après eux, et ils vont dire qu'ils en auraient besoin de beaucoup plus. Je suis le premier à l'admettre. Ils en ont vraiment besoin, mais en plus de représenter les anciens combattants, les personnes qui touchent les allocations de mère, les pensions d'infirmité et d'aveugle, nous représentons les contribuables.

La manière modérée dont nous ont parlé les personnes qui ont présenté ces mémoires nous indique qu'ils sont conscients du fait qu'il y a une limite que nous ne pouvons dépasser. A mon avis, nous devons nous rendre compte dès maintenant que les anciens combattants, et j'en suis un, sont traités comme les autres anciens combattants des autres pays.

Tout récemment, la pension accordée aux anciens combattants des États-Unis a été augmentée, c'est-à-dire qu'elle a atteint le niveau de la nôtre aujourd'hui, ce 1er octobre 1969. Il y a peut-être quelques exceptions, mais dans l'ensemble, elles ont été meilleures. Si nous adoptons les propositions même très modérées proposées dans le Rapport Woods, nous serons encore en avance sur le pays le plus riche du monde, nos voisins du Sud. Ce sont là des choses dont on parle dans le public.

Monsieur le président, je voudrais poser une question à M. Chadderton. Quand ces questions nous seront posées, qu'allons-nous répondre au sujet des mères qui touchent des allocations à Terre-Neuve, au Québec et en Ontario? Qu'allons-nous répondre au sujet des allocations accordées aux anciens combattants qui sont mieux traités financièrement que ceux qui reçoivent des allocations de bien-être en Ontario? Quelle réponse allons-nous leur donner? Si les pensions des anciens combattants sont augmentées—et je me rappelle avoir dit, il y a quelque temps, que ces pensions devraient être augmentées en ce qui concerne les paraplégiques, les aveugles et les cas pénibles que nous avons vus—quelle réponse allons-nous donner? Qu'allons-nous répondre, si la pension d'un célibataire est portée à $4,180, comme vous le proposez? Nous sommes choyés d'avoir parmi nous des hommes de la trempe de M. Chadderton, qui peuvent répondre à ces questions. On m'a dit que 70 p. 100 de ces hommes sont mariés, ce qui porte le chiffre à un taux beaucoup plus élevé.

Quand nous parlons d'une indemnité de 245 dollars par ancien combattant, il s'agit d'une allocation pour les anciens combattants

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these men are married, which brings the figure up substantially.

Let us not forget that when we talk about $245 for a war veterans allowance case that is a married rate and when we talk about disability pensions in Ontario it is the same amount of money whether married or single. Just to bring it to a head, remembering that these people on disability pensions, on mothers' allowances, on blind pensions and on widows' pensions, these real poor people, are going to have to help pay for this substantial increase that you have asked for through sales taxes, through every kind of tax in the world—there are so many that they would stretch from here to the Confederation Building—what do you have to say, Mr. Chadderton? I am sure you will have an answer. I am the first one to admit that we have an obligation but, as I say, we also have an obligation to those people. And there is a limit to what Canada can pay. There is no limit to what we owe these veterans but there is a limit to how much we can pay. Now, Mr. Chairman, I have taken too long but I would like to ask Mr. Chadderton what he has to say in that connection.

Mr. Chadderton: I will answer this under a number of headings. First, you have mentioned a number of welfare measures, mothers' allowances for example. As we all know, these things are based on need. Now if the recipients of this type of legislation are hungry, and I think you used that word, then I think it is up to the legislators at whatever level of government is responsible to remove that hunger.

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Mr. Whicher: I did not say they were hungry, I said they could be—that their children could be just as hungry as a veteran's child.

Mr. Chadderton: All right, I appreciate the distinction. Let me put it this way: if the people in receipt of benefits under these welfare measures require additional money to live on in order to enjoy the prosperity of this country I am certain there is no veteran alive who would ever want to deprive them of that. They are entitled to it and that is it. But the precise reason, Mr. Whicher, you cannot consider war disability pensions in the same context as welfare measures is that welfare measures are a question of need. There is no contribution made, nobody lost a leg, nobody lost their eyesight, nobody is wandering around in a wheelchair because they served

[*Interprétation*]

qui sont mariés, mais lorsque nous parlons de pensions d'invalidité en Ontario, le taux est le même, que le requérant soit marié ou non. En guise de conclusion, je vous demande de penser aux personnes qui touchent des allocations d'invalidité, les allocations aux mères nécessiteuses, la pension des aveugles, la pension des veuves. Ce sont là des gens qui auront à fournir leur part pour acquitter cette augmentation majeure dont vous demandez qu'elle soit acquittée par le truchement de la taxe de vente et autres taxes possibles, et elles sont multiples. Que pouvez-vous répondre, M. Chadderton? Je suis sûr que vous devez avoir une réponse. Je suis le premier à admettre que nous avons une obligation envers ces autres personnes et il y a une limite à ce que le Canada peut payer. Il n'y a pas de limite à ce que nous devons aux anciens combattants, mais il y a une limite à notre capacité de payer. J'ai parlé un peu trop longtemps. Je cède la parole à M. Chadderon.

M. Chadderton: Je vais répondre à cela en différentes sections. D'abord, vous avez mentionné un certain nombre de mesures de sécurité sociale, nommément les allocations aux mères nécessiteuses. Comme nous le savons, ces allocations sont fondées sur les besoins. Si les personnes qui reçoivent ce genre d'allocations sont affamées—je crois que vous avez utilisé l'expression—c'est aux législateurs, à quelque niveau de gouvernement qu'ils soient, de prendre les mesures voulues pour éliminer la faim.

M. Whicher: Je n'ai pas dit qu'elles étaient affamées. J'ai simplement mentionné que leurs enfants pouvaient être aussi affamés que ceux des anciens combattants.

M. Chadderton: Très bien. Je vous remercie de cette distinction. Je m'explique: si les gens qui reçoivent des prestations d'assistance sociale ont besoin d'aide financière supplémentaire pour vivre, pour jouir de la prospérité du pays, je suis certain que les anciens combattants ne s'y opposeront en rien. Ils y ont droit eux aussi. La raison précise, M. Whicher pour laquelle vous ne pouvez pas considérer les pensions d'invalidité dans la même perspective que les allocations de bien-être, c'est que ces dernières sont réglées d'après les besoins. Il n'est pas question de perte de jambes, de perte de la vue, de déplacement dans un fauteuil roulant en

[*Text*]

their country. Now they may be disabled people, and if they are, we are all for them. Maybe this is the time to mention that my own organization, the War Amputations of Canada, has supported—

Mr. Whicher: Pardon me one second but do you think the general public differentiate as far as they are concerned?

Mr. Chadderton: Well, I think they should. However, I was saying that veterans' organizations do their part in this regard. As far as the War Amps are concerned, we make money on a key-tag service and we spend every nickel of it buying artificial legs for kids—and we love to do it. So we recognize this. But that is one context and it has to stay that way. It has to do with the whole fabric of how a nation wants to treat its poor unfortunates or its people who are in need.

Now look at your pension in a completely different context for a minute. When you went into the armed forces you had a contact, in effect, and part of that contract said, "If Ross Whicher loses a leg the government will indemnify him". Now, it did not stop there. That contract, which is exactly the same as your life insurance or anything else, said, "Not only will the government indemnify you—

Mr. Guay (St. Boniface): On a point of order, I do not think that any veterans at the time they joined up even looked at a contract. They could not have cared less, they were concerned with going to help their country out.

Mr. Chadderton: Right.

Mr. Guay (St. Boniface): I do believe that most men joined the services because of their dedication to their country. I was in the service a little over five years and I know they were dedicated. I doubt if very few of them even looked at the possibility of any reimbursement of any kind at the time they joined.

Mr. Chadderton: I would dispute that in this sense, that I was married when I went in on D-Day and do not think that I was not thinking, "Boy, if the Jerries plowed me at least the government was going to look after my widow". And if I thought in 1969 that she was going to get $200 dollars a month I think I might have had second thoughts about it, patriotism or not. Let us talk facts. However, I do not think we want to get into that kind of a discussion.

[*Interpretation*]

raison des services rendus au pays. Il se peut que les bénéficiaires soient invalides. Dans ce cas, nous sommes avec eux. Je puis dire que mon organisation, *War Amputations of Canada*, est d'accord.

M. Whicher: Croyez-vous que le public en général peut établir les distinctions que vous faites.

M. Chadderton: Eh bien! Je crois qu'on devrait comprendre la chose. Les organisations d'anciens combattants font leur part dans ce domaine. En ce qui concerne les amputés de guerre, nous nous procurons des fonds avec le service de mini plaques matricules. Tout y passe pour l'achat de jambes artificielles pour les enfants et cela nous plaît. Nous ne pouvons changer la situation. Toute la question porte sur la manière dont le pays va traiter ces pauvres bougres et le traitement qu'il accorde aux personnes dans le besoin.

Considérez votre cas maintenant. Quand on s'enrôle dans l'armée, on signe un contrat où il est écrit: «Si vous perdez une jambe, par exemple, le gouvernement vous dédommagera». Tout ne s'arrête pas là. Ce contrat qui est la même chose qu'un contrat d'assurance-vie ou autre, précise: «Non seulement le gouvernement vous remboursera, . . .

M. Guay (Saint-Boniface): Je demande la parole pour un rappel au règlement. Je ne crois pas que, au moment de leur enrôlement dans l'armée, les anciens combattants aient pris la peine de jeter les yeux sur un contrat. La chose ne les préoccupait pas. Ils voulaient aider leur patrie.

M. Chadderton: C'est juste.

M. Guay (Saint-Boniface): Je crois que les gens qui se sont enrôlés voulaient servir leur pays. J'ai servi outre-mer un peu plus de cinq ans. C'étaient des gens qui voulaient servir leur pays. Bien peu d'entre eux ont pensé à ce qu'ils pourraient recevoir comme dédommagement.

M. Chadderton: N'oubliez pas que j'étais marié lorsque je suis parti en service. Je me suis dit alors: «Si je me fais tuer, le gouvernement aura au moins soin de ma femme» Avoir su alors qu'en 1969, elle ne recevrait que $200 par mois, j'y penserais deux fois. Patriotisme ou non, il faut penser à ceux qui restent. Je ne crois pas cependant que nous devrions nous engager dans ce genre de discussion.

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I am only trying to discuss theory here, and the theory of war disability pensions is not the same theory as welfare measures. The theory of war disability pensions is one of an implied contract. Whether you thought of it or not, sir, it is an implied contract and what it says in effect is that if you are disabled you will be indemnified. And it goes beyond that; that implied contract says you will be indemnified in such a way that the money you get will be sufficient for you and your dependents to maintain a decent standard of living. Now it even goes beyond that again. It says a decent standard of living shall be allied to the unskilled labour market. You can go one point further and say, "What did the government consider the unskilled labour market at? The figure for war disability pension, when it first came on the scene in 1919, was the same figure as for the cleaner and helper. So this in effect was the implied contract.

Now we come to 1969. The war has been over 25 years. I suppose what my father did in World War I has a long time been forgotten by most people, except my mother and a few of us who knew him. But the obligation is still there. Who is the insurer in this deal?

The insurer is the Government of Canada, which you gentlemen represent. And the contract is that if the fellow has been disabled in the service of his country he is entitled to be indemnified at a certain level. Now this is all

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fine, I realize that, but from a political viewpoint it is not very popular any longer. You could have sold it in 1948, you know, when the bands were blaring, but it is not popular any longer. I still say, gentlemen, that there is an obligation on the part of the Members of Parliament, the veterans' organizations and everybody else to make people fully understand this. And if Mrs. Jones, who has two children—God help her, I feel sorry for her—is living on mothers' allowances and is not really getting enough to carry on, reads in the paper that war disability pensions have been increased to $4,000, $7,000 or something of that nature, she is not going to worry whether the guy was in a wheelchair, she is going to say, "What about me?" Well, surely to God that is not an unusual element.

That happens to everybody everywhere. But I think this is why the contract was made

[*Interprétation*]

Nous ne parlons que de l'aspect théorique de la chose et la thèse des pensions pour invalidité de guerre n'est pas la même que celle des mesures de sécurité sociale. Pour le cas des pensions d'invalidité, il y a un contrat implicite. Que vous le vouliez ou non, il s'agit bien d'un contrat implicite portant que si vous devenez invalide, vous toucherez des indemnités. Plus que ça, ce contrat porte que vous recevrez des indemnités qui vous permettront, vous et les personnes à votre charge, de vivre une vie normale. On va même plus loin. On y dit que ce niveau de vie doit être celui d'un travailleur non spécialisé. On peut de plus se demander quel est le montant qui, selon le gouvernement, doit être versé à un travailleur non spécialisé. Lorsqu'a débuté le régime des pensions pour les invalides de guerre en 1919, le montant de la pension se situait au même niveau que le salaire des nettoyeurs ou des aides. C'était ce que comportait le contrat implicite. Maintenant, nous sommes en 1969. Il y a 25 ans que la guerre est terminée et il y a belle lurette qu'on a oublié le service de mon père au cours de la Première Grande guerre, seule ma mère et quelques-uns de ceux qui l'ont connu s'en souviennent. Qui était alors l'assureur.

Nul autre que le gouvernement du Canada que vous, messieurs, représentez. Le contrat portait que si vous êtes invalide par suite de votre service en temps de guerre, vous aurez droit à un certain niveau d'indemnités. Je me rends compte que, au point de vue politique, cela n'est plus très populaire. C'était peut-être utile en 1948, mais non pas aujourd'hui. Il demeure quand même qu'il revient aux députés, aux organisations d'anciens combattants et à tous et chacun de faire comprendre la chose. Si M^me^ Lebrun, avec ses deux enfants, reçoit l'allocation des mères nécessiteuses et que ce n'est pas assez pour lui permettre de vivre, quand elle lira dans les journaux que les pensions pour les invalides de guerre ont été portées à $4,000, $7,000 ou quelque chose de près, pensez-vous qu'elle va se poser des questions au sujet de l'infortuné dans un fauteuil roulant? Elle va simplement s'écrier: «M'a-t-on oubliée?»

Il n'y a là rien d'anormal. La chose se voit partout. C'est ce qui motive en premier lieu

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in the first place and this is why Parliament, this Committee and the government of the day has to face up to its obligation. I hate to speak like this. I hate to say that you are on the spot and all that.

We will do all we can, but surely somebody has to take the bull by the horns and say that even though it is an unpopular measure—we know how unpopular measures react on the public in Ottawa because we saw it last weekend—somebody has to do something about this. Where else can we go? Now I ask you, study the legislation, read what the Woods Committee Report says, it is all there right from the start as to where this contract comes in, as to where the insurance for the fellows comes in that really says today he is entitled to a basic rate of pension that is tied in somewhere with the unskilled labour market and if the unskilled labour market is $4,150 that is then what pension should be paid at.

Having said that, I want to throw one other suggestion out for this Committee.

If $4,150 is a little rich for the blood, and it might be, I am sure that there is no representative from veterans organizations who are coming today and saying to you that this is the last end-all figure. It is negotiable. It can be discussed, but where do we start? The minute we abandon the unskilled labour market, we cannot even say to you that it should be anything. Perhaps somebody will say that it should be the cost of living.

So I would say, fine, I will move to Vancouver and you will immediately have to give me an increase of 70 per cent because the cost of living is very high out there. On the other hand I might move out to Osgoode where I live in the summertime and the cost of living is a lot less. You cannot get into any of these things, I think you understand that. So all I am saying is that we are saying $4,152 is or was in 1967 the dollar sign that you can tie on to the government's commitment that was made in 1919. If that force of argument is wrong then I hope the other experts around here will pick it apart and show you where it is wrong. If they can show us where it is wrong then fine, we are going to have to shut up. However, I am pretty certain that we have the judgement of a member of the Court of Appeal of Saskatchewan and his colleagues that went into it and they felt that it was correct. I just do not know what else we can say about it.

Mr. Whicher: I think, Mr. Chairman, that Mr. Chadderton has facts and figures on his side, there is no denying this, but you will

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l'existence d'un contrat. C'est au Parlement, au Comité et au Gouvernement de prendre ses responsabilités et de respecter ses obligations.

Nous allons faire tout notre possible, mais il faut quand même que quelqu'un empoigne le taureau par les cornes et passe à l'action, même s'il s'agit de mesures qui ne sont pas populaires. Nous savons comment le public d'Ottawa réagit aux mesures impopulaires, nous l'avons vu la semaine dernière. Et à qui voulez-vous que nous nous adressions? Je vous demande simplement d'étudier les mesures législatives et le rapport Woods à ce sujet. Lisez-le depuis le début; lisez ce qu'on dit au sujet du contrat et de l'assurance des anciens combattants et où l'on mentionne qu'il a droit à une pension dont le taux de base est calculé en fonction du marché du travail non spécialisé. Si le salaire de base d'un travailleur non spécialisé est de $4,150, cela signifie que la pension devrait correspondre avec ce montant. Voilà ce que je voulais dire au comité.

Vous considérez peut-être que $4,150 est trop et je ne crois pas qu'un représentant de l'association des anciens combattants puisse venir vous dire aujourd'hui que ce chiffre ne peut être discuté. Mais sur quoi nous baserions-nous? Nous devons nous fonder sur quelque chose et cela pourrait être sur n'importe quel critère. Nous nous fondons sur le salaire moyen versé aux travailleurs non spécialisés. Mais il faut quand même tenir compte du coût de la vie. Tout dépend de l'endroit où vous vivez aussi.

A Vancouver, le coût de la vie est peut-être de 70 p. 100 plus élevé qu'autre part au pays et à Osgoode, où j'habite pendant les vacances, il est beaucoup moins élevé. C'est simple. Donc $4,152 correspondaient pour 1967 aux engagements financiers que le gouvernement avait pris en 1919. Si cet argument n'est pas convaincant, j'espère que les autres experts vous indiqueront ce qu'il en est. Je suis certain que nous avons l'appui d'un membre de la cour d'appel de la Saskatchewan et de ses collègues. Ils ont étudié la situation et ils ont estimé qu'il devait en être ainsi. Je me demande vraiment ce que je pourrais ajouter à ceci.

M. Whicher: Je vois que M. Chadderton a les faits et les chiffres. Mais vous admettrez que ces $4,180 qu'il donne comme salaire de

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admit, I am sure, that this $4,180 for an unskilled labourer is whether he is married or whether he is single.

Mr. Chadderton: Yes, that is just the point.

Mr. Whicher: Now then, I am not sure whether that $4,180 for you is really a fair figure because I think you should quote the married rate, because 70 per cent of the boys are married.

Mr. Chadderton: Let me explain one thing, that if you want to do that then all the veterans organizations would have to do is go back and pick out something which was exactly the same as the married rate of pension in 1919, and that would be a postal sorter. There, Mr. Whicher, you are in a real bind because then we would be asking for $6,000. Figures are figures and they are there and they are fixed to bases. This argument is an old one with me and with veterans organizations. It has been tried, people have looked at it in many, many ways. I think the point about the whole thing is that pensions have lagged behind. That is not the fault of this government, it is not the fault of governments going back 10 years. For goodness sake, there was no pension increase from 1924 to 1948 and part of that was because of the very patriotism that Mr. Guay mentioned. My

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father was with the Royal Canadian Legion all his life and I never heard him once talk, never once, about a pension increase. He was not a pensioner, but he never talked about that, he talked about pension claims. But you know, there were the hungry 30's, who would ask for it, and in the 40's, let us get on with the war. You see it goes a long way back and that is why the crisis here in 1969 is that we are so far behind.

Mr. Whicher: Mr. Chairman, might I ask one more question of Mr. Chadderton, because I am getting a lot of information. I hope the rest of the Committee is.

Mr. Chadderton, what are we going to say about criticism that comes to us when we relay your fine messages on to other places? What are we going to say when we are asked, not only by the public but people in high places? Let us compare Canada's rates with the rest of the world. I do not ask this question in a challenging way, I do not know, I am sure you know it. We get these figures at $4,180 and then supposing there was a 350 per cent raise as is suggested in the briefs, even though you have been very moderate and

[*Interprétation*]

base des travailleurs non spécialisés ne tiennent pas compte si celui-ci est marié ou non.

M. Chadderton: Oui, c'est justement ce à quoi je voulais en venir.

M. Whicher: Alors, je me demande si le $4,180 est un chiffre exact. Il faudrait citer le taux versé à la personne mariée parce que n'oubliez pas que 70 p. 100 des anciens combattants sont mariés.

M. Chadderton: Alors, si vous voulez faire cela, toutes les organisations d'anciens combattants devraient se reporter aux taux des pensions des personnes mariées en 1919. A ce moment-là, vous causez un tas de difficultés. Vous demandez à peu près l'équivalent de $6,000 aujourd'hui; les chiffres sont des chiffres: ils servent de base. C'est un vieil argument que j'ai entendu plusieurs fois, de la part des organisations d'anciens combattants d'ailleurs. On l'a pesé et soupesé. Enfin, ce qu'on doit comprendre, c'est que les pensions ne sont plus en rapport avec le coût de la vie. Ce n'est pas la faute du gouvernement. On ne doit pas en imputer la faute au gouvernement qui est de dix ans en retard. Mais il n'y a pas eu d'augmentations de pension de 1924 à 1948 et c'est peut-être dû au sentiment de patriotisme dont parlait M. Guay. Mon père a été dans la Légion toute sa vie et je ne l'ai jamais entendu parler une seule fois d'augmentations de pension; il n'a jamais parlé de cela. Je l'ai toujours entendu demander une pension. Mais au cours des années 1930, on ne pensait pas à en demander et au cours des années 1940, on était en guerre. Vous voyez comme cela remonte loin et c'est la raison pour laquelle nous sommes tellement en retard actuellement.

M. Whicher: J'aimerais poser une autre question à M. Chadderton, monsieur le président. J'ai déjà obtenu beaucoup de renseignements, comme le comité d'ailleurs. J'aimerais savoir, monsieur Chadderton, ce que vous diriez au sujet des critiques que notre proposition engendrera ailleurs? Que dirons-nous au public et aux personnes haut placées? Comparez les taux du Canada avec ceux des autres pays du monde. Ce n'est pas un défi que je vous lance, je suis certain que vous connaissez la réponse. Nous avons ces chiffres de $4,180. Supposons qu'il y ait une augmentation de 350 p. 100 comme on l'a proposé dans les mémoires, même en tenant compte du fait qu'on pourrait réduire cette augmen-

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considerate and said that perhaps that this could come down some. Is there any country in the world that pays pensions such as that?

Mr. Chadderton: Yes, the United States pays a pension to the paraplegic of over $8,000 a year.

Mr. Whicher: Well, how much would... Did you have something to add there?

Mr. Chadderton: I was going to say, on top of that he is provided with an automobile and up to $10,000 to convert his home. That is much more generous. While I am on the subject let me say one other thing...

Mr. Guay (St. Boniface): Does he get the allowance too?

Mr. Chadderton: Oh yes, he gets a higher attendance allowance; yes, $3,500 is the maximum attendance allowance down there. When you start comparing dollars, converting dollars—last weekend I took all the figures we could get a hold of and I went to an expert in foreign exchange and I said, compare this, change the zlotys to dollars, and all that type of thing. I got the figures back, but gentlemen, they do not mean anything, because the pension in Yugoslavia turns out to be $38 American dollars, but do you know what you can buy with $38 American dollars in Yugoslavia?

Mr. Whicher: I am not comparing Yugoslavia. I want to know about the United States and countries like England.

Mr. Chadderton: You mentioned that the 100 per cent rate in the United States was lower than ours. If that is true I do not want to challenge it.

Mr. Whicher: I said it was even.

Mr. Chadderton: Even. I do not think it is. I think it is higher, but I certainly will not...

The Chairman: We can determine this, we can get a United States memorandum on this.

Mr. Chadderton: Yes, I will have it tonight without question. When I checked with the disabled American veterans, our counterpart in the United States, I only got the figures for the multiple disability case.

Mr. Badanai: Have you the figures for the United Kingdom?

Mr. Chadderton: Yes. I do not have it on the top of my head, but again I can tell you without fear of contradiction that it is considerably lower than ours, considerably lower than ours. But again the standard of living,

[*Interpretation*]

tation, y a-t-il un autre pays au monde qui verse des pensions si élevées?

M. Chadderton: Oui, les États-Unis versent une pension de plus de $8,000 par année aux paraplégiques.

M. Whicher: Combien... avez-vous quelque chose à ajouter?

M. Chadderton: Oui, en plus de cela, il reçoit une voiture et jusqu'à $10,000 afin de transporter sa maison. C'est beaucoup plus—laissez-moi ajouter ceci.....

M. Guay (Saint-Boniface): Reçoit-il aussi une allocation de soins?

M. Chadderton: Oui, il reçoit une allocation de soins jusqu'à $3,500, ce qui est le maximum. Mais il est difficile de comparer les dollars; la semaine passée, j'ai pris tous les chiffres que j'ai pu rassembler et j'ai vu un expert et je lui ai demandé de me dire combien des zlotys valent en dollars etc. Mais il est bien évident que ces chiffres ne nous donnent pas une idée exacte. Car la pension en Yougoslavie se monte à $38 mais encore faudrait-il savoir quel est le coût de la vie dans ce pays.

M. Whicher: Je ne voulais pas comparer avec la Yougoslavie, mais bien avec les États-Unis, l'Angleterre ou de tels pays.

M. Chadderton: Mais vous avez mentionné le 100 p. 100 des États-Unis. Vous avez dit qu'il était plus bas aux États-Unis.

M. Whicher: J'ai dit que les taux étaient semblables.

M. Chadderton: Je ne veux pas vous contredire, mais je crois qu'ils sont plus élevés.

Le président: Cela peut très facilement être déterminé; nous pourrons obtenir des chiffres.

M. Chadderton: Oui, je les aurai ce soir très certainement. Quand j'avais demandé des précisions à l'Association des invalides des États-Unis, ils m'en ont donné pour les cas d'invalidités multiples.

M. Badanai: Avez-vous des chiffres pour le Royaume-Uni?

M. Chadderton: Oui. Je ne pourrais pas les citer de mémoire, mais je puis vous dire sans avoir peur de me tromper qu'ils sont nettement plus bas que les nôtres. Mais encore, il y a la question du niveau de vie et du pouvoir

[*Texte*]

the purchasing power has to be taken into account. Mr. Whicher, I do not want you to misunderstand. I appreciate your problem that you can hear it from me, and you can even perhaps go away half convinced, but when the time comes that you have to sell it to other people, you see...

Mr. Whicher: Mr. Chadderton, I do not want you to think I am half convinced. I want to know that I, and probably everyone around this table, am just just as much for veterans as you are, just exactly 100 per cent and we are going to try to do our very best. However, we are in a little different position because we have to sell this thing to some people who maybe are not veterans as most of us are around here and are sympathetic.

Mr. Chadderton: Well this is quite right and we appreciate your position and we will give you all the help we can. I did not come prepared today to answer this question and I feel that I have not answered it as fully as possible. Certainly we have to get our thinking on war disability pensions out of the welfare context and into insurance context and look at the history of it and say—what was the original intent, and what really should it be?

Another thing, and the last thing I want to say on this aspect is that when we say what it should be we can never take into account that man's earning power, that has nothing to do with it. As I said to one of the members of Parliament this morning, you have to look at it this way, that if you had a $200,000 insurance policy on your life and you were killed somebody is going to pay your widow $200,000 in insurance. Now it does not matter

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whether she has an earning capability of $10,000 or $15,000 a year. Exactly the same thing applies in pension, and it is not easy, particularly for the people who are grubbing for a living or who are sweating it out with five and six kids and living on welfare to understand that. We know that, because it almost looks, Mr. Chairman, as if we are perhaps greedy; perhaps we do not care about other people and that is not true.

I do not want to use any great sounding words but there is the question that these people did serve and serve their country well, and by God they deserve to be compensated. I will not say at the maximum rate a grateful country can afford; that used to be the pension bleat in the 1940's and 1930's. I will not say that. They deserve to be compensated at the rate at which the government committed itself to compensate them, and if we cannot

[*Interprétation*]

d'achat. Mais M. Whicher, je ne veux pas que vous me compreniez mal. Je comprends que vous vous posiez des questions et que c'est possible que vous partiez à moitié convaincu de ce que je vous ai dit. Mais quand il s'agit de convaincre d'autres personnes...

M. Whicher: Je veux vous faire savoir, Monsieur, que je ne suis pas à moitié convaincu et que je suis, que tous ici présents, sommes entièrement en faveur des vétérans et que nous voulons faire de notre mieux. Mais nous sommes dans une situation différente car nous devons présenter ce problème à des personnes qui ne sont pas des anciens combattants et qui peuvent donc ne pas être autant en leur faveur.

M. Chadderton: Oui, c'est très juste, monsieur, et nous comprenons votre position et nous espérons que nous pourrons vous aider dans cette tâche. Mais je ne suis pas venu très préparé pour répondre à votre question et je suis désolé de ce fait, mais il faut que les pensions d'invalidité relèvent du domaine des assurances et non plus du domaine de la sécurité sociale. Je voudrais aussi parler en dernier lieu d'un point qui a été soulevé: à savoir qu'il ne faudrait pas prendre en considération la capacité de gain de ces personnes. Comme je le signalais à un député ce matin, il faut considérer la situation de la façon suivante: si vous avez pris une assurance-vie de $200,000, votre veuve recevra l'argent à votre mort. C'est indépendant du fait qu'elle peut gagner $10,000 ou $15,000 par an. C'est ce que comprennent difficilement certaines personnes qui vivent de l'assurance sociale, surtout celles qui se battent pour vivre et qui ont peut-

être cinq ou six enfants. Nous nous en rendons compte, on pourrait nous accuser à tort d'être un peu avares et de ne pas considérer le bien des autres.

Je ne veux pas employer de grands mots mais il faut se rappeler que ces hommes ont servi leur pays et l'ont bien servi et qu'ils devraient être compensés à un taux. Je ne dirais pas au maximum que le pays puisse donner, comme lors de la prolifération des années 1930 et 1940. Ils méritent d'être considérés à un taux que le gouvernement s'est engagé à payer. Si nous ne pouvons pas prouver que cet engagement existe et si nous ne

[*Text*]

prove that that commitment is there—if we cannot prove that that figure is $4,152—then we had better scale the figure down to something we can prove.

The Chairman: Mr. Bigg, Mr. Badanai and then Mr. Guay.

Mr. Bigg: First of all, I have to agree that there is a solemn and binding contract. I do not say this very often, but the contract, as it affected the people I served with, is in some respect a fairly onerous one. It should not be scaled down because of the fact that we were volunteers. We asked for this contract, as Mr. Guay has said, not necessarily knowing the meaning of the small print. After having been overseas for four-and-a-half years I asked to come home to see my wife. The contract and the small print were spelled out to me and I solemnly went back to work. The contract was very binding.

Had I taken it upon myself to go home and see my wife after four-and-a-half years of absence, I would have had my military rank stripped from me. I would have been put in solitary confinement—in chains at about that stage—had I been so desperate as to do that. That was military law.

My pay when I volunteered was $1.30 per diem. If we are going to make comparisons with our neighbour to the south, no member of the American Forces that I know of served at that rate. My contract lasted seven years at that rate, and certain of the insurance features of this contract the government rationalized by saying, "You do not get very much pay, but you have pension; you have security; you have medical attention; you have khaki colours to wear, leave with pay and bully beef to eat".

I accepted all those, and I am glad I did. I would go again. But it was a very solemn contract. I think part of it was certainly the fact that my widow would be looked after if I were killed, and that if I were disabled I would be looked after.

I am not here to prance on the stage, although I may be doing it. I am not here for that purpose. I am here so that every taxpayer in my district will know that we are attempting to raise the veterans' and the widows' pension, particularly, and children's allowance; and, secondly, to make this breakthrough—crashing the sound barrier of the 100 per cent pension.

I think the contract as it was originally was not spelled out properly. I am going to do what I can to make sure that the contract is spelled out in clear terms so that the Pension Commission can understand it, and cannot get

[*Interpretation*]

pouvons pas prouver que le chiffre est de $4,152, alors il faut ramener l'échelle des compensations à un niveau où une preuve pourra être établie.

Le président: M. Bigg, M. Badanai, puis M. Guay.

M. Bigg: Je dois admettre qu'il s'agit d'un contrat solennel et irrévocable. Je ne dis pas ceci très souvent, le contrat avec les personnes avec lesquelles j'ai servies a été un contrat bien coûteux et ne doit pas être rabaissé parce que nous sommes des volontaires. Nous avons demandé ce contrat et, comme M. Guay l'a dit, nous ne connaissions pas exactement les termes en petits caractères du contrat à ce moment-là. Après avoir séjourné à l'étranger quatre ans et demi, j'ai demandé à revenir chez moi pour revoir ma femme et le contrat m'a été bien lu et expliqué. Je suis retourné au travail. Le contrat me liait. Si j'avais décidé de retourner chez moi après une absence de quatre ans et demi, j'aurais perdu mon rang militaire et j'aurais été emprisonné et enchaîné. C'était la loi militaire.

Quand je me suis engagé dans l'armée, je recevais $1.30 par jour. Si nous allons comparer avec nos voisins du sud, aucun membre des Forces armées américaines n'a servi à ce taux. Mon contrat a duré sept ans à ce taux et certaines des assurances qui y figuraient m'ont été expliquées de la façon suivante: «Votre salaire n'est pas élevé, mais vous avez une pension, de la sécurité, des soins médicaux, des uniformes à porter, des vacances payées et du bœuf à manger».

J'ai accepté toutes ces choses et je le ferais encore si je devais le faire mais c'était un contrat très solennel. Si quelque chose m'arrivait, je m'étais dit qu'on allait s'occuper de ma femme. Si jamais quelque infirmité m'arrive, je sais que le gouvernement prendra soin de moi, voilà ce que je me disais. Si j'étais devenu paraplégique ou aveugle, on m'aurait dit que la compensation de 100 p. 100 est suffisante. Alors, messieurs, vous pouvez m'appeler ce que vous voulez et vous pouvez peut-être me donner le titre de «Prima Dona», mais voilà pourquoi je suis ici, car, bien que je sois en vacances, je voulais que les gens dans mon district sachent pourquoi je suis ici.

Le contrat qui a été fait originalement avec ces gens peut-être n'a pas été bien expliqué, mais maintenant, il va de soi que je vais essayer de voir à ce que les contrats futurs soient bien lus et qu'ils soient bien expliqués

[*Texte*]

out of it when we are through, whether it be niggardly or over-generous, as the case may be.

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I do not think we should use comparisons with, say, the Americans unless we are willing to go the whole way. And I know we should not get into discussion of the basic pension, because that is a morass and the time available to us is too short, Mr. Chairman.

I know that had I become a multiple paraplegic, or blind, I would have been considered, by the uninformed, to have been well compensated, I suppose, at a 100 per cent pension. Gentlemen, I consider it to be our duty, unpopular as it may be, to make sure that the public are informed. You can call me a prima donna if you like, but one of the reasons for my being here during my holidays is to make sure that everybody in my district knows why I am here.

The Chairman: Not this afternoon, Mr. Bigg.

Mr. Bigg: No; not this afternoon. Therefore, we should use these comparisons only as guidelines in what we are going to do.

I consider that, regardless of the great republic to the south, Canada should be at the top. We have always been willing to pay more than perhaps we have the ability to pay. One of the reasons I can stomach paying any income tax, to tell you the truth, is that I know we have a very fine veterans' program. I hope it is going to be a great deal better when I pay it again next spring.

The Chairman: Mr. Badanai?

Mr. Badanai: Mr. Chairman, my only question has already been answered by Mr. Chadderton in reply to one of Mr. Whicher's questions.

The Chairman: Mr. Guay?

Mr. Guay (St. Boniface): One of my questions has already been answered, Mr. Chairman, but I have a couple more.

The brief is a good one because it makes a suggestion. In my opinion what this Committee really requires is some good suggestions on what the Committee can recommend to the Minister, or to the Cabinet, to arrive at the solution which you seek. I think in this particular brief you have hit on one of the points.

I am not going into any preamble in relation to my dedication, or anything like that, because I do not think that is necessary. We

[*Interprétation*]

à la Commission des pensions, qui devra les respecter entièrement. Je crois que dans chaque cas le contrat doit être bien expliqué et une chose que je ne voudrais pas voir c'est des comparaisons avec nos voisins américains, à moins que ces comparaisons soient complètes. Si vous voulez faire cela, vous allez voir que nous allons nous trouver dans une situation presque impossible.

Je ne veux pas être sur la scène, je ne suis pas ici pour me mettre en vedette, mais parce que je veux que mes concitoyens sachent que nous essayons d'augmenter les pensions des vétérans, les allocations aux veuves et les allocations aux enfants, et aussi pour essayer de briser cette barrière de 100 p. 100 imposée aux pensions.

Le président: Nous n'aurions pas le temps cet après-midi.

M. Bigg: Non, pas cet-après midi. Dans ces cas-là, il suffit de nous restreindre à des comparaisons qui ne nous serviront qu'à titre indicatif. Quoi qu'il se passe aux États-Unis, il faut que le Canada reste au-dessus de tous ces principes et, s'il faut payer plus, payons plus. Chaque fois que je paie mes impôts, je ne suis pas mécontent, mais je sais que cet argent s'en va dans le programme pour les anciens combattants et ceci me satisfait. J'espère que je serai encore plus content le printemps prochain.

Le président: Monsieur Badanai?

M. Badanai: Monsieur le président, M. Chadderton a répondu à ma question en répondant à celle de M. Whicher.

Le président: Monsieur Guay?

M. Guay (Saint-Boniface): On a répondu à une de mes questions, mais je voudrais en poser deux de plus. D'abord, le mémoire est très bon dans ce cas-ci parce que vous venez avec des suggestions constructives et c'est ce que ce Comité désire, des suggestions qui soient constructives et que le Comité puisse présenter au Ministère ou au Cabinet pour arriver à une solution aussi favorable que vous la voudriez. Nous nous arrêtons ici, messieurs, à un point qui me semble difficile.

Nous ne sommes pas ici pour parler de nous-mêmes, mais nous sommes ici pour parler du mémoire.

[*Text*]

are here for the presentation of briefs, not to speak of ourselves.

Let us suppose that the Minister, or this Committee, goes on record as considering your suggestion in this particular instance, whatever the rate may be. You made a good suggestion, I think, on the points system. It might be a very good one. If this suggestion were accepted could we then forget the grant that we were talking about, in relation to which you were talking about the means test? I ask the question so that I will know where we stand. Could we forget all about that means test, as you call it, in the grant of $400 to $1,200, if we gave consideration to the other aspects of your suggestion?

Mr. Chadderton: Mr. Chairman, I have no hesitation in saying that if this Committee were prepared to make a recommendation, or if the government were prepared to accept the proposal, that is, the levels of assessment as proposed by the Woods Committee but to be paid at the half rate above 100 per cent...

Mr. Guay (St. Boniface): That is right.

Mr. Chadderton: ... there is no question that the proposal in the White Paper for a lump sum or annual grant of between $400 and $1,200 could be completely dispensed with.

Mr. Guay (St. Boniface): Very good; this is what I wanted to know.

I come to my next point. I know you had a meeting last night with the group and that you represent most of them, as you have told us. You are certainly in a good position to answer our questions, and I have noticed that you are knowledgeable in all aspects of the matter. Can you tell this Committee the number of people who would be involved in the three groups you have mentioned, which I think this Committee went on record as somewhat favouring? What do you feel would be the impact of the cost if we were to accept your suggestion on the terms in which we are discussing it at the moment? Have you any idea?

Mr. Chadderton: The figures tabled yesterday in the Canadian Paraplegic Association brief indicated a total cost of $1,900,000 at the full rate. It would take a few minutes to figure it out at the half rate. It would not be half of that, because the first 100 per cent would be at the full rate. It would take a few minutes to calculate it.

Mr. Guay (St. Boniface): There are the blind blind and the...

[*Interpretation*]

Assumons que le ministre ou ce Comité décide de considérer vos suggestions, quel que soit le taux. Votre proposition visant un système de points était bonne. Si la proposition était acceptée, pourrions-nous oublier la compensation dont nous parlions et dont il était question dans le test moyen? Je pose la question pour connaître nos positions respectives. Pourrions-nous oublier le test moyen, comme vous l'appelez, dans la compensation de $400 à $1200, si nous acceptions les autres aspects de votre proposition?

M. Chadderton: Monsieur le président, je n'ai pas d'hésitation à vous répondre que, si ce Comité était prêt à présenter des recommandations ou si le gouvernement était prêt à accepter cette proposition, que le taux d'évaluation serait payé à moitié du taux au-dessus de 100 p. 100.

M. Guay (Saint-Boniface): C'est exact.

M. Chadderton: Il ne fait aucun doute que les propositions dans le Livre blanc d'une somme annuelle de $1,200 ou de subventions annuelles de $400 à $1200 pourraient être complètement barrées.

M. Guay (Saint-Boniface): Très bien. Je sais que vous avez rencontré le Comité avec un certain groupe que vous représentez, comme vous nous l'avez déjà dit d'ailleurs. Vous êtes certainement très à même de répondre à ma question puisque vous en connaissez tous les aspects. Sans aucun doute, vous avez une idée que vous pouvez peut-être transmettre à ce Comité quant au nombre de personnes qui seraient comprises dans ce groupe et auquel ce Comité semblait être favorable. Quel serait le choc du coût si nous suivons vos suggestions? Avez-vous une idée?

M. Chadderton: Les chiffres fournis hier par l'Association canadienne des paraplégiques indiquaient un coût total de 1.9 millions de dollars au plein taux. Un simple calcul nous donnerait le coût à la moitié du taux. Il ne serait pas diminué de la moitié, puisque le premier 100 p. 100 serait établi suivant le plein taux. Il ne faudrait que quelques minutes pour faire les calculs.

M. Guay (Saint-Boniface): Mais il y a les aveugles et...

[*Texte*]

Mr. Chadderton: Yes; but they were included in those figures. In there we had the multiple disability casualties—the quadriplegics, paraplegics, the war amputations and the war-blinded.

Mr. Guay (St. Boniface): All-inclusive?

Mr. Chadderton: Yes; they were in those figures, sir.

The Chairman: May I interrupt at this moment, Mr. Guay. Probably we can have a very explicit memorandum prepared on this subject. In fairness to Mr. Chadderton, it is difficult to give a sort of extemporaneous esti-

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mate of this nature. I think the Committee will probably want a more precise memorandum of some kind from the research staff of the Department, Mr. Guay, if that is all right.

Mr. Guay (St. Boniface): That answers my question for the moment then, Mr. Chairman.

The Chairman: Mr. Legault?

Mr. Legault: Mr. Chairman, I have been trying to find the figure relative to those who necessarily touch all of us quite deeply, the paraplegics, the totally blind and the amputees. A case keeps arising in my mind relative to multiple disability. He was a veteran of the First World War, who was a victim of a gas attack. The result was that for the rest of his life he was a mentally irresponsible person. Could not a case such as that be included in the multiple disability category? He had all his limbs but as far as being practical, constructive in society and so on is concerned, he definitely required as much help as most of the others. I recall that they did not have such facilities for this gentleman.

This person is now deceased. However, they had to look for him all over town whenever they lost track of him because he just could not take care of himself at all. I would consider such a person as being completely disabled. Would that be classified as a multiple disability?

Mr. Chadderton: In answer to that, first, let us make it very clear that the veterans' organizations are not intending to exclude the seriously disabled who are not in the specific categories we have mentioned. As an example, you have people who are suffering from multiple sclerosis, you have the mental incompetent and this type of thing. The reason that no one really has put any strong representations on their behalf before you—although our brief did mention the disease

[*Interprétation*]

M. Chadderton: Ils sont tous compris. Nous avons dans ce groupe les paraplégiques, les quadraplégiques, les invalides multiples, les amputés de guerre et les aveugles de guerre.

M. Guay (Saint-Boniface). Tous compris?

M. Chadderton: Oui, tous compris.

Le président: Je voudrais vous interrompre pour une minute. Nous pourrions peut-être avoir un mémorandum très explicite sur cette affaire. C'est difficile pour M. Chadderton de donner comme cela de façon spontanée des chiffres, aussi le Comité voudrait des chiffres précis, un mémorandum très précis sur ce sujet si vous êtes d'accord, monsieur Guay?

M. Guay (Saint-Boniface): Cela répond à ma question pour le moment.

Le président: Monsieur Legault?

M. Legault: Monsieur le président, j'essaie de trouver les chiffres qui ont déjà été mentionnés en ce qui concerne notre groupe, les paraplégiques, les aveugles et les amputés. Quelque chose se présente toujours chez moi en ce qui concerne les infirmités multiples. J'aimerais citer un cas particulier, celui d'un ancien combattant de la Première Guerre mondiale qui a été victime d'une attaque au gaz et qui est devenu une personne mentalement irresponsable.

Est-ce que un cas pareil ne pourrait pas être inclus dans la catégorie des infirmités multiples? Il avait tous ses membres, mais il avait besoin d'autant d'aide que les autres. Je me souviens qu'ils n'avaient pas les installations nécessaire à son traitement.

Cette personne est maintenant décédée mais ils devaient la chercher partout dans la ville. Cet homme était complètement incapable de prendre soin de lui-même. A mon avis il était complètement invalide. Son cas entrait-il dans la catégorie des invalidités multiples?

M. Chadderton: Tout d'abord, soyons précis, l'Association des anciens combattants n'a pas du tout l'intention d'exclure ces personnes qui ont été sérieusement blessées et qui ne sont pas dans les catégories que nous avons mentionnées. Vous mentionnez, par exemple, des cas de sclérose multiple; vous avez les malades mentaux, des cas de ce genre. Les raisons pour lesquelles aucune représentation n'a jamais été faite en leur nom auparavant, bien que nous en ayons parlé dans notre mémoire

[*Text*]

cases and the Woods Report mentioned them—is that unfortunately there is no specific organization which speaks for them, as there is for amputees.

Mr. Legault: The point I want to make, Mr. Chadderton, is that necessarily we have to consider those, so the figure of 424 or so would be raised quite a bit.

I am thinking of another case of a person who suffered a heart attack and has been completely paralyzed, and I do not believe that his case would be in the 400-odd that had been provided and which brings about your figure of $1,900,000.

Mr. Chadderton: That is true.

Mr. Legault: So it would change these figures quite considerably if all of them were included. I would say that they are just as eligible in that particular sense; so proper figures should be obtained in that regard.

Mr. Chadderton: Mr. Chairman, there are not very many of them. When I was doing some research for the Woods Committee I spoke to the chief medical advisor of the Canadian Pension Commission and they did not have any tabulation of the number involved because if a man is 100 per cent, that is it. They have a tabulation of people who have a specific disability such as paraplegics, they have a lot of people who have heart conditions at 100 per cent, but they did not really know how many were involved in this multiple disability category. I think the figure that you can take as assurance that it is not an extensive number is the number who are in receipt of maximum Attendance Allowance. Unfortunately, the figure is not in the departmental report. I will have to look it up in the Woods Report.

Mr. Legault: Mr. Chairman, perhaps the figure could be provided by the Department.

The Chairman: I think the way we should proceed with such matters is to have explicit memoranda raised and put into our transcript of proceedings.

Mr. Chadderton: I think the quick answer to your question is that there are only roughly 2,000 on Attendance Allowance. I do not even want to make a guess but I am sure there cannot be many more than 400 or 500 who are in receipt of maximum Attendance Allowance, of whom 100 or 200 are already

[*Interpretation*]

et dans le Rapport Woods, c'est que malheureusement ils n'ont aucune organisation qui les représente comme c'est le cas pour les amputés.

M. Legault: Ce que je veux faire remarquer, M. Chadderton, c'est que nous devons en tenir compte, aussi le chiffre de 424 serait plus élevé. Je pense maintenant à un autre cas: cette personne a eu une attaque de coeur et est devenue complètement paralysée. Son cas ne serait pas inclus dans les 400 personnes et plus qui ont été dénombrées et qui vous donnent un chiffre de $1,900,000.

M. Chadderton: C'est vrai.

M. Legault: Ce chiffre changerait considérablement si tous ces cas devaient être inclus. Parce que j'estime qu'ils y ont autant droit que les autres, aussi nous devrions obtenir les chiffres exacts à ce sujet.

M. Chadderton: Il n'y en a pas beaucoup, monsieur le président. Quand je faisais des recherches pour le Comité Woods j'ai parlé au conseiller médical en chef de la Commission canadienne des pensions, ils n'avaient même pas le nombre exact de ces cas. Si ces gens sont infirmes à 100 p. 100 c'est fini. On ne les compte plus. On a le nombre de ceux qui souffrent d'une infirmité particulière comme les paraplégiques, ils connaissent le nombre de gens qui ont des maladies de coeur et qui sont invalides à 100 p. 100 mais ils ne savent pas combien font partie de cette catégorie des invalides multiples. Le seul chiffre dont vous pouvez disposer c'est le nombre de ceux qui touchent une allocation maxima de soins.

Malheureusement, le rapport du ministère n'en donne pas le nombre. Il faudra que je regarde dans le rapport du comité Woods.

M. Legault: Peut-être, Monsieur, les chiffres pourraient être fournis par les services du ministère.

Le président: Je pense que la meilleure façon de procéder serait d'avoir la documentation nécessaire et de l'inscrire dans le compte rendu de nos délibérations.

M. Chadderton: Je crois qu'il y a seulement environ 2,000 personnes qui reçoivent cette allocation de soins. Je ne voudrais pas deviner, mais je suis sûr qu'il n'y en a guère plus de 400 à 500 plus qui reçoivent le montant maximum d'allocations de soins alors qu'il y en a déjà peut-être 100 ou 200 qui sont inclus

[*Texte*]

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included in that figure. So there is a readily available figure if you look at the number in receipt of the maximum Attendance Allowance, sir.

Mr. Legault: Thank you.

The Chairman: Are there other questions? If there are not I am going to suggest this might be a reasonable time to take a five minute break.

Mr. Chadderton: Just while we are on this one subject Mr. Chairman, I think it is important that I read into the evidence what would amount to the contract of which we have been speaking. Your reference is the Woods Report, Volume II, Chapter 13, page 488. It is just a few lines and I will read it.

> If, on the contrary, he is incapacitated, he has lost a certain degree of earning power, which is to be calculated only from the point of view of his earning power as a human machine in the market for untrained labour. The earning power of a man in the class of the untrained labourer is considered to be sufficient to provide decent comfort for himself or his family, that is to say, that standard of living which the average unskilled man can command for himself and his family.

Down through the years the basis or the formula on which pensions have been paid is the unskilled labour market.

The Chairman: I was interested in the family references in that too. Thank you, Mr. Chadderton.

We will break for a few moments.

(RECESS)

The Chairman: Gentlemen, we will resume the hearing. Mr. Lundberg, when you are ready?

Mr. Lundberg: We have one announcement to make and then we will continue.

Mr. Chadderton: Mr. Chairman, I think we have probably finished the discussion on multiple disabilities. This has been a kind of family gathering for all of us. I thought you would like to know that last night the three representatives of the Canadian Paraplegic Association from Toronto were stranded in Ottawa as a result of the air strike.

[*Interprétation*]

dans ce chiffre.

Ainsi vous disposez de données toutes prêtes, si vous considérez le nombre de personnes qui touchent le montant maximum de l'allocation de soins.

M. Legault: Merci, monsieur.

Le président: Y a-t-il d'autres questions? S'il n'y en a pas, je pense que le temps est venu, de prendre une pause café.

M. Chadderton: Pendant que nous sommes encore sur ce sujet, il serait peut-être important pour le Comité que je lise à combien se monteraient les frais du contrat dont nous avons parlé. La référence se trouve dans le rapport du comité Woods page 565 Volume II (édition française). Il s'agit juste de quelques lignes. Je cite:

> Si, au contraire, il est invalidé, il a perdu une certaine partie de sa valeur ouvrière, qui doit être calculée seulement du point de vue de sa capacité de gagner sa vie comme machine humaine sur le marché de la main-d'œuvre non spécialisée.
> La valeur ouvrière d'un homme appartenant à la catégorie de l'ouvrier non spécialisé sera suffisante pour lui assurer un confort raisonnable, de même qu'à sa famille, c'est-à-dire le niveau de vie que peut obtenir l'ouvrier moyen non spécialisé pour lui-même et sa famille.

Ainsi, tout au long de ces années c'est le marché de la main-d'œuvre non spécialisée qui a servi de base ou de formule pour le calcul des pensions.

Le président: Ca me semble un peu dur. Ses références à la famille sont intéressantes aussi. Je vous remercie, monsieur Chadderton.

(PAUSE)

Le président: Alors, êtes-vous prêts à poursuivre, la séance reprend.

M. Lundberg: Nous avons une remarque à faire et ensuite nous continuerons.

M. Chadderton: Monsieur le président, je crois que nous avons terminé la discussion sur les infirmités multiples. Cela nous a été en quelque sorte une réunion de famille, mais je voudrais vous dire qu'hier soir trois représentants de l'Association des paraplégiques de Toronto, ont dû rester à Ottawa par suite de la grève aux aéroports.

[*Text*]

The Chairman: We will arrange to have them stay in Ottawa more often!

Mr. Chadderton: Mr. Chairman, the point I want to make is that it was physically impossible for them to stay here. They have to get home to be hooked up to their tubes and catheters. Those three men got into a taxicab—which I would not try to do—at 7.30 p.m. last night and drove to Toronto. I thought I would mention that to the Committee. I am not suggesting this as an additional cost of the disability—you can take it any way you like—but they were here before you yesterday and they felt they were among friends. I thought you would like to know that.

The Chairman: I am sorry. My reference was only to the fruitful discussions you apparently had with them. The Committee has the benefit of them today.

Mr. Peters: Mr. Chairman, could not our Tri-service Hospital in Ottawa handle them?

Mr. Chadderton: I think in a real emergency, Mr. Peters, yes, they could have been admitted. But it is a question of all their bottles and tubes and everything waiting for them. They have to get home and unhook and get their wives to hook them up to these things so that they can spend a comfortable night.

Mr. Badanai: Can you tell us the cost for the taxi?

Mr. Chadderton: I should imagine it would be $150.

Mr. Badanai: How many members of the Committee are here, Mr. Chairman?

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Mr. Chadderton: No, please; if you will accept a suggestion from me, sir. We appreciate it, but it would be entirely the wrong thing to do, sir. It really would. Thank you.

Mr. Bigg: Nevertheless, we will make a note of it.

The Chairman: We do feel that obviously some fruitful discussions took place, and we are happy that you have put this in the transcript this afternoon.

Mr. Lundberg: I would like to say to Mr. Whicher, Mr. Chairman, relative to selling this deal to the taxpayers, that since the Woods Report has been published our veterans' organizations have never been more closely united in our history. People who never had previously have joined the veter-

[*Interpretation*]

Le président: Nous verrons à ce qu'ils demeurent à Ottawa plus souvent.

M. Chadderton: Il s'agissait d'une question importante et il était à ce moment-là impossible pour ces gens de rester ici parce que, comprenez-vous, ils doivent retourner chez eux pour pouvoir être rattachés aux tubes qui les tiennent en vie. Alors, ils ont pris un taxi, hier soir à 7 heures 30 pour se rendre à Toronto. Alors, j'espère que cela vous donnera un meilleur aperçu de leur situation. C'est un coût additionnel si vous voulez dû à leur infirmité.

Le président: Je m'excuse, je parlais des discussions utiles que nous avons eues avec eux...

M. Peters: Est-ce que notre hôpital à Ottawa ne pouvait pas y voir?

M. Chadderton: Je crois que dans un cas d'urgence ils pourraient être admis à l'hôpital ici. Mais toutes leurs bouteilles et leurs tubes sont déjà installés chez eux et il faut que leurs épouses les installent et branchent les tubes pour qu'ils puissent passer une nuit confortable.

M. Badanai: Pouvez-vous nous dire combien a coûté le taxi?

M. Chadderton: Ce sera environ $150 pour le taxi.

M. Badanai: M. le président, combien y a-t-il de membres du comité ici?

M. Chadderton: Non, je vous en prie, suivez les suggestions que je vous fais plutôt que d'essayer de nous venir en aide de cette façon.

M. Bigg: Nous en prendrons note, néanmoins.

Le président: Nous estimons que les discussions ont été fructueuses et nous sommes heureux de voir que nous avons réussi à faire inscrire cela dans le procès-verbal.

M. Lundberg: J'aimerais dire, monsieur le président, devant le fardeau que nous imposons aux contribuables, que depuis la parution du rapport Woods nos organismes d'anciens combattants n'ont jamais été aussi unis.

Jamais auparavant, les gens n'ont joint les rangs des organisations des anciens combat-

[*Texte*]

ans organizations. It is amazing the number of men and women who are now joining either the Royal Canadian Legion or the Army, Navy and Air Force Veterans of Canada, or the basic groups that we represent. We are talking in terms now of close to half a million. If you multiply that by five, with the votes they influence in their own family groups, this is 2.5 million votes we are talking about. These people spread the word.

I do not think it would be very difficult, Mr. Whicher, to sell this particular part to the taxpayers of this country.

Mr. Whicher: There are other people to whom it has to be sold, besides the taxpayers.

Mr. Lundberg: Yes; I realize that.

The Chairman: Yes, Mr. Whicher.

Mr. Lundberg: The next part of the brief, Mr. Chairman, is entitled "General."

We have taken note of the statement in the White Paper to the effect that four-fifths of the recommendations of the Woods Committee have been adopted either wholly or in part. We do not take issue with this statement but desire to point out that the *actual percentage* of the recommendations adopted does not appear to be as important as two other significant factors as follows:

(1) To know what recommendations have been omitted from the White Paper; and

(2) To know how the Government recommendation differs from that of the Woods Committee, where the matter was adopted only in part or was modified.

The comments of the Army, Navy and Air Force Veterans in regard to a number of specific recommendations not covered thus far in this brief follow hereunder, and we intend to deal with each recommendation as follows:

(1) To identify the recommendation. The number used is that given in the Woods Report.

(2) To state, so far as is possible, the proposed intent in the White Paper regarding that recommendation.

(3) To state, insofar as is possible, the intent of the Woods Committee in regard to that recommendation.

(4) To furnish the comments thereupon of the Army, Navy and Air Force Veterans.

[*Interprétation*]

tants en tel nombre. Aujourd'hui, bien des gens se joignent à la Légion canadienne ou à d'autres groupes de base que nous représentons. Nous atteignons presqu'un demi-million maintenant. Si vous multipliez par cinq, le nombre de votes que ces gens peuvent obtenir en influençant des membres de leur famille vous arrivez à deux millions et demi de votes. Je ne crois pas qu'il soit très difficile de convaincre les contribuables du pays.

M. Whicher: Il y en a d'autres qu'il faut convaincre en plus des contribuables.

M. Lundberg: Oui, je m'en rends compte.

Le président: Oui, M. Whicher.

M. Lundberg: La partie suivante du mémoire, traite de généralités. Nous avons remarqué que dans le Livre blanc, il est dit que les quatre cinquièmes des recommandations du comité Woods ont été adoptées en tout ou en partie. Nous ne voulons nullement mettre en doute cette observation, mais nous tenons à signaler que la *proportion* des recommandations qui sont adoptées ne semble pas aussi importante que les deux facteurs suivants:

(1) Savoir quelles recommandations ont été omises du Livre blanc; et

(2) Savoir en quoi la recommandation du gouvernement diffère, de celle du comité Woods, savoir si la recommandation a été adoptée seulement en partie ou modifiée.

Les observations de l'association des anciens combattants de l'armée, de la marine et de l'aviation, au sujet de certaines recommandations particulières non examinées jusqu'ici dans ce mémoire, sont indiquées ci-dessous et nous comptons analyser chaque recommandation de la façon suivante:

(1) Indiquer la recommandation. Le numéro utilisé est celui du rapport Woods.

(2) Exposer aussi fidèlement que possible l'intention proposée dans le Livre blanc à l'égard de cette recommandation.

(3) Énoncer, aussi fidèlement que possible, l'intention du comité Woods à l'égard de cette recommandation.

(4) Ajouter les observations, à ce sujet, des anciens combattants de l'armée, de la marine et de l'aviation.

[*Text*]

Recommendation No. 6—Expansion of Personal Hearings:

Intent of Government: Not known.

Intent of Woods Committee: To provide personal hearings on a more liberal basis whereby the Commission can hear formal complaints from individuals in regard to matters other than entitlement.

Comment: Presumably the proposed Entitlement Hearing Division would deal only with entitlement claims. Therefore we can only assume that the new procedure would provide for adjudication in the initial instance by the Directorate of Pensions of the Department of Veterans Affairs, followed by an appeal direct to the Appeal Division. As neither the initial adjudication nor the appeal procedure would involve personal hearings, it can only be assumed that the applicant who had a complaint in regard to his rate of assessment, attendance allowance or some other ancillary matter under the Act would *never* be able to put his case before the Pension Adjudicators in person, except perhaps under the existing limited provision of Section 7 (3) of the Act.

The Woods Committee saw the need for an expansion of this type of personal hearing and our Association has been given no reason as to why this suggestion has been ignored.

The Chairman: I believe Mr. MacRae has a comment or question.

Mr. MacRae: Mr. Chairman, I wish to bring up a matter I have raised previously with other delegations that have appeared. Mr. Lundberg may be at a slight disadvantage in relation to it. I think perhaps he is, and I think perhaps we are.

Mr. Lundberg, for a number of days we had a representative of the Department of Veterans Affairs present to explain to us the modifications and whether or not a recommendation was accepted or rejected. I will say, with some modesty, that at my request this information was all summarized in a document that we have. Perhaps you do not yet have it, although perhaps Mr. Chadderton has. At any rate, here it is. It is entitled,

[*Interpretation*]

Recommandation nº 6—Extension des auditions personnelles:

Intention du gouvernement: Inconnue.

Intention du comité Woods: Assurer des auditions personnelles de façon plus libérale afin que la Commission puisse entendre les plaintes de personnes sur des questions autres que les droits de pension.

Observation: Nous supposons que la future division des audiences sur les droits de pension s'occupera exclusivement de ces questions de droit de pension. Par conséquent, nous devons supposer que la nouvelle méthode permettra une attribution en première instance par le directeur des pensions du ministère des Affaires des anciens combattants, et qu'il y aura ensuite un appel direct à la division des appels. Comme il n'est question d'auditions personnelles ni à l'attribution initiale, ni à l'appel, il faut supposer que le réquérant qui veut formuler une plainte au sujet de son taux d'évaluation, de son allocation de soins ou de toute autre question connexe en vertu de la loi n'aura *jamais* l'occasion d'exposer ses opinions aux responsables des pensions en personne, sauf peut-être en vertu des dispositions existantes restraintes de l'article 7 (3) de la Loi.

Le comité Woods estimait qu'il était nécessaire d'étendre cette forme d'audition personnelle et personne n'a donné à notre association les raisons pour lesquelles cette proposition n'a pas eu de suite.

Le président: Pardon! Je crois que M. McRae a une question.

M. MacRae: Monsieur le président, il y a un point particulier sur lequel j'aimerais revenir. J'en ai parlé avec les autres délégations, je ne sais pas si M. Lundberg se sentirait défavorisé à ce moment-ci si je lui posais la question. Enfin, monsieur Lundberg, nous avons eu depuis un certain nombre de jours, les représentants du ministère des Anciens combattants qui nous ont expliqué quelles étaient les modifications, quelles sont les recommandations qui ont été acceptées et quelles sont celles qui ont été rejetées. En toute modestie, je dois vous dire que tout cela a été résumé dans un document. Peut-être que vous vous ne l'avez pas, enfin, voici le document, il s'intitule: «Décisions actuelles

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"Current Proposed Disposition of the Woods Committee Recommendations".

Recommendation No. 1—modified.

Recommendation No. 2—Accepted unchanged.

relatives aux recommandations du comité Woods.» On donne les modifications.

Recommandation nº 1—modifiée.

Recommandation nº 2—acceptée telle quelle.

[*Texte*]

Recommendation No. 3—Accepted unchanged.

We are now dealing .....

The Chairman: ... with No. 6.

Mr. MacRae: ... with No. 6. I am coming to that.

My document shows that this recommendation has been accepted in a modified form.

When Mr. Ward was giving us this information he was going fairly quickly because of the many recommendations. He told us what had been done. In some cases—at least, after I brightened up—I started making notes on them. This particular one I do not have. I presume that you do not know what he told us had been done in this particular case.

I think, in fairness to Mr. Lundberg, that at this point our very able counsel, Mr. Reynolds, might, with your permission, Mr. Chairman, explain to this delegation exactly what the government proposes to do.

My final point—and it is a little difficult to make—relates to the authority with which Mr. Ward spoke on that particular occasion. I think it was your suggestion that he was speaking with the authority of the government. Now if Mr. Lundberg and Mr. Chadderton, who is so knowledgeable and so deeply interested, wanted to have Mr. Reynolds explain just exactly what the government is suggesting be done with Recommendation number 6, perhaps he could do this.

The Chairman: We have a suggestion from Mr. MacRae that we call on Mr. Reynolds. I do not know if Mr. Reynolds is prepared on such short notice to speak to us. Would it be agreeable if we were to ask him to refresh the memories of Committee members on the testimony we heard from Mr. Ward?

Mr. MacRae: It would not only be refreshing my memory, but I had in mind helping Mr. Lundberg.

The Chairman: Yes.

Mr. Bigg: This is a very important point.

The Chairman: Oh, it is. Mr. Reynolds.

Mr. P. E. Reynolds (Special Adviser to the Committee): Mr. Chairman, Recommendation number 6 deals with the extension of personal hearings under Section 7 (3) of the Pension Act. I should explain that at the present time under present legislation an applicant for entitlement—that is an applicant for a disability which he believes was attributable to service—has the right to proceed from an unfavourable decision to an appeal board

[*Interprétation*]

Recommandation n° 3—acceptée telle quelle.

Le président: Nous parlons du numéro 6, ne l'oubliez pas.

M. MacRae: Oui, nous parlons du numéro 6. Pour le numéro 6, on dit que cette recommandation a été acceptée sous une forme modifiée. Quand M. Ward nous a donné ceci, il a rappelé rapidement et nous a dit en gros ce qui a été fait dans certains cas. J'ai pris des notes à ce sujet. Mais sur le présent article, je n'ai pas de note. Je suppose que vous ne vous souvenez pas de ce qui a été fait dans ce cas particulier.

En toute justice pour M. Lundberg, je crois qu'à ce moment-ci, notre conseiller, M. Reynolds, pourrait vouloir, avec votre permission, monsieur le président, expliquer à la délégation ce que le gouvernement se propose de faire. Ce que je voudrais dire en terminant, et qui est assez difficile à énoncer, se rapporte à l'autorité avec laquelle M. Ward a parlé à cette occasion. Je crois que vous avez mentionné qu'il parlait au nom du gouvernement. Mais si M. Lundberg ou M. Chadderton, qui est si versé et si intéressé à la question, voulaient que M. Reynolds explique au juste ce que le gouvernement se propose de faire au sujet de la recommandation n° 6, peut-être M. Reynolds pourrait-il le faire.

Le président: M. MacRae nous conseille de demander l'avis de M. Reynolds. Je ne sais pas si M. Reynolds peut nous répondre à si bref avis. Le Comité consent-il à ce que nous lui demandions de nous refraîchir la mémoire au sujet de la déposition de M. Ward?

M. MacRae: Cela ne servira pas seulement à me rafraîchir la mémoire, mais aussi à aider M. Lundberg.

Le président: Oui.

M. Bigg: C'est un point très important.

Le président: En effet. M. Reynolds.

M. P. E. Reynolds (Conseiller spécial du comité): Monsieur le président, la recommandation numéro 6 traite des audiences personnelles, données en vertu de l'article 7(3) de la Loi sur les pensions. Je dois expliquer qu'à l'heure actuelle, en vertu des mesures existantes, un requérant qui fait une demande d'admissibilité, c'est-à-dire un requérant qui demande une indemnité pour invalidité qu'il attribue au service, a le droit, si sa demande

[*Text*]

hearing where he can make a personal appearance and has the right to be personally heard.

In addition to entitlement hearings there are applications for benefits which are not entitlement benefits. For example, there are compassionate pensions for dependent parents and wives or widows who were separated from their husbands before their death, and when they get a ruling it is not considered to be an entitlement ruling but what we call a discretionary ruling. At the present time, with a very few exceptions, people of this kind who have an unfavourable discretionary decision have no right to a personal hearing. That is, they cannot appear before their adjudicators and give evidence and present arguments.

The Woods Committee suggested that this be improved by extending Section 7(3), which does give the Commission the right to arrange hearings at their discretion. But, generally speaking, the Commission limits the right under Section 7(3) to matters of assessment and matters of degree of aggravation. That is, the widows in the appropriate cases or dependent parents, or people applying for compassionate pensions, could not normally get any right to a hearing under Section 7(3). However, the Woods Committee recommended that Section 7(3) be expanded. We fully agree that it should be expanded. The matter is dealt with in the White Paper, fortunately for me, very clearly I think, and if you look at page 10 of the Paper you will see that it refers to the new procedure—and by the new procedure there they mean the decisions of the Directorate of Pensions, the entitlement board hearings and the hearings before the appeal division—which says

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> The new procedure will also apply to applicants who have claims for discretionary awards...

Now the discretionary awards are the very things that the Woods Committee had in mind in their Recommendation number 6. They define discretionary awards as follows:

> ...(i.e. any award other than an entitlement award), which means that those whose claims do not succeed in the Directorate of Pensions may have them heard at an Entitlement Hearing, and if they are still not satisfied, they may appeal them to the Appeal Division.

Therefore I think that the delegation will agree that the White Paper goes even farther

[*Interpretation*]

est rejetée, à recourir une commission d'appel où il comparaît lui-même.

En plus des audiences qui se rapportent à l'admissibilité, il y a des demandes relatives à des avantages qui ne sont pas des allocations de soins. Il y a par exemple les pensions de commisération versées aux parents, épouses ou veuves séparées de leur mari avant qu'il meurt, et quand une décision est perdue, il ne s'agit pas d'une décision relative à des soins mais de ce que nous appelons une décision discrétionnaire. Pour le moment, à très peu d'exceptions près, les personnes qui ont été l'objet d'une décision discrétionnaire non favorable, n'ont pas droit à une audience personnelle. C'est à dire qu'ils ne peuvent se présenter devant les juges et témoigner et présenter leur point de vues. Le Comité Woods suggère d'améliorer ces dispositions en étendant la portée de l'article 7(3) qui donnent à la Commission le droit d'accorder des audiences à sa discrétion. Mais règle générale, la Commission limite les pouvoirs que lui confère l'article 7(3) à des questions d'évaluation ou de gravité. C'est-à-dire que les veuves, les parents en état de dépendance ou les gens qui demandent des pensions de commisération n'ont droit à une audience, en vertu de l'article 7(3).

Mais le Comité Woods recommande d'en étendre la portée. Nous sommes tout à fait d'accord. Cette question est, fort heureusement, très clairement exposée dans le Livre blanc et si vous lisez à la page 10 du Livre blanc, vous y trouverez une référence aux nouvelles procédures et par nouvelles procédures, on entend les décisions de la Direction des pensions de la Division de l'admissibilité et de la Division des appels qui stipulent:

> les nouvelles procédures s'appliquent également aux requérants qui réclament des allocations discrétionnaires...

Or ces allocations discrétionnaires sont justement ce que le comité Woods avait à l'esprit dans sa recommandation n° 6.

On y définit ainsi les allocations discrétionnaires:

> ...c'est-à-dire toute allocation autre que les allocations de droit), ce qui signifient que ceux dont les réclamations ne sont pas réglées par la Direction des pensions pourront les faire entendre à la Division de l'admissibilité et si ils ne sont pas satisfaits, en appeler à la Division des appels.

La délégation admettra je crois que le Livre blanc va même plus loin que les recom-

[*Texte*]

than the recommendations in the Wood Committee Report because now an unsuccessful applicant in a discretionary matter will, as a matter of right, have the right to proceed to an entitlement board hearing.

Does that answer your question?

The Chairman: Thank you, Mr. Reynolds. Mr. Lundberg and Mr. Chadderton, do either of you have any further comment to make on this?

Mr. Lundberg: No.

Mr. Bigg: I have a question.

The Chairman: Yes, Mr. Bigg.

Mr. Bigg: As I read this, it seemed to me that there is a suggestion that perhaps the applicant is restricted right from the very start in what he is allowed to bring up for discussion, for investigation or for consideration. Is that not so, or am I reading something into this that is not there? For instance, suppose he did not like the examining doctor that he went before in the first instance, is there any way that he can get another doctor to look at him? Suppose he does not like the Pensions Advocate himself who happens to be handling his case, feels that the Pensions Advocate thinks he has a psychopathic personality or something of this nature and is holding him at arm's length. Is this what you suggest in your paragraph—that right from the start he may not be getting the kind of treatment which makes him happy?

Mr. Lundberg: In the part at the end I was stressing awards.

Mr. Bigg: Well even if he has a disability he may feel that he is not being examined properly and that the doctor for some reason or another does not give him the kind of examination he thinks he should get because of a personality difference.

The Chairman: Is that the issue that is being made in this point?

Mr. Lundberg: No.

Mr. Bigg: It is not? I thought it was implied here that he was only...

Mr. Lundberg: We say with regard to matters other than entitlement claims.

Mr. Bigg: ...dealing with entitlement claims.

Mr. Lundberg: Yes.

The Chairman: You are concerned about the procedure in going to the appeal stage

[*Interprétation*]

mandations du Comité Woods, parce qu'une personne qui est déboutée de sa demande sur une question discrétionnaire a maintenant le droit de s'adresser à la Division de l'admissibilité.

Est-ce que ceci répond à votre question?

Le président: Je vous remercie, monsieur Reynolds. Messieurs Lundberg et Chadderton, avez-vous d'autres commentaires à faire?

M. Lundberg: Non.

M. Bigg: J'ai une question.

Le président: Oui, M. Bigg.

M. Bigg: Il me semble, en lisant ceci, que le requérant est limité dès le début quant à la matière qu'il peut présenter. Est-ce ainsi, ou si je m'imagine des choses? Disons qu'il n'aime pas, par exemple, le médecin qui l'a examiné tout d'abord, peut-il obtenir d'en aller voir un autre? Et s'il n'aime pas l'avocat de la Commission, et pense que cet avocat le considère comme un psychopathe ou quelque chose de ce genre, et qu'il le tient à distance. Est-ce là ce que vous suggérez dans votre paragraphe?—que dès le début il pourrait bien ne pas recevoir les soins qu'il voudraient?

M. Lundberg: Dans le passage, à la fin, j'insistais sur les allocations.

M. Bigg: Mais même s'il est invalide, il peut estimer qu'il n'a pas été examiné correctement et que le médecin, pour une raison ou pour une autre, ne l'examine pas comme il estime qu'il devrait le faire, à cause d'un conflit de personnalité.

Le président: Est-ce là la question que vous soulevez en ce moment?

M. Lundberg: Non.

M. Bigg: Non? Vraiment? Je croyais que l'on supposait ici qu'il n'était que...

M. Lundberg: Nous disons: au sujet de questions autres que des réclamations d'admissibilité.

M. Bigg: ...concernant les réclamations d'admissibilité.

M. Lundberg: Oui.

Le président: Vous vous souciez de la procédure pour atteindre le stade de l'appel et je

[*Text*]

and I believe Mr. Reynolds has given a very explicit answer on this, Mr. Bigg. I think you are raising a different kind of problem, if I may say so.

Mr. Bigg: I am just satisfying myself that they are not worrying about the same thing that I am worrying about in this particular kind of instance. When they said "entitlement claims" I was wondering whether they also meant the atmosphere surrounding the whole presentation to the board.

The Chairman: Has Mr. Lundberg or Mr. Chadderton any comment at this point?

Mr. Chadderton: Mr. Chairman, we were referring only to the question of what is called 7 (3) hearings and to the Woods Committee Recommendation which suggested they be expanded.

Mr. Bigg: On appeal.

Mr. Chadderton: It is the first level of appeal.

The Chairman: It is the whole procedure at this point...

Mr. Chadderton: Yes.

The Chairman: ...and the protection of the individual.

Mr. Chadderton: But up until now a 7 (3) hearing was the only personal appearance that a man could have if he had a beef against the Commission in some area other than an entitlement claim, and the Woods Report suggested that the very limited number of such hearings which were taking place indicated that it was not giving the full intent to the legislation that it could. Now if not just entitlement claims but claims for ancillary benefits and so on are to become part of the

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entitlement board procedure, then we are quite satisfied.

The Chairman: That obviously raises a number of other points with regard to that first stage as proposed in the White Paper, which you may well want to think about too. I think the testimony is very clear at this point, I think it answers the question that you have raised, but it is important that our hearings should bring out as much as possible of this kind of thing.

Mr. Chadderton: Yes.

Mr. Bigg: What promoted my question was that I thought perhaps you were suggesting that the pension people themselves were pre-

[*Interpretation*]

crois que M. Reynolds a donné une explication assez complète sur ce point. Il me semble que vous soulevez un problème d'un autre genre.

M. Bigg: Je ne fais que m'assurer qu'ils ne s'inquiètent pas de la même chose qui m'a inquiété dans ce cas particulier. Quand ils ont dit «réclamations d'admissibilité» je me demandais s'ils parlaient aussi des circonstances qui entourent la présentation à la Commission.

Le président: MM. Lundberg ou Chadderton ont-ils quelque chose à ajouter?

M. Chadderton: Monsieur le président, nous ne parlons que de l'article 7 (3) et de la recommandation du Comité Woods qui suggère qu'on en étende la portée.

M. Bigg: La question d'appel.

M. Chadderton: C'est le premier stade de l'appel.

Le président: C'est, à ce point, toute la procédure.

M. Chadderton: Oui.

Le président: ...et la protection de l'individu.

M. Chadderton: Mais jusqu'ici, l'audience prévue en vertu de l'article 7 (3) était la seule audience personnelle dont pouvait se prévaloir l'individu qui avait des revendications à faire dans un domaine autre que celui des réclamations d'admissibilité, et le rapport Woods suggère que le nombre très petit de ces appels indique qu'on ne donnait pas à la loi toute sa portée. Mais si désormais, outre les réclamations d'admissibilité, les réclamations pour soins et ainsi de suite doivent relever de la compétence de la Division de l'admissibilité, nous sommes alors satisfaits.

Le président: Ceci, évidemment, soulève un certain nombre d'autres questions relatives au premier stade, exposées dans le Livre blanc, et auxquelles vous voudrez peut-être songer. Je crois que la présentation est très claire et qu'elle répond à la question que vous avez posée, mais il importe que nos audiences soulèvent le plus grand nombre possible de problèmes de ce genre.

M. Chadderton: Oui.

M. Bigg: Ce qui m'a amené à poser ma question, c'est que j'ai cru comprendre que vous suggériez que le personnel même de la

[*Texte*]

venting applicants from having their cases heard for some reason or another. Now I do not know what the reason might be, whether it was strictly technical or not, but it seems to me that if a pensioner is to feel that he is getting justice he must have the greatest latitude in bringing up his case. I thought your word "ancillary" meant that although it may not affect his entitlement on a broken leg or whatever it was he may feel that he is being sidetracked on some other thing not directly connected with his injury.

Mr. Chadderton: Mr. Chairman, the implication, as we took it in the Woods Report, was that the Commission was not using 7 (3) hearings to the fullest extent. So there was an implication—I do not want to say criticism because that is not the right word to use in regard to this group—that the Commission may have been able to do this, we do not know. They have administrative problems, they have a limited number of Commissioners, they just could not say: "We are going to open this thing up," because they have only 15 people running the whole show. But we are happy with what is being done.

The Chairman: And you are satisfied with the testimony that Mr. Reynolds has given on this point?

Mr. Chadderton: Absolutely, yes.

The Chairman: Thank you.

Mr. Chadderton: The next one is Recommendation number 9. This is probably a good time to mention, Mr. Chairman, that from here on in we are dealing only with the specific recommendations of the Woods Committee and I think it would assist if we just stayed to those. In other words, we are not suggesting in Recommendation number 9 anything except the very thing we talk about.

Recommendation No. 9 is that an applicant being granted a personal hearing under Section 7 (3) and witnesses who appear on his behalf be reimbursed for expenses.

Intent of Government: Not known.

Intent of Woods Committee: That persons availing themselves of the procedure allowed under a 7 (3) hearing should be entitled to have their expenses paid; also the expenses of their witnesses.

Comment: It seems only reasonable that the government should pay the cost for an applicant who is granted a hearing under Section 7 (3). The check-rein which would ensure that this procedure is not used in frivolous cases is

[*Interprétation*]

Commission empêchait les requérants de se faire entendre. Or, si le pensionné doit sentir qu'il obtient justice, il doit lui être accordé toute la latitude possible pour présenter son cas. Je croyais que par le mot «soins» vous vouliez dire que, bien que son droit ne s'en trouve pas modifié en ce qui concerne une jambe brisée ou quoi que ce soit, il pourrait penser qu'on l'aiguille dans quelque autre domaine qui n'est pas directement lié à sa blessure.

M. Chadderton: Monsieur le président, la lecture du rapport Woods nous a laissé entendre que la Commission n'utilisait pas autant qu'elle le pouvait les audiences 7 (3). On laissait entendre—je ne veux pas dire qu'on critiquait, car ce ne serait pas le mot juste à utiliser à l'égard de ce groupe—que la Commission aurait pu faire cela, nous ne savons pas. Elle a des problèmes administratifs et son personnel est réduit; elle ne peut pas dire «nous allons élargir notre rayon d'action» parce qu'elle ne compte pour tout partage que quinze personnes. Nous sommes satisfaits de ce qui se fait.

Le président: Êtes-vous satisfaits du témoignage donné jusqu'ici par M. Reynolds?

M. Chadderton: Oui, tout à fait.

Le président: Merci.

M. Chadderton: La recommandation nº 9 vient ensuite. Dorénavant, monsieur le président, nous ne traiterons que les recommandations expresses du comité Woods, et ce serait à notre avantage de nous en tenir là. En d'autres termes, nous ne suggérons rien d'autre dans la recommandation nº 9 que ce que nous y recommandons effectivement.

Recommandation nº 9: Qu'un requérant ait droit à une audience personnelle en vertu de l'article 7 (3) et que les témoins qui comparaissent pour lui soient défrayés de leurs dépenses.

Intention du gouvernement: Inconnue.

Intention du comité Woods: Que les personnes qui se prévalent de la procédure prévue pour une audition autorisée en vertu de l'article 7 (3) aient le droit de se faire rembourser de leurs dépenses. Également les dépenses de leurs témoins.

Observations.—Il semble raisonnable que le gouvernement paie un requérant qui reçoit une audience en vertu du paragraphe (3) de l'article 7. Pour empêcher tout mauvais emploi de cette procédure, la recommandation 6 a)

[*Text*]

contained in recommendation 6 (a) which would provide that the responsibility for granting such hearings be that of the Commission Chairman.

The Chairman: Again I think we are into the same kind of problem and this was one of the difficulties since we have had a delay in the transcript. It is not reasonable to expect you to have knowledge of the evidence that has been given before this Committee. But what procedure should we call—the same as before, to invite comment? What do we do? I can anticipate a repetition of this matter right through the rest of the brief.

Mr. Chadderton: May I make a suggestion, Mr. Chairman? It is four o'clock and I was told you were going to adjourn at four.

The Chairman: We have usually gone till 4.30 p.m., Mr. Chadderton.

Mr. Chadderton: I see. Then we can deal from here on with recommendations which we know have not been accepted. After this meeting I can get together with Phil and we will go over the ones on which he has information. I assure you that if they have been accepted, this is the last thing in the world...

The Chairman: Possibly we should adjourn at this point and let you have a conference with him.

Mr. Bigg: Mr. Chairman, I am surprised that they do not have some of this information which we have. Is it because they have not asked for it?

The Chairman: Mr. Bigg, the answer is very simple. We proceed normally by a transcript. Because of the lengthy hearings we have been having, morning and afternoon, we are simply.....

Mr. Bigg: No, I meant the ancillary listings.

The Chairman: But I do not think that would be sufficient for their purpose, Mr. Bigg. I think that the kind of answer which was given by Mr. Reynolds is essential.

Mr. Peters: Could we have photostats of the document that Mr. Reynolds reads from?

The Chairman: I do not think Mr. Reynolds has a simple document. I think Mr. Reynolds took the precaution of preparing something for this purpose.

Mr. Peters: There were several other people with the same document.

The Chairman: I think you are mistaken. I have not seen any such document myself and I do not think one exists.

[*Interpretation*]

prévoit qu'il incombera au Président de la Commission d'accorder de telles audiences.

Le président: Je crois que nous avons le même problème que tantôt, et l'une des difficultés à laquelle nous avons à faire face, c'est qu'il y a eu un retard dans la transcription. Il est malheureux que vous n'ayez pas pu prendre connaissance des témoignages qui ont déjà été fournis au Comité. Comment doit-on procéder pour obtenir des observations? Comme auparavant. Je prévois que nous allons nous répéter tout le long du mémoire.

M. Chadderton: Est-ce que vous ajournez à 4 heures?

Le président: Nous pouvons aller jusqu'à 4 h. 30 ordinairement.

M. Chadderton: Nous pouvons à partir d'ici traiter des recommandations que nous savons n'avoir pas été acceptées. Je pourrais rencontrer votre conseiller, après la séance, et parler de celles sur lesquelles il a des renseignements. Si elles sont acceptées nous n'en discuterons plus.

Le président: Alors, il serait peut-être préférable d'ajourner immédiatement.

M. Bigg: Comment se fait-il qu'ils n'aient pas les renseignements dont nous disposons. Ils n'ont pas demandé les renseignements?

Le président: La réponse est simple, monsieur Bigg. Normalement, nous dépendons de la transcription. A cause des longues audiences que nous avons tenues, matin et après-midi, nous sommes tout simplement...

M. Bigg: Non, je voulais dire les renseignements accessoires.

Le président: Je ne crois pas que cela serait suffisant, monsieur Bigg. Je crois que la réponse donnée par M. Reynolds est essentielle.

M. Peters: Pouvons-nous avoir des photocopies du document que lit M. Reynolds?

Le président: Je ne crois pas que M. Reynolds ait un simple document. Il a eu la précaution de préparer quelque chose à cette fin.

M. Peters: Plusieurs autres personnes avaient les mêmes documents en main.

Le président: Non, je regrette, je n'ai jamais vu ce document moi-même. Je me demande s'il en existe un.

[*Texte*]

Mr. Peters: Do you mean that Mr. Ward had all those explanations in his head?

The Chairman: I think Mr. Ward had some notes that he used. In fairness to Mr. Ward, he used a number of sources and he spoke before this Committee in many cases extemporizing as he gave his answers. As far as Mr. Reynolds is concerned, I think he may have had some indication that he might be asked a question or two, but he has no extensive document that is available. Believe me, it would be the greatest source of pleasure to me to have such a document.

Mr. Peters: I know there were several hard covers here.

The Chairman: There is none such in my possession and I am not aware of any other members of this Committee who have them.

Mr. Peters: This is why I made the suggestion; I thought we might photostat it and make that available.

• 1605

The Chairman: Mr. Peters, this was my thought when we started right at the beginning. You may recall that I said I hoped we could get such a document. It has just been too large a task and too great a responsibility within the time that we are able to allow the witnesses to prepare.

Mr. Peters: I was thinking, Mr. Chairman, that it is also going to apply to the Legion presentation...

The Chairman: This is our problem.

Mr. Peters: ...and we are going to find ourselves in the same position where we are going to ask the witnesses to listen to the modifications and then make a snap decision. I think that is very unfair.

The Chairman: Mr. Peters, I think the members of the Committee are going to have to use good common sense at this point. As I have said before to every delegation that has come, we are not closing the door. It may well be that in the light of the proceedings when they are made available to the witnesses, they will have further observations and they may want to come back before this Committee. I am sure I speak for every member of this Committee when I say that we are not going to close the door on any veterans' association. As long as they feel they have something to say to this Committee, they will have the opportunity of doing it.

Mr. Peters: I just made the suggestion thinking it may have been a document in limited distribution.

[*Interprétation*]

M. Peters: Voulez-vous dire que M. Ward a donné ces explications de mémoire?

Le président: M. Ward a utilisé un certain nombre de sources. En parlant devant le Comité il a dans bien des cas improvisé ses réponses. En ce qui concerne M. Reynolds, il a peut-être eu certaines indications qu'il pourrait faire l'objet de quelques questions, mais il n'existe aucun long document. Veuillez croire que je serais heureux d'en posséder un.

M. Peters: Je sais qu'il y avait plusieurs documents ici.

Le président: Je n'ai pas ce document et, à ma connaissance, aucun autre membre du comité n'en a.

M. Peters: Voilà pourquoi je propose que l'on fasse des photocopies.

Le président: Monsieur Peters, j'y ai pensé dès le début. Chaque fois que je disais que nous espérions avoir ce document, on nous disait que c'était une tâche presque insurmontable. On n'avait pas le temps pour faire cela.

M. Peters: Alors, monsieur le président, cela pourrait s'appliquer aussi à la présentation que fera la Légion demain matin...

Le président: C'est notre problème.

M. Peters: ...et nous serons dans l'obligation de demander aux témoins d'écouter les modifications, puis ensuite de prendre une décision rapidement. Je crois que ce n'est pas juste.

Le président: Je crois que les membres du Comité devront se servir de leur bon sens. Nous ne fermons pas les portes. Nous l'avons dit. Les délégations pourront revenir. Comme nous l'avons dit aux autres témoins, s'ils ont d'autres explications, d'autres observations, ils peuvent revenir. La porte reste ouverte. S'ils croient qu'ils ont autre chose à ajouter, ils auront l'occasion de le déclarer au Comité.

M. Peters: Je viens de faire cette suggestion parce que je pensais qu'il s'agissait d'un document dont la distribution était restreinte.

[*Text*]

The Chairman: If such a document existed, it would be a great pleasure to make it available because it would solve many problems.

Mr. Guay (St. Boniface): I am concerned with only one thing, Mr. Chairman, about Mr. Peters' statement. He fails to recognize the knowledge of our people from the Department in giving us the appropriate answers when we have questioned them. The only time that they have used any material is to quote from either the White Paper or the paper that you had when we were dealing with the recommendations. But if Mr. Peters thinks somebody else has something such as he referred to, a hard cover, I would suggest that he point out who had the hard cover.

The Chairman: Mr. Guay, I do not think there is anything further to be said. Mr. Whicher.

Mr. Whicher: Mr. Chairman, this deals with our proceedings tomorrow. We have only reached page 14 of a 31-page brief.

The Chairman: That is right.

Mr. Whicher: Are we not finishing with this tomorrow?

The Chairman: We will resume tomorrow morning at 9.30.

Mr. Whicher: The Legion are coming tomorrow.

The Chairman: By agreement they are deferring till tomorrow afternoon.

Mr. Whicher: The Legion brief will be a very important one.

The Chairman: So is this one.

Mr. Whicher: I am making an excuse here for myself but I know that there are several other members who cannot be here on Friday. I wonder if there is any possibility that for once we might sit tomorrow night and carry on from the afternoon.

The Chairman: I will explore the possibility of getting the transcript, but there are major problems in staffing in this period because the House has been sitting for prolonged periods and I know some of our staff have been taking holidays by agreement, and we do have problems. Other committees are sitting, too. Right now, Mr. Whicher, the Finance Committee is sitting and others have a program; so we do have some difficulties. But I will explore this suggestion.

[*Interpretation*]

Le président: Enfin si un tel document existait, nous nous ferions un plaisir de le diffuser.

M. Guay (Saint-Boniface): Je viens d'entendre la déclaration de M. Peters. Je crois qu'il ne se rend pas compte des connaissances que possèdent les gens du ministère et qui leur ont permis de nous donner des réponses utiles à nos questions. Ils ont pris les citations dans le Livre blanc ou les autres documents qui traitent des recommandations et que vous avez en main vous-mêmes. Mais si M. Peters croit que quelqu'un d'autre a un document qui pourrait correspondre à ce que nous cherchons, je propose qu'il nous indique qui l'a en main.

Le président: Monsieur Guay, je crois qu'il n'y a rien à ajouter, monsieur Whicher.

M. Whicher: Monsieur le président, à propos des délibérations de demain, nous ne sommes rendus qu'à la page 14 d'un mémoire de 31 pages.

Le président: Oui.

M. Whicher: Allons-nous terminer les délibérations demain?

Le président: Enfin, nous nous réunissons demain matin à 9 h. 30.

M. Whicher: Alors, la Légion vient demain.

Le président: Oui, mais ils ont consenti à commencer demain après-midi.

M. Whicher: La Légion présentera un mémoire très important.

Le président: Le présent mémoire est important aussi.

M. Whicher: Plusieurs députés et moi-même ne pourront pas être ici vendredi. Alors, je me demande s'il ne serait pas possible de se réunir demain soir pour poursuivre le travail qui sera laissé en plan dans l'après-midi.

Le président: Je ne sais pas si on pourrait réussir à obtenir la transcription. Nous avons des problèmes à obtenir le personnel nécessaire parce que la Chambre a siégé pendant des périodes prolongées et le personnel est en vacances tel que convenu. Alors nous avons des problèmes. D'autres comités se réunissent aussi à l'heure actuelle, par exemple le Comité des finances, et d'autres ont un programme. Nous éprouvons certaines difficultés, mais je vais étudier la suggestion.

[*Texte*]

Mr. Bigg: Mr. Chairman, are they allowed to have our first transcript? That is a public document, is it?

The Chairman: Yes, it certainly is.

Mr. Bigg: In that there is quite a lot of Mr. Ward's testimony, I believe, which would be very helpful.

The Chairman: No. Monday and Tuesday, September 15 and 16, included the Minister's testimony; they did not include any of Mr. Ward's testimony.

WE will resume with this brief at 9.30 tomorrow morning and the Canadian Legion will be on at 2.00 p.m. tomorrow afternoon.

[*Interprétation*]

M. Bigg: Monsieur le président, peut-on leur distribuer notre première transcription. C'est un document public, n'est-ce pas?

Le président: Oui, c'est un document public.

M. Bigg: Il renferme une bonne partie du témoignage de M. Ward, je crois.

Le président: Non. La transcription des lundi et mardi 15 et 16 septembre ne renferme que le témoignage du Ministre.

Alors, nous ajournons jusqu'à 9 h 30 demain matin et nous recommencerons à ce moment-là l'étude du présent mémoire. Nous entendrons aussi à 14 h demain la Légion canadienne. Merci beaucoup.

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Première session de la

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STANDING COMMITTEE ON

VETERANS AFFAIRS

COMITÉ PERMANENT DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS AND EVIDENCE

PROCÈS-VERBAUX ET TÉMOIGNAGES

No. 22

THURSDAY, OCTOBER 2, 1969

LE JEUDI 2 OCTOBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir Procès-verbaux)

20782—1

STANDING COMMITTEE ON VETERANS AFFAIRS

COMITÉ PERMANENT DES AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*
Vice-Chairman M. Carl Legault *Vice-président*

and Messrs. et Messieurs

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—(20).

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

[*Text*]

MINUTES OF PROCEEDINGS

THURSDAY, October 2, 1969.
(31)

The Standing Committee on Veterans Affairs met this day at 9.40 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Bigg, Francis, Guay (*St. Boniface*), Legault, MacRae, Marshall, Turner (*London East*), Whicher (9).

Other Members present: Mr. Howard, M.P., (*Okanagan-Boundary*), Honourable Marcel Lambert, P.C., M.P.

Witnesses: From the Army, Navy and Air Force Veterans in Canada: Mr. J. C. Lundberg, Dominion President and Mr. C. H. Chadderton, Acting Secretary.

The Committee continued hearing the presentation of the Army, Navy and Air Force Veterans in Canada.

At 12.05 p.m., the Committee recessed to 2.00 p.m.

AFTERNOON MEETING
(32)

The Committee resumed sitting at 2.10 p.m. Mr. Francis, Chairman, presiding.

Members present: Messrs. Badanai, Bigg, Francis, Guay (*St. Boniface*), Legault, MacRae, Marshall, Peters, Turner (*London East*) Weatherhead, Whicher (11).

Other Members present: Honourable Marcel Lambert, P.C., M.P., Messrs. Borrie, M.P., Foster, M.P., Hopkins, M.P., Howard, M.P. (*Okanagan-Boundary*) and Mahoney, M.P.

[*Traduction*]

PROCÈS-VERBAL

Le JEUDI 2 octobre 1969
(31)

Le Comité permanent des Affaires des anciens combattants se réunit aujourd'hui à 9 h. 40 du matin sous la présidence de M. Lloyd Francis.

Députés présents: MM. Badanai, Bigg, Francis, Guay (*St-Boniface*), Legault, MacRae, Marshall, Turner (*London-Est*), Whicher (9).

Aussi présents: M. Howard (*Okanagan-Boundary*), l'honorable Marcel Lambert.

Témoins: De l'*Association des anciens combattants de l'Armée, de la Marine et de l'Air du Canada:* M. J. C. Lundberg, président national, et M. C. H. Chadderton, secrétaire par intérim.

Le Comité continue l'étude des représentations de l'Association des anciens combattants de l'Armée, de la Marine et de l'Air du Canada.

A 12 h. 05, le Comité suspend la séance jusqu'à 2 hres.

SÉANCE DE L'APRÈS-MIDI
(32)

Le Comité reprend son audience à 2 h. 10. Le président, M. Francis, occupe le fauteuil.

Députés présents: MM. Badanai, Bigg, Francis, Guay (*St-Boniface*), Legault, MacRae, Marshall, Peters, Turner (*London-Est*), Weatherhead, Whicher (11).

Aussi présents: L'honorable Marcel Lambert, MM. Borrie, Foster, Hopkins, Howard (*Okanagan-Boundary*), et Mahoney.

20782—1½

Witnesses: From the Dominion Command, Royal Canadian Legion: Mr. Robert Kohaly, President and Mr. Donald M. Thompson, Secretary.

The Committee began hearing the submission of the Royal Canadian Legion, (Dominion Command).

Mr. Kohaly read their brief and Mr. Thompson answered questions posed by the Committee.

At 4.35 p.m., the Committee recessed to 7.00 p.m.

Témoins: du *quartier général national de la Légion royale canadienne:* M. Robert Kohaly, président, et M. Donald M. Thompson, secrétaire.

Le Comité commence à recevoir les représentations de la Légion royale canadienne, (quartier général).

M. Kohaly donne lecture de son mémoire et M. Thompson répond aux questions posées par le Comité.

A 4 h. 35 le Comité lève la séance jusqu'à 7 hres.

EVENING MEETING
(33)

The Committee resumed sitting at 7.10 p.m. Mr. Francis, Chairman, presiding.

Members present: Messrs. Badanai, Bigg, Francis, Guay (*St. Boniface*), MacRae, Marshall, Peters, Saltsman, Turner (*London East*) Weatherhead, Whicher (11).

Other Member present: Mr. Danson, M.P.

Witness: From the Dominion Command, Royal Canadian Legion: Mr. Donald M. Thompson, Dominion Secretary.

The Committee continued its review of the Explanatory Notes and Comments of the Royal Canadian Legion's brief.

Mr. Marshall moved, and *it was agreed*,—

That the brief presented by the Royal Canadian Legion (Dominion Command), be taken as read and inserted into the evidence.

At 9.30 p.m., the Committee adjourned to Friday, October 3, 1969 at 9.30 a.m.

SÉANCE DU SOIR
(33)

Le Comité reprend ses délibérations à 19 h. 10. Le président, M. Francis, occupe le fauteuil.

Députés présents: MM. Badanai, Bigg, Francis, Guay (*St-Boniface*), MacRae, Marshall, Peters, Saltsman, Turner (*London-Est*), Weatherhead, Whicher (11).

Aussi présent: M. Danson.

Témoin: du quartier général de la Légion royale canadienne: M. Donald M. Thompson, secrétaire national.

Le Comité reprend l'étude des notes explicatives et des commentaires du mémoire de la Légion royale canadienne.

M. Marshall propose, *et il est convenu*,—

que le mémoire présenté par la Légion royale canadienne (Quartier général) soit accepté tel que lu et inséré dans les témoignages.

A 9 h. 30 le Comité ajourne sa séance jusqu'au vendredi 3 octobre 1969 à 9 h. 30 du matin.

Le greffier du Comité,

D. E. Levesque,

Clerk of the Committee.

[*Texte*]

EVIDENCE

(*Recorded by Electronic Apparatus*)

Thursday, October 2, 1969.

0938

The Chairman: Mr. Lundberg, I wonder if it would be convenient to start now because there are some members who are temporarily delayed but we have a heavy program ahead.

Mr. Lundberg, I believe late yesterday afternoon you began to discuss the Woods recommendations in detail and adjourned to confer with Mr. Reynolds and possibly other people to see what supplementary information was available since you prepared your brief. I believe as a result of these discussions your presentation may be amended in some respects this morning; is that right?

Mr. Jack C. Lundberg (Dominion President, Army, Navy and Air Force Veterans in Canada): That is correct, Mr. Chairman. We have been able to eliminate some of the recommendations now the intent of the government is known to us.

The Chairman: We regret that the documentation was not in your hands sooner. Had it been I am sure you would have very much profited by it but better late than never.

Mr. Lundberg: Right.

The Chairman: And I think we are on the track now.

Mr. Lundberg: Before I begin, Mr. Chairman, I would like to introduce to this Committee Mr. Percy Sandford from White Rock, British Columbia, a Dominion Command past officer and a provincial command officer at the present time. We are glad to have him with us this morning.

The first recommendation, Mr. Chairman, is recommendation No. 9 which has not been accepted by the government and which reads:

> Recommendation No. 9: That an applicant being granted a personal hearing under Section 7 (3) and witnesses who appear on his behalf be reimbursed for expenses.
>
> Intent of Woods Committee: That persons availing themselves of the procedure

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le jeudi 2 octobre 1969

Le président: Monsieur Lundberg, je me demande s'il conviendrait de commencer dès maintenant. Quelques députés sont temporairement retenus dans leur bureau, mais nous avons un programme chargé. Monsieur Lundberg, je crois qu'à la fin de l'après-midi, hier, vous avez commencé à discuter en détail les recommandations du rapport Woods et vous nous avez quittés pour parler avec M. Reynolds et peut-être d'autres personnes, pour voir quels autres renseignements sont disponibles depuis la préparation de votre mémoire. Je crois qu'à la suite de ces discussions, votre exposé peut être modifié en quelque sorte ce matin, n'est-ce pas?

M. Jack C. Lundberg (président national de l'Association des anciens combattants des armées de terre, de mer, et de l'air du Canada): C'est juste, monsieur le président. Nous avons pu éliminer certaines recommandations depuis que l'objectif du gouvernement nous a été communiqué.

Le président: Je regrette que cette documentation ne vous soit pas parvenue plus tôt. Si vous aviez pu l'avoir à temps, vous en auriez beaucoup profité, mais mieux vaut tard que jamais.

M. Lundberg: C'est juste.

Le président: Je crois que nous pouvons commencer.

M. Lundberg: Avant de commencer, je voudrais présenter au Comité, M. Percy Landforth de White Rock, Colombie-Britannique, ancien commandant national et commandant provincial actuel. Nous sommes heureux qu'il nous accompagne ce matin.

La première recommandation, la recommandation n° 9 n'a pas été acceptée par le gouvernement et se lit comme suit:

> Recommandation n° 9: Qu'un requérant qui comparaît aux termes de l'article 7(3), et les témoins qui comparaissent en son nom se fassent rembourser leurs dépenses.
>
> Intention du Comité Woods: Que les personnes qui se prévaudraient du droit d'audience, aux termes de l'article 7(3)

[*Text*]

allowed under a 7 (3) hearing should be entitled to have their expenses paid; also the expenses of their witnesses.

Comment: It seems only reasonable that the government should pay the cost for an applicant who is granted a hearing under Section 7 (3). The check-rein which would ensure that this procedure is not used in frivolous cases is contained in recommendation 6 (a) which would provide that the responsibility for granting such hearings be that of the Commission Chairman.

The Chairman: Are there any questions or comments on Mr. Lundberg's brief at this point? I think it is abundantly clear what he wishes and I think the Committee will make note of it, then.

Mr. Lundberg: All right, thank you.

The Chairman: Mr. Chadderton.

Mr. Chadderton: This is Recommendation No. 14 (v) Time limit for the handling of Pension Appeals and the intent of the government is that this was not accepted.

Intent of the Woods Committee: This was one of the important provisions laid down for the proposed Pension Appeal Board. The idea was, presumably, to establish time limits within which decisions must be reached when a case is at the appeal level.

Comment: A great deal of general complaint has been heard regarding delays in adjudication of pension claims. It is one thing to provide an effective appeal procedure for a veteran, but if the veteran must wait months or even years to receive the decision, it could not be said that the system which produced that decision was an effective one, even where the decision was in his favour.

We noted a comment that this would be difficult to apply and certainly we recognize that. At the same, time the present situation is hardly satisfactory because without any time limits the man can put his hands in the case of an appeal or an appellate body and it can be six months, a year or even longer. So, if the recommendation of the Woods Committee was not acceptable in its form, we certainly hope that somebody can work out some type of guideline which would ensure that there is some rapidity to the handling of these appeals.

The Chairman: Mr. Lundberg.

[*Interpretation*]

devraient avoir droit à un remboursement de leurs dépenses et des dépenses de leurs témoins.

Observation: Il semble raisonnable que le gouvernement paie les dépenses d'un requérant qui obtient une audition en vertu de l'article 7(3). Le contrôle qui assurera que cette procédure ne sera pas invoquée sans motif sérieux est contenu dans la recommandation 6 (a) qui confie au président de la commission lui-même la responsabilité d'accorder ces auditions.

Le président: Y a-t-il des questions ou des commentaires là-dessus? Ses objectifs sont très clairs et je pense que le comité en prendra note.

M. Lundberg: Très bien, merci.

Le président: Monsieur Chadderton.

M. Chadderton: Voici la recommandation n° 14, relative au délai accordé pour le règlement des appels sur les pensions, qui n'a pas été acceptée.

Intention du comité Woods: C'était l'une des dispositions importantes énoncées à l'égard de la commission d'appel sur les pensions. L'objet semble de fixer des délais avant lesquels les décisions devraient être rendues dans le cas d'un appel à ce niveau.

Observation: Il y a eu beaucoup de plaintes au sujet des retards dans l'attribution des réclamations de pensions. Il est bien beau de prévoir une bonne procédure d'appel pour un ancien combattant, mais si cet ancien combattant doit attendre des mois ou même des années avant de connaître la décision, nul ne saurait dire que le régime qui a rendu cette décision est efficace, même si la décision est en sa faveur.

Nous remarquons qu'un commentaire indique que cela serait difficile à mettre en vigueur et nous le reconnaissons. Mais en même temps la situation actuelle n'est pas satisfaisante parce que sans délai, l'homme peut remettre son cas à un bureau d'appel et à un organisme et cela peut prendre six mois, un an ou plus. Si la recommandation du Comité Woods n'était acceptable sous sa forme originale, nous espérons que quelqu'un pourra établir une certaine directive qui verrait à ce que les décisions soient prises plus rapidement.

Le président: Monsieur Lundberg.

[*Texte*]

Mr. Lundberg:

Recommendation No. 15 (a)—Proposed that the Commission would prepare a Statement of Case when notified that an applicant wished to proceed to appeal.

That has been accepted by the government.

Mr. Chadderton: The next one is Recommendation No. 15 (e) (ii).

Recommendation No. 15 (e) (ii) "Examiner's Hearing" which would provide that where it is not practical to convene a full Entitlement Board, a single commissioner or other person appointed for the purpose could hear the applicant's case in a personal interview.

The intent of the government, we understand that this has been marked as accepted but we are not entirely clear on how it has been accepted and we felt that we should proceed to place our views in front of the Committee in regard to this because we consider it a most important recommendation.

Intent of Woods Committee: Presumably the proposal for "Examiner's Hearings" was intended as safety valve which could be used by the Commission Chairman when the ordinary Entitlement Boards became clogged with an over-load of cases, or where it was considered more practical to send a commissioner to some of the less populated districts or even appoint a local person to act for the Commission in such districts at certain times. The person conducting the Examiner's Hearings would forward the information to the Commission in Ottawa for a decision; also should an applicant not wish to proceed by means of an Examiner's Hearing he could insist on a regular Entitlement Board.

Comment: Time is of essence in the handling of pension administration from this date forward. We simply cannot take years to set up a new system of pension adjudication, and further years before the veteran can have his case heard. World War I veterans are in the late 70s, or older. World War II veterans are, for the most part, in the 50s. Too much time has already been taken and the Army, Navy and Air Force Veterans looked with a great deal of enthusiasm upon the proposal for Examiner's Hearings as we recognized it immediately as a means of speeding up the adjudication process. If this is to be left out of the new adjudication procedure we must express our regret.

[*Interprétation*]

M. Lundberg:

Recommandation nº 15 (a)—Il est proposé que la commission prépare un exposé du cas quand elle reçoit avis qu'un requérant veut aller en appel.

Cela a été accepté par le gouvernement.

M. Chadderton: La prochaine recommandation nº 15(e) (ii) est la suivante:

Recommandation nº 15(e) (ii) «Audience d'un examinateur» permettant, lorsqu'il n'est pas pratique de réunir toute une commission des droits de pension à un seul commissaire ou à une autre personne.

Le gouvernement a indiqué que cela avait été inscrit comme étant accepté, mais nous ne savons pas exactement comment cela a été accepté et nous avons eu l'impression que nous devrions formuler notre opinion au Comité à ce sujet, car à notre avis, c'est une recommandation très importante.

Intention du comité Woods: Cette proposition des «audiences d'un examinateur» visait probablement à établir une soupape de sécurité que le président de la commission pourrait utiliser lorsque les commissions des droits de pension sont débordées de travail ou lorsqu'il juge plus pratique d'envoyer un commissaire dans une région moins populeuse, ou même de nommer une personne sur place pour agir au nom de la commission dans ce district, à certains moments. La personne chargée de cette audience d'un examinateur enverrait les renseignements à la commission à Ottawa, où la décision serait prise. Et si un requérant ne désire pas avoir recours à cette audience d'un examinateur, il pourrait insister pour faire examiner son cas par une commission ordinaire des droits de pension.

Observation: Le facteur temps est un élément essentiel de l'administration des pensions, à partir d'aujourd'hui. Il serait impensable de mettre des *années* à établir un nouveau régime d'attribution des pensions et encore d'autres années avant que l'ancien combattant puisse faire examiner sa cause. Les anciens combattants de la première guerre mondiale ont maintenant 70 ans ou davantage. Ceux de la seconde guerre mondiale sont, pour la plupart, dans la cinquantaine. Il y a déjà eu trop de délais et les anciens combattants de l'armée, de la marine et de l'aviation avaient accueilli avec beaucoup d'enthousiasme cette proposition concernant des audiences par un examinateur, car il nous avait semblé immédiatement que ce

[*Text*]

I repeat, Mr. Chairman, we are not entirely sure that it has been left out but we thought, to be on the safe side, we would place our views in front of the Committee in this regard.

Mr. MacRae: Is there anybody here that can tell us that, Mr. Chairman?

The Chairman: M. MacRae, I think we should invite further testimony at this point because I am not sure that much can be added to what is on the transcript already. However, I stand subject to correction.

Mr. MacRae: I was thinking, Mr. Chairman, it would clarify the point for these gentlemen.

Mr. Chadderton: Mr. Chairman, I think, if I could just break in for a second, that we are satisfied with what Mr. Reynolds told us about it last night. Understandably, in setting forth the procedures for this Directorate of Pensions and the proposed entitlement boards and what not, all the ground rules are not laid down. I do not know, from what I heard and saw, that anybody could exactly say right now that the intent that we have in mind has been agreed upon. This has been accepted in principle is the way I took what I heard and we are satisfied with that. However we feel that in detail we want to place our views before you because we consider that there will be tremendous congestion when this new legislation goes in and this is one way to handle it very speedily; that is all.

The Chairman: Thank you, Mr. Chadderton. Mr. MacRae, I think the situation has been clarified by Mr. Chadderton's remarks, I hope to your satisfaction for the moment. No doubt you may want to raise it again.

Mr. MacRae: There was a slight caveat there and I wanted to clear it up.

The Chairman: Do you want to continue, Mr. Lundberg?

Mr. Lundberg:

Recommendation No. 20 (2) To the effect that the effect that Commission may entertain an application without leave to reopen where an applicant applies for pension on a new medical condition.

The intent of the government is accepted and we are agreed to accept that.

[*Interpretation*]

serait un moyen d'accélérer les processus d'attribution. Si cette méthode n'est pas comprise dans la nouvelle procédure d'attribution, nous devons manifester notre regret.

Je répète monsieur le président, que nous ne sommes pas convaincus que cela ait été mis de côté, mais nous avons pensé, qu'en étant sur le bon côté, nous ferions part de notre opinion au Comité.

M. MacRae: Quelqu'un peut-il nous le dire?

Le président: Monsieur MacRae, je pense qu'on devrait inviter d'autres témoins parce que je ne suis pas convaincu que l'on puisse ajouter beaucoup à ce qui a déjà été formulé. J'accepte toutefois toute correction.

M. MacRae: Monsieur le président, je croyais que cela aiderait ces messieurs à mieux comprendre ce point.

M. Chadderton: Monsieur le président, nous sommes satisfaits des propos de monsieur Reynolds, mais vous comprenez qu'en établissant les procédures de la Direction des pensions et de Bureau d'admissibilité projeté et autres, toutes les règles de base ne sont pas arrêtées. Je ne sais pas d'après ce que j'ai su et entendu que quelqu'un puisse dire dès maintenant que le but fixé a été accepté. J'ai cru comprendre d'après ce que j'ai entendu que cela avait été accepté en principe et nous en sommes satisfaits. Toutefois, nous voulons soumettre en détail notre point de vue à votre comité parce qu'il y aura à notre avis, énormément de travail à faire par la Commission lorsque la nouvelle législation entrera en vigueur. C'est une façon de résoudre rapidement le problème.

Le président: Merci, monsieur Chadderton. Monsieur MacRae, je crois que la situation a été éclaircie par l'observation de monsieur Chadderton pour le moment j'espère. Vous aimerez peut-être la soulever une autre fois.

M. MacRae: Il y avait une légère opposition que je voulais éclaircir.

Le président: Voulez-vous continuer, monsieur Lundberg?

M. Lundberg:

Recommandation n° 20 (2). Que la commission puisse examiner une demande sans «permission de rouvrir le cas» lorsqu'un requérant demande une pension fondée sur de nouveaux motifs d'ordre médical.

L'intention du gouvernement est acceptée et nous sommes d'accord de l'accepter.

[*Texte*]

Mr. Chadderton: The next one, Mr. Chairman is recommendations Nos. 53-56—Providing authority for the Commission to delegate to its Claims and Review Branch the adjudication of routine matters.

Intent of Government: There is no specific reference to this in the White Paper, although it might be assumed that the proposed Directorate of Pensions within the Department of Veterans Affairs would be given such responsibility.

I must add that in the Army, Navy and Air Force Veterans Association, of course, we are opposed to the establishment of the Directorate of Pensions; therefore, we think it is proper to place before you our views on how we feel the authority for disposing of routine applications should be handled. In other words, if there is no Directorate of Pensions set up, what is going to happen to routine claims? We subscribe to the Woods Committee Recommendation in that regard.

Obviously the intention of the Woods Committee for such delegation of powers was to remove the congestion at the level of Pensioner Commissioners by permitting the staff of the Claims and Review Branch to handle decisions in routine matters, thus leaving the commissioners free to concentrate upon applications for entitlement and other important areas involved in discretionary benefits; that is, consequental disabilities; assessments; dependent parents pension, etc.

Comment: It has long been a source of irritation for veterans organizations that the valuable time of highly-paid commissioners should be taken up in deciding routine matters such as burial grants, recovery of overpayments and decision to continue payment to various classes of dependants on the basis of periodic reviews. The proposal of the Woods Committee to have these decisions delegated to Commission staff appears a most logical step. We trust that the intent of this recommendation will be carried out.

The Chairman: Obviously this is going to be affected by the degree to which the White Paper proposals concerning reorganization of the Department are accepted. I do not know how much further anyone in the Department could comment profitably at this time.

[*Interprétation*]

M. Chadderton: En outre, les Recommandations nos 53 à 56—autorisant la commission à déléguer à sa direction des réclamations et des études son pouvoir de décision sur des questions de routine. Intention du gouvernement: Il n'en est pas question avec précision dans le Livre blanc, mais on peut supposer que la future direction des pensions, au ministère des Affaires des anciens combattants, aurait cette responsabilité.

Dans l'Association des anciens combattants des trois Forces armées, nous nous opposons à l'établissement d'une Direction des pensions et, par conséquent, nous préférons vous soumettre notre point de vue sur la procédure à suivre pour les cas routiniers. Autrement dit, si on crée une Direction des pensions, que se passera-t-il dans les cas des demandes routinières? Nous souscrivons aux recommandations du Comité Woods à cet égard.

Intention du comité Woods: De toute évidence, l'intention du comité Woods, au sujet de cette délégation de pouvoirs, était de décongestionner le travail au niveau des commissaires aux pensions en permettant au personnel des réclamations et des révisions de rendre des décisions sur des questions de routine, laissant ainsi les commissaires libres de se concentrer sur des demandes de droit de pension et sur d'autres questions importantes rattachées aux prestations discrétionnaires (p. ex. invalidité consécutive, évaluation; pension de parents à charge, etc.)

Commentaire: Les organisations d'anciens combattants regrettent vivement depuis longtemps que des commissaires, qui touchent un traitement élevé, doivent consacrer un temps précieux à des affaires de routine comme les subventions pour les frais funéraires, le recouvrement de trop-payés ou la décision de continuer le versement de la pension à l'égard de diverses classes de personnes à charge à la suite de révisions périodiques. La proposition du Comité Woods qui voudrait que la décision au sujet de ces questions relève du personnel de la Commission semble quelque chose de parfaitement logique. Nous espérons que l'objet de cette proposition sera mis en pratique.

Le président: Tout dépendra de la façon dont le comité accepte les propositions du Livre blanc sur la réorganisation du Ministère. Je ne sais pas si un fonctionnaire du Ministère peut faire des commentaires là-dessus.

[*Text*]

Are there questions from members of the Committee?

Mr. Bigg: I think if we just make a note of this type of thing to make sure we review it with the Department officials would be all right.

The Chairman: Mr. Chadderton.

Mr. Chadderton: Mr. Chairman, it stands to reason that if the Directorate of Pensions goes through then the intent of the Woods Committee Recommendation will presumably be carried out. However, we have to pose the question that if it is not accepted then we are back to square one where we started from and that is where we would feel that routine matters should be handled by the Claims and Review Branch rather than the Commissioners.

• 0950

The Chairman: Curiously enough, this is one area in which the White Paper, in its present form, would meet your recommendation but not be consistent with other observations you are making. I detected very little support in the veterans' groups for the proposal to separate that first step from the Pension Commission. If we do not separate that first step then your comments are very relevant. But if we do, then the point you are making here is taken care of although other ones may not be.

Mr. Chadderton: Yes, that is quite right, but I would make this point clear, Mr. Chairman, that in our interpretation of the Woods Committee Recommendation about routine matters being handled by the Commission staff, we felt that would be workable provided the Commission staff were still under the direction of the Commission.

The Chairman: That is an important proviso.

Mr. Chadderton: That is it. If the Commission staff is to be placed under the proposed Director of Pensions then I really feel we would not support it, sir.

The Chairman: No. We have to look at more than that recommendation. It must be part of a group or a cluster of recommendations. It cannot be judged by itself.

Mr. Chadderton: The next one Mr. Chairman, is Woods Committee Recommendation No. 67 which would require the Pension Commission to make fuller use of compassionate pension awards under Section 25 of the Pension Act.

[*Interpretation*]

Y a-t-il des questions?

M. Bigg: Il serait suffisant d'en prendre note et d'en discuter avec les fonctionnaires du Ministère.

Le président: Monsieur Chadderton.

M. Chadderton: Monsieur le président, il est clair que si la Direction des pensions est créée, l'objectif de la recommandation du Comité Woods sera réalisé probablement. Mais si cette recommandation n'est pas acceptée, nous en revenons à l'ancienne situation. Et voilà pourquoi nous sommes d'avis que les questions de routine devraient être résolues par le personnel de la Direction des revendications et de la révision plutôt que par le commissaire.

Le président: Il me semble que le Livre blanc, sous sa forme actuelle, satisferait votre recommandation, mais ne serait pas conforme aux autres observations que vous avez faites. J'ai décelé très peu d'appui de la part des groupes d'anciens combattants pour la proposition qui vise à séparer la première étape de la Commission canadienne des pensions. Si cela ne se réalise pas, vos commentaires seront très pertinents. Si nous l'adoptons, votre commentaire est apprécié, même si d'autres ne le sont pas.

M. Chadderton: C'est juste, mais je voudrais préciser que notre interprétation des recommandations du Comité Woods visant à ce que le personnel de la Commission s'occupe des questions de routine, serait valable, à notre avis, pourvu que le personnel de la Commission relève de la direction de la Commission. Mais si l'on nomme un directeur...

Le président: Voilà une condition importante.

M. Chadderton: En effet, si le personnel de la Commission est placé sous les ordres du directeur des pensions proposé, je suis d'avis qu'on ne serait pas d'accord.

Le président: Donc, il nous faut étudier plus que cette recommandation. Il s'agit d'un tout qui ne peut être pris séparément.

M. Chadderton: La recommandation nº 67 du Comité Woods 67 exige de la Commission des pensions d'accorder davantage la pension de commisération en vertu de l'article 25 de la Loi des pensions.

[*Texte*]

What we have said in our brief is no longer relevant, but the intent of the government, as I understand it now, is that this recommendation should be modified. The view, as put forward by Mr. Ward, was that the government agreed, in general, that Section 25 should remain in the Act and should be used as it is now, but the government did not agree with the second part of the Woods Committee recommendation which was that the use of Section 25, compassionate pension, should be expanded. Presumably those who studied the Woods Report within the Department and within the Commission felt that that was already in effect. In other words, the suggestion from the Woods Committee, that compassionate pensions were being handled on I would say, a far too restrictive basis, was not accepted. Therefore, this is one of the sort of conundrum situations where we have to say that the Woods Committee recommendation was modified, but again we feel that by the modification the sting has been taken out of what Mr. Justice Woods and his colleagues had in mind, which was that compassionate pensions, instead of being approved on the basis of, say, 10 or 12 a year, should be expanded considerably beyond that.

Naturally they could not give a figure, but they felt that 10 or 12 a year was just too small for the volume that could be expected from the number of veterans there are in Canada. Therefore, I think we will have to read the rest of our recommendation, Mr. Chairman.

Intent of Woods Committee: The Woods Committee was able to point out, through reference to the inception of this provision in the Pension Act, that its true purpose was to provide the Commission with a sort of "carte blanche", so that it would be able to deal with deserving cases which could not be handled under the regular provisions of the Act. The question here was one of degree—and the Woods Committee concluded that the use of this section should be expanded.

Comment: We have no way of knowing, at this stage, whether in issuing the policy directive, the purposes of compassionate pensions will be expanded. Perhaps it is sufficient to say, in our presentation today, that the air of secrecy which has surrounded adjudication of applications under this Section 25 of the Act should disappear. There should be application forms and clear cut policies—and such applications should be appealable in the event that they are turned down at the lower levels of adjudication. We were interested to note that the average number of cases approved under this section was in the neighbourhood of ten or twelve a year. We consider this a

[*Interprétation*]

Les propos que nous avons tenus dans notre mémoire ne sont plus pertinents, mais comme je le comprends, l'intention du gouvernement vise à ce que cette recommandation soit modifiée. D'après monsieur Ward, le gouvernement a été d'accord en général pour que l'article 25 reste dans la Loi et soit utilisé comme à présent, mais le gouvernement n'était pas d'accord avec la deuxième partie de la recommandation du Comité Woods, à l'effet que soit élargie l'utilisation de l'article 25, la pension de commisération. Les personnes du ministère et de la Commission qui ont étudié le rapport Woods sont arrivées à la conclusion que cela était déjà en vigueur. Autrement dit, la proposition du Comité Woods visant l'application des pensions de commisération de façon beaucoup trop restrictive a été rejetée. C'est une de ces énigmes où nous devons dire que la recommandation du Comité Woods a été modifiée, mais nous avons l'impression que cela a éliminé des difficultés pour monsieur le juge Woods et ses collègues, car au lieu d'approuver les pensions de commisération à raison de 10 ou 12 par an, on devrait augmenter considérablement ce nombre par rapport au volume attendu pour le nombre d'anciens combattants au Canada. Donc, il faudrait continuer à lire le reste de notre recommandation monsieur le président.

Objet du Comité Woods: Le Comité Woods a été en mesure de signaler, en se reportant à l'adoption de cette disposition de la Loi sur les pensions, que le but véritable de cette allocation était en somme de donner carte blanche à la Commission pour s'occuper des cas méritants qu'il n'était pas possible de régler en vertu des dispositions ordinaires de la Loi. C'était une question de degré et le Comité Woods a conclu qu'il fallait étendre le recours à cet article de la Loi.

Commentaire: En ce moment, nous ne pouvons savoir si l'objet de la directive officielle est d'étendre la portée de la pension de commisération. Il suffit peut-être de dire, dans notre mémoire d'aujourd'hui, que devrait disparaître cette apparence de secret qui a entouré les décisions relatives aux demandes présentées en vertu de l'article 25 de la Loi. Il devrait y avoir des formules de demande et une ligne de conduite bien précise; il faudrait aussi qu'on puisse en appeler de la décision rendue, quand la demande est rejetée aux échelons inférieurs. Nous avons remarqué qu'en moyenne dix à douze demandes environ étaient autorisées chaque année en vertu de

[*Text*]

rather small volume, bearing in mind that there are more than 945,000 veterans eligible to apply for benefits under the Pension Act.

Mr. Bigg: Is not one of the elements here that where compassionate grants are made the veterans themselves might not want them to be widely known? That would be more along the lines of the fund that you administered for many years. You did not necessarily tell everybody in the world that you were giving some veteran or his family cash assistance.

Mr. Chadderton: No, of course not, Mr. Bigg. You are referring to the Army Benevolent Fund. One of the strong principles in the administration of that type of assistance is that it is always on a strictly confidential basis. That is not what we are suggesting here. When we say "secrecy", what we are suggesting is that, for example, service bureaus of veterans' organizations do not have application forms for compassionate pension. Second, any information they have relative to what a compassionate pension is intended to cover has only been sort of garnered by them on a hearsay basis over the years. In other words, we know of no published instruction which says, "Compassionate pensions may be used for the following purposes: (a), (b), (c), (d), (e)". This is not necessarily critical, and I think we got over that stage early in these hearings.

• 0955

What the Commission was doing, and in my own view I think they were quite right in view of the Act—with compassionate pensions was that when an application came in that could not be handled under any of the other sections of the Act and yet was sufficiently deserving that something should be done, the Commission was using this section of the Act to, let us say, slip one through. It was that type of thing. This was commendable, and Mr. Justice Woods and his colleagues said so. It was a commendable approach, but there was really no need to handle that section of the Act in sort of closed quarters. It could have been made open and available and if an advocate, or the Department of Veterans Affairs District Office, for example, which sees a great many veterans, had said, "Well, no, I do not think you can qualify under the regular sections of the Act, but we feel something might be done as a compassionate pension," somebody could sit down, take the application form and forward it in the same way as an application for any other veteran. That is what we meant, Mr. Chairman and

[*Interpretation*]

cet article. Ce n'est pas beaucoup, si l'on songe que plus de 945,000 anciens combattants sont admissibles à demander la pension en vertu de la Loi sur les pensions.

M. Bigg: N'y-a-t-il pas un des éléments pour lequel lorsqu'on accorde des allocations, de commisération, les anciens combattants eux-mêmes ne veulent pas que cela se répande? Cela a plus trait à la caisse que vous administriez pendant plusieurs années. Vous ne dites pas à tout le monde que vous accordez à un ancien combattant ou à sa famille une allocation en espèces?

M. Chadderton: Pas du tout. Vous parlez de la Caisse de bienfaisance de l'Armée et l'un des principes de l'administration de ce genre d'aide est de garder un caractère strictement confidentiel. Il ne s'agit pas de ce que nous proposons. Je sous-entend que les bureaux de service de ces organisations d'anciens combattants ne possèdent pas de formules de demande des pensions de commisération. En outre, tout renseignement au sujet du but de la pension n'est en fait que le résultat d'ouï-dires de quelques années. Autrement dit, aucune directive publique ne stipule que les pensions de commisération peuvent être utilisées aux fins: a), b), c), d), e). Il ne s'agit pas nécessairement d'une critique et je pense qu'on a déjà dépassé ce stade au début de ces audiences.

A l'égard de ces pensions, et à mon avis, elle respectait bien la loi, lorsqu'une demande était formulée et que la Commission était incapable de la remplir en vertu d'un article de la Loi mais qu'elle considérait qu'on devrait faire quelque chose, la Commission utilisait ainsi cette partie de la Loi pour y répondre. C'est ainsi que cela se passait. C'était louable, comme monsieur le juge Woods et ses collègues l'ont déclaré. Oui, car il n'était pas besoin de garder cet article de la Loi de façon privilégiée. Cela aurait pu être accessible à tous et si un avocat ou le bureau de district du ministère des Affaires des anciens combattants par exemple, qui reçoit plusieurs anciens combattants avait dit qu'il ne croyait pas que vous répondiez aux articles réguliers de la Loi mais, à notre avis, vous devriez avoir droit à une pension de commisération. Quelqu'un pourrait s'asseoir, prendre une formule de demande et la faire parvenir de la même manière que n'importe quelle demande d'ancien combattant. Voilà le sens que nous attribuons à ce terme, qui n'est peut-être pas employé à bon escient.

[*Texte*]

gentlemen, by "secrecy". That is what we mean here. It is probably not the right word.

Mr. Bigg: Yes, I see; and thank you for the qualification. It seemed to me that surely our advocates would know these things quite well. Unless there is actually a complaint that there has been a narrow interpretation—and I do not think that is necessarily the fault of the pension board—if we show them that the intention of Parliament is at least to broaden the application of this section I think that should be sufficient to cover it.

Mr. Chadderton: Relative to whether the advocates really know everything they should know about compassionate pensions, I would merely refer you to that section of the Woods Report wherein Mr. Justice Woods and his colleagues felt that there was not nearly sufficient information abroad among DVA, the veterans Bureaus and veterans' organizations about how this benefit could be applied for and what it was intended to cover.

Mr. Whicher: Mr. Chairman, as one with a lack of knowledge about this, may I ask Mr. Chadderton to give us a very simple example of a so-called compassionate pension?

Mr. Chadderton: Yes, I can give you one of a man who had the bottom half of his face shot off. I think his pension was 70 per cent, and this was considered to be his assessment. An application came in from him, I think, for attendance allowance. The Commission felt that perhaps he really did not qualify for attendance allowance as he did not meet all the requirements, but in attempting to do the best possible job for the man the Commission said, "We can award an additional amount of money to him by means of compassionate pension". That is a case I happen to know of. That was approved.

They vary so widely, in my experience with Commission work, Mr. Whicher, that it is really difficult. You could pick almost anyone and say, "Yes, that would be it". Let us take the widow of a Hong Kong veteran. The Hong Kong veteran has died and it is not possible to establish that his death was attributable in any way to service. The Commission could look at it and say, "We cannot really establish this entitlement under the regular sections of the Act, but we can do something under Section 25". Quite possibly Section 25 could be used for that purpose. That is how it has been used.

The historical basis of it was that about 1923 the government was asked by the Board of Pension Commissioners to approve a number of extra sections in the Act to cover

[*Interprétation*]

M. Bigg: Je vois, je vous remercie de cettte précision, il me semblait que nos avocats seraient au courant de ces dispositions-là, à moins qu'il n'y ait une plainte à l'effet qu'il y a eu une interprétation restrictive, et à mon avis, ce n'est pas nécessairement l'erreur de la Commission des pensions, si nous leur démontrons que le Parlement vise à élargir l'application de cette loi de façon à l'englober.

M. Chadderton: Quant à savoir si les avocats connaissent tout ce qui se rapporte aux pensions de commisération, je vous reporterais à la partie du rapport Woods où monsieur le juge Woods et ses collègues ont eu l'impression qu'il n'y avait pas suffisamment de renseignements partagés par le Ministère, les bureaux des anciens combattants et leurs organisations au sujet de l'application et du but de cette pension.

M. Whicher: En raison de mon ignorance, je demanderais à monsieur Chadderton de nous donner un exemple très simple de ce genre de pension.

M. Chadderton: Oui, prenons le cas de la personne qui avait perdu la partie inférieure de son visage par suite d'une blessure par arme à feu. Il a reçu pension de 70 p. 100, d'après l'évaluation qu'on en avait fait. Il présenta une demande pour une allocation de soins. La Commission a dû trouver qu'il n'y avait pas droit, mais en essayant de faire du mieux qu'elle pouvait pour cet homme, la Commission a dit qu'elle pouvait lui allouer une somme d'argent supplémentaire sous la forme d'une pension de commisération et on a approuvé cette mesure. Je pense que cela varie tellement qu'il est difficile de savoir quel en sera le résultat. Prenons le cas d'une veuve d'un ancien combattant de Hong Kong qui est mort et dont on ne peut établir si sa mort est attribuable à son service militaire. Pourtant la Commission a examiné le cas et a déclaré qu'elle ne pouvait pas établir l'admissibilité en vertu des articles réguliers de la Loi, mais qu'elle pouvait faire quelque chose aux termes de l'article 25. On peut certainement utiliser, l'article 25 à cette fin. C'est l'usage qu'on en a fait.

En 1923, la Commission des pensions a demandé au gouvernement l'approbation de plusieurs autres articles dans la Loi qui s'appliqueraient à certaines situations. Le Comité

[*Text*]

certain situations. A Senate Committee examined them and came back and said, "We do not think this is the way to do it. We think the way to do it is to put a blanket section in the Pension Act which would say, in effect, that if the case cannot qualify under any other sections, then it can qualify under compassionate pensions". That is just about the basis of that provision in the Act.

• 1000

The Chairman: Mr. MacRae?

Mr. MacRae: To follow up what Mr. Chadderton has expressed so eloquently, I am more inclined to agree on this particular point with the way the Senate did it. It seems to me that there is the danger, if you spell things out too specifically, that you are liable to restrict. So long as we have compassionate men—and I think we have—in the administration of a scheme such as this, it might react to the veteran's benefit if they are not impeded by restriction and could perhaps award a compassionate pension under Section 25, which they might not be able to if they were too severely restricted.

The Chairman: Are there any further comments?

Mr. Lundberg: Recommendation No. 68:—To the effect that the ordinary standard of service in the Armed Forces only be required for qualification under Section 25 (compassionate pension).

The intent of the Commission is to accept that recommendation, and we so accept.

Mr. Chadderton: The next one, Mr. Chairman, is on page 18. Recommendations Nos. 75 and 76—That the Act be amended to provide separate entitlement for consequential disabilities.

Intent of Government: The White Paper proposes that the Act would be amended to establish authority for awarding pensions for consequential disabilities where such are, in whole or in part, an extension of a pensionable disability or, if not related to the pensionable disability, are considered to be caused by that disability wholly or partly.

I will stop there for just a minute and point out to you that we have studied the statement in the White Paper, we have been given, mostly by hearsay, the gist I think of the comments made by Mr. Ward in front of the Committee in this regard, and our feeling is that we could very easily in the word "modification" here be facing the situation where, in modifying the Woods proposal, the

[*Interpretation*]

sénatorial a alors examiné cette question et a été d'avis que ce n'était pas la manière de résoudre le problème. Il faudrait plutôt un article général dans la Loi sur les pensions qui stipulerait que si le cas ne peut tomber sous le coup d'autres articles, cela pourrait être résolu par les pensions de commisération. C'est à peu près le fondement de cette disposition de la Loi.

Le président: Monsieur MacRae?

M. MacRae: Pour reprendre les propos éloquents de monsieur Chadderton, je suis plus enclin à partager l'opinion du Sénat à ce sujet. A mon avis, lorsque l'on précise trop une chose il y a danger d'élever des restrictions. Aussi longtemps qu'il y a des pensionnés de ce genre, et je crois qu'il y en a, dans l'administration d'un système de ce genre, il est possible que s'ils ne font pas l'objet de restrictions, cela pourrait être à leur avantage et leur permettre de toucher une pension de commisération en vertu de l'article 25, ce qui serait impossible sous le corps de restrictions trop sévères.

Le président: Y a-t-il d'autres commentaires? ?

M. Lundberg:

Vœu nº 68—Que seulement la norme ordinaire de service dans l'armée soit exigée pour être admissible en vertu de l'article 25 (pension de commisération). La Commission a l'intention d'accepter la recommandation et nous l'acceptons.

M. Chadderton: Pour les vœux suivants, Monsieur le président, voyez la page 18 (texte anglais).

Vœux nºs 76 et 76—Que la Loi soit modifiée de façon à prévoir une indemnité distincte dans le cas des infirmités secondaires.

Objet du gouvernement: Le Livre blanc propose que la Loi soit modifiée en vue d'établir une autorité qui accordera la pension à l'égard des infirmités secondaires, si ces infirmités découlent en tout ou en partie d'une infirmité donnant droit à la pension ou, si elles ne se rattachent pas à cette infirmité, qu'elles soient considérées comme ayant entièrement ou partiellement cette infirmité pour cause. Je vous signale ici que nous avons étudié l'exposé dans le Livre blanc, surtout par ouï-dire, l'essence des observations faites par M. Ward au Comité, et nous croyons que nous risquerions de supprimer l'objet véritable de la proposition Woods si on la modifiait. En d'autres termes, si la proposition ne vise qu'à régulariser ce qui à déjà été fait à l'égard

[*Texte*]

real intent has been taken out. That is to say, if the proposal is merely to regularize what the Commission has already been doing in regard to consequential disabilities, that is not going far enough. Mr. Justice Woods and his colleagues in their report certainly intended that there should be full legislative authority to recognize consequential disabilities in a certain way. I think that will come out when I read the "Intent of the Woods Committee". I think I have to say that on the information we have been able to get so far we are not satisfied that the government intends to implement this recommendation as we see it.

Intent of Woods Committee: It would appear to us that the intent of the Woods Committee was that the Act should be amended, as suggested in the White Paper, and that specific provision be made as follows:

(a) Pension not be disallowed on the grounds of a prohibition that the pensioner should not have been performing whatever act it was that caused the consequential disability, because of his incapacity; and

(b) In assessment of a consequential disability of a medical development type, recognition be given to the fact that where a condition in a paired organ has been found consequential, the assessment should reflect the fact. To cite an example, where a man is pensioned for the loss of a leg and his other leg develops arthritis which is found to be consequential, it should be taken into account that his condition is more serious than a man who has lost a leg and whose other leg is sound. This hypothesis is used to offset the Commission's policy of fractional assessent which often means that the consequential disability, though accepted as being related to the pensionable disability, is often given an assessment of "$\frac{2}{5}$th aggravated" on the understanding that it would have developed in any case.

• 1005

Comment: We do not wish to sound ungrateful and we are indeed pleased that the White Paper proposes that consequential disabilities should be recognized in the Act. If, however, this means that the Commission would merely be empowered to do that which it has been doing all along, i.e., awarding pensions for consequential disability by giving a broad interpretation to Section 13—the results may be less than the Woods Committee intended. We feel, therefore, that, in drafting this particular section of the Act care

[*Interprétation*]

des invalidités secondaires, ce n'est pas suffisant. Le juge Woods et ses collègues dans le rapport se proposaient de demander des mesures législatives qui reconnaîtraient d'une certaine façon les invalidités secondaires. Je crois que vous le reconnaîtrez lorsque je vous lirai l'objet du comité Woods. Je dois dire que d'après les renseignements que nous avons pu obtenir jusqu'ici nous n'avons pas la certitude que le gouvernement ait l'intention de mettre ce vœu en vigueur.

Objet du Comité Woods: Selon nous, l'objet du Comité Woods est que la Loi soit modifiée ainsi qu'il est dit dans le Livre blanc et que soient prises les dispositions précises qui suivent:

a) Que la pension ne soit pas refusée sous prétexte que le pensionné n'aurait pas dû, à cause de son invalidité, accomplir tel ou tel acte qui a entraîné son infirmité secondaire, et

b) Dans l'évaluation d'une infirmité secondaire découlant d'une complication médicale, qu'on tienne compte de ce que l'infirmité d'un organe pair est reconnue comme étant une infirmité secondaire. Par exemple, supposons quelqu'un qui touche une pension pour la perte d'une jambe; si l'on constate que l'arthrite dont il souffre dans l'autre jambe est une infirmité secondaire, il faudrait tenir compte de ce que son état est plus grave que celui d'un autre qui a également perdu une jambe mais dont la jambe restante est saine. On se sert de cette hypothèse à l'encontre de la ligne de conduite de la Commission qui fait des évaluations partielles, de sorte que souvent cela veut dire qu'une infirmité secondaire, même si elle se rattache à une invalidité ouvrant droit à la pension, ne donne droit qu'à une évaluation relative à un état «aggravé de 2/5», parce que, prétend-on, cet état se serait produit quand même.

Commentaire: Nous ne voulons pas paraître ingrats et nous sommes vraiment heureux de constater que le Livre blanc propose que la Loi tienne compte des infirmités secondaires. Mais si cela veut dire que la Commission sera autorisée à faire au plus ce qu'elle a fait jusqu'ici, c'est-à-dire accorder la pension pour les infirmités secondaires en interprétant dans un sens large l'article 13 de la Loi, les résultats peuvent être inférieurs à ce que visait le Comité Woods. Par conséquent, il faudrait, selon nous, quand on rédigera cet article de la

[*Text*]

should be taken to ensure that the full intent of the Woods Committee is carried out.

It is believed that most consequential disabilities involve amputees and this amendment would benefit only those who are rated below 100 per cent. There would not be more than 2,000 elegible persons of whom possibly not more than 500 or 600 could qualify for consequental disability with an average assessment of 15 per cent. At current rates of pension we estimate that the cost of implementation of this proposal would be approximately $285,000 a year but it is important to point out that many such persons have already received consequential awards; hence the new cases which would come under this legislation would be considerably less than the figure projected above.

Mr. Chairman, we admit that this is a very complicated provision in the Pension Act and it takes quite a bit to understand it. The case we always use is that of the double-leg amputee. If he has one good leg and he develops arthritis in the other leg, okay, that is bad enough, but if he has one leg gone and he develops arthritis in the other leg the condition in the other leg is that much worse because he is using that for all his propulsion. What has been happening up to date, and we are pleased about it, is that the Commission has been saying, "There is no authority in the Act, but we will go ahead and look at these." But then they come in quite often with a two-fifths aggravation. We cannot argue with that, and we are not arguing about it. Sometimes the man would have had arthritis anyway and we are not denying it. What we are saying is to offset that two-fifths aggravation you have to look at the fact that that arthritis in his good leg has worsened his total condition because he lost a leg in service, that that should balance out and he should be given the full assessment. Mr. Justice Woods did not say how much or anything, just that it should be taken into consideration.

The Chairman: Any questions?

Mr. MacRae: I have a question I wanted to ask Mr. Chadderton. It is not intended to be facetious at all although it may sound that way just for a moment. In the case of an amputee, Cliff, a man who has lost a leg will still have pain in the leg that he has lost. I think that most people do not realize that. Let us take the case of an amputation above the knee; because of the nervous system and that

[*Interpretation*]

Loi, prendre soin de s'assurer qu'il est bien tenu compte de l'objet de la proposition du Comité Woods.

On croit que la plupart des infirmités secondaires se rencontrent chez les amputés et cette modification ne bénéficierait qu'à ceux qui touchent une pension inférieure à la pension de 100 p. 100. Tout au plus 2,000 personnes seraient admissibles et 500 à 600 d'entre elles pourraient obtenir la pension pour infirmité secondaire moyennant une évaluation moyenne de 15 p. 100. Au taux actuel de la pension, nous estimons qu'il en coûterait environ $285,000 par année pour appliquer cette proposition; mais il faut aussi ajouter que certaines de ces personnes reçoivent déjà l'allocation pour infirmité secondaire; par conséquent, les nouveaux cas auxquels s'appliquerait la mesure législative seraient bien moins élevés que le chiffre mentionné ci-dessus.

Monsieur le président, nous comprenons qu'il s'agit d'une disposition très compliquée de la Loi sur les Pensions. L'exemple que nous présentons toujours est celui de l'ancien combattant amputé des deux jambes. Celui qui a une bonne jambe mais qui souffre d'arthrite dans l'autre est dans une mauvaise situation. Par contre, celui qui a perdu une jambe et qui souffre d'arthrite dans la jambe qui lui reste est dans une situation encore plus pénible. Jusqu'ici, nous sommes heureux de la chose, la Commission disait: «La Loi ne nous autorise pas à ce faire, mais nous allons nous occuper de ces cas». Mais lorsqu'il s'agit d'aggravation de 2/5, nous ne pouvons pas argumenter. Nous ne savions pas que parfois la personne serait devenu arthritique de toute façon. Nous voulons dire que l'aggravation de 2/5 due à l'arthrite dans la jambe de l'amputé est d'autant plus grave qu'il a perdu l'autre jambe au service. Alors, il devrait recevoir la pleine indemnité. Il faut vraiment tenir compte de cette situation.

Le président: Avez-vous des questions à poser?

M. MacRae: J'ai une question à poser à M. Chadderton. Je ne veux pas faire de plaisanterie, mais dans le cas d'un homme, qui a perdu une jambe, il lui arrive de sentir des douleurs dans la jambe qu'il a perdue. Je crois que la plupart des gens ignorent ce fait qui est dû à des troubles du système nerveux.

[*Texte*]

kind of thing he will still have trouble in that leg as well.

Mr. Chadderton: Oh yes. What I am going to say is perhaps a little off the point, Mr. Chairman, but it has not been raised during the time I have been before this Committee. What we call phantom pain to the amputee is one of his most grievous problems really. Incidentally, the site of the amputation has nothing to do with it at all. In other words, an above-knee amputee is far less capable of mobility than a below knee amputee but quite often the below knee amputee has more phantom pain because the nerves are closer to the surface. Medical authorities really cannot agree on phantom pain. They all agree it is there but they cannot agree on the cause, the cure or anything. But it is certainly one of the problems. I should point out that in effect it is not pensionable except that the assessments for amputation are all fixed on a yardstick basis and a below knee amputation is assessed at 50 per cent presumably for his disqualification in the unskilled labour market. So he does not get any additional pension for phantom pain and, so far as I know, he is not asking for it.

Mr. MacRae: Even though it is there.

Mr. Chadderton: It varies but I do not know of any amputee who does not have phantom pain to some degree. I know some for whom it is almost a completely disabling disease. I know some who take a maximum dosage of APC with codeine day in and day out to try to keep it under control.

Mr. MacRae: For phantom pain?

Mr. Chadderton: Yes.

Mr. MacRae: Thank you.

The Chairman: Are there any other questions?

Mr. Lundberg: Recommendation No. 80—Which would require the Commission to prepare a special list of "necessities" for qualification for attendance allowance for blinded persons.

It is my understanding that this has been accepted.

Mr. Chadderton: I think you should read the "Intent of Woods Committee".

[*Interprétation*]

M. Chadderton: Oui. Ce que je vais dire s'écarte un peu du sujet, monsieur le président, mais cette question n'avait pas été soulevée au moment où j'ai témoigné devant le Comité. Ce qu'on appelle «douleurs dans un membre absent» chez l'amputé constitue l'un des problèmes les plus graves. Incidemment, le genre d'amputation n'a rien à voir avec ces douleurs. En d'autres termes, si celui qui a une jambe coupée au-dessous du genou peut se déplacer avec beaucoup plus de facilité que celui dont une jambe a été coupée au-dessus du genou, il ressent très souvent plus de douleurs que chez celui qui a été amputé au-dessus du genou parce que les nerfs aboutissent plus près de la surface. Les autorités médicales admettent l'existence de ces douleurs, mais elles ne s'entendent pas sur la cause et le traitement de ces douleurs. Effectivement, la sensation de douleurs dans un membre absent n'ouvre pas droit à une pension, mais les évaluations d'amputation sont toutes établies conformément à des règles fixes. Par exemple, une amputation pratiquée au-dessous du genou est évaluée à 50 p. 100, probablement parce qu'elle écarte l'amputé du marché du travail. L'amputé ne peut recevoir un supplément de pension pour ses douleurs.

M. MacRae: Bien qu'elles soient réelles?

M. Chadderton: Je ne connais pas le cas d'un amputé qui n'ait pas de douleurs jusqu'à un certain point. Je connais des personnes qui prennent tous les jours de grandes doses de médicaments contenant de la codéine pour alléger leurs douleurs.

M. MacRae: Les douleurs dans un membre absent?

M. Chadderton: Oui.

M. MacRae: Merci.

Le président: Est-ce qu'il y a d'autres questions?

M. Lundberg:

Vœu nº 80—que la Commission prépare une liste spéciale des «nécessités» en ce qui a trait aux conditions que doivent remplir les aveugles pour obtenir une allocation de soins.

Je crois que ce vœu a été accepté par le gouvernement.

M. Chadderton: Vous devriez nous lire «l'objet du Comité Woods».

[*Text*]

Mr. Lundberg: Intent of Woods Committee: This seems to be an example of where the intent of the Woods Committee has not had the desired effect. Presumably the Committee felt that if a special list of "necessities" were accepted it would result in an increase in attendance allowance.

Mr. Chadderton: I will carry on with Recommendation No. 81, Mr. Chairman, before we confuse you completely on this. These two really have to be taken together. Recommendation No. 80 in the Woods Report said that the Commission should devise a special list of necessities for blind people because the list of necessities which is in the Table of Disabilities now really has to do with a question of mobility. We feel it is written mostly for people who have lost two legs or paraplegics and so on and does not take into consideration the special problems of the war-blinded, such as need for companionship and that type of thing.

What has happened is that Recommendation No. 80 was accepted but it did not have the desired effect. That comes up next.

• 1010

Recommendation No. 81—To the effect that the attendance allowance for the totally blind should be increased from $2,750 per annum to $3,000 per annum.

Intent of Government: It is understood that this recommendation was not accepted.

The "Intent of the Woods Committee" has already been covered. The Woods Committee felt that if you went through and proposed a new list of necessities that you would come to the obvious conclusion that the blind were being underpaid in the matter of attendance, they should have $3,000 rather than $2,750.

Mr. Whicher: Exactly the same as a paraplegic?

Mr. Chadderton: As the paraplegic, sir.

Mr. Whicher: Do you really believe that?

Mr. Chadderton: I do, bearing in mind...

Mr. Whicher: Do you not think that a paraplegic deserves more than one who is blind?

Mr. Chadderton: On a matter of attendance, no.

Mr. Whicher: I am as sympathetic as anyone around the table but do you not suggest that one who is blind, who has this terrible

[*Interpretation*]

M. Lundberg:

Objet du Comité Woods: Voilà un exemple, semble-t-il, où ce que préconisait le Comité Woods n'a pas eu l'effet souhaité. Il semble que le Comité ait pensé que, si une liste spéciale des «nécessités» était acceptée, il en résulterait une augmentation de l'allocation de soins.

M. Chadderton: Je vais passer au vœu nº 81, monsieur le Président, parce que les vœux nºs 80 et 81 doivent être étudiés simultanément. La recommandation nº 80 du rapport Woods dit que la Commission devrait établir une liste spéciale des nécessités pour les aveugles parce que la liste des nécessités qui se trouve dans le tableau des infirmités traite surtout de la question de la mobilité. Nous avons l'impression qu'elle est destinée surtout à ceux qui ont perdu les deux jambes ou aux paraplégiques, mais non aux aveugles de guerre qui ont des problèmes spéciaux.

La recommandation 80 a été acceptée, mais elle n'a pas eu l'effet désiré.

Vœu nº 81—Que l'allocation de soins pour ceux qui souffrent de cécité complète soit portée de $2,750 à $3,000 par année.

Objet du gouvernement: Il semble que cette proposition n'ait pas été acceptée.

Nous avons déjà parlé de l'objet du Comité Woods. L'intention du comité Woods était justement de faire adopter une nouvelle liste des nécessités qui porterait l'allocation de soins aux aveugles de $2,750 à $3,000.

M. Whicher: Exactement comme dans le cas des paraplégiques.

M. Chadderton: Oui, c'est exact...

M. Whicher: Croyez-vous que c'est juste?

M. Chadderton: Oui.

M. Whicher: Ne croyez-vous pas qu'un paraplégique à besoin de recevoir plus de soins qu'un aveugle?

M. Chadderton: Non.

M. Whicher: Vous savez bien que je suis sympathique à votre cause, comme tous les membres du comité d'ailleurs, mais n'oubliez

[*Texte*]

disability, can wash himself and can take off his clothes, whereas a paraplegic, like Tony who was here the other day, is completely and absolutely 100 per cent helpless.

Mr. Chadderton: Quite right. Mind you, in quoting Tony you are quoting a case which is far above even the normal type of case that receives maximum Attendance Allowance.

The Chairman: He is what you call a quadriplegic.

Mr. Chadderton: He is a quadriplegic, Mr. Chairman. But the paraplegic also receives the maximum Attendance Allowance, and I think you know, Mr. Whicher, how I feel about those fellows. I do not think that for any amount of money anybody in this room would ever voluntarily accept that type of disability. They certainly have a tremendous need for attendance. But when you come to the war-blinded—and I go back to the brief presented by Mr. Woodcock the other day—you have to realize that they are completely shut out from this world. I am not taking anything away from my very dear friends in the Canadian Paraplegic Association—and they are that—but they can see, and they do know who is around them; they know where they are.

Comparisons here are odious—completely so—but I am trying to answer the question as well as I can. The totally blind man has to put up with living in a world from which he is completely shut out. Take going into a washroom. In his own home he will find his way about in the washroom, but what if he has to go into a public washroom? He can put up with all sorts of indignities. He will have to ask people to show him where it is—and he can miss sometimes. This is just one little example. If you took a totally blind man and put him down on the Sparks Street Mall today he would be completely helpless he would have no idea where he was or what was going on around him. A man with sight, regardless of how badly he is disabled, can see. I could quote many, many examples of this type of thing.

When you consider attendance, you cannot discount the wife. A totally blind man must have his wife with him 24 hours a day. Perhaps she can leave him in his own home for an evening, but the minute he leaves the house he is just completely lost. In my opinion, $3,000 a year is little enough pay to tie up a wife for a lifetime. This is how we feel about it and this is why—and we do not have the time to go into them—I recommend that this Committee, Mr. Chairman, when it has a

[*Interprétation*]

pas que l'aveugle peut se laver, se désabiller sans aide, tandis que le paraplégique comme Tony, qui est venu l'autre jour, est 100 p. 100 incapable de faire quoi que ce soit.

M. Chadderton: Oui c'est exact. Si vous prenez le cas de Tony, vous prenez un cas extraordinaire, plus grave que les cas ordinaires qui reçoivent une allocation maximum de soins.

Le président: Il s'agit d'un quadraplégique.

M. Chadderton: Il s'agit d'un quadraplégique, Monsieur le Président. Les paraplégiques reçoivent aussi l'allocation maximum de soins. Vous savez, Monsieur Whicher, combien j'ai de la sympathie pour ces malades. Personne ici n'accepterait de devenir un cas de ce genre, même pour tout l'or du monde. Les paraplégiques ont besoin de beaucoup de soins mais quand on parle de personnes atteintes de cécité,—je reviens au mémoire présenté par M. Woodcock,—vous devez vous rendre compte qu'elles sont complètement isolées du monde extérieur. Je ne veux rien enlever aux paraplégiques, membres de l'Association canadienne des paraplégiques, qui eux voient et savent qui les entourent.

Les comparaisons sont souvent odieuses, mais j'essaie de répondre le mieux possible. Une personne totalement aveugle vit isolée dans le monde. Elle peut aller à la salle de bain dans sa propre maison, se retrouver dans sa propre maison, mais que lui arrive-t-il si elle doit aller dans une salle de bain publique? Elle s'expose à toutes sortes d'atteintes à sa dignité. Elle doit demander aux gens où uriner et parfois elle peut rater son coup, manquer de précision. Si vous abandonnez un aveugle sur la promenade de la rue Sparks, il est absolument incapable de se débrouiller; il ne sait pas où il est, ni ce qui se passe autour de lui. Ce n'est pas le cas d'un invalide qui voit. Je peux citer de nombreux exemples de ce genre.

Pour ce qui est des soins, nous devons penser à l'épouse. Un aveugle doit avoir sa femme à ses côtés 24 heures par jour. Elle peut le laisser seul à la maison un soir, mais dès qu'il quitte son foyer il est absolument perdu. A mon avis, le dévouement d'une telle épouse vaut beaucoup plus que $3,000 par année. Je recommande au Comité, monsieur le président, de lire la liste de nécessités que le juge Woods et ses collègues ont inscrit dans leurs recommandations à l'égard des person-

[*Text*]

quiet moment, read the list of necessities that Mr. Justice Woods and his colleagues wrote into their recommendations for the totally blinded. You will see a completely different picture.

I do not want to become dramatic about it, but you heard a nursing sister give an example the other day. If you want to find out what it is like to be without an arm just tie one up where you cannot use it and find out how helpless you are. Let we suggest another experiment. I assure you it is a very interesting one, because I have tried it. In our association we have war amputees and a lot of sightless people. Bind up your eyes some time and have somebody leave you in this room and tell you to get home.

Mind you, over the years, sir, the blind have done a tremendous job and Colonel E. A. Baker has shown them how. I will say publicly, before this Committee, that Colonel E. A. Baker, whom I admire deeply, probably did them a disservice. You want me to explain that? He probably did a disservice because he taught the blind to be so damned independent and so drilled it into them every day that we have just completely forgotten about them.

I just do not see any reason, Mr. Chairman, for the totally blind being assessed, for purposes of Attendance Allowance, at anything less than the maximum. They certainly need an attendant, whether it be a wife, or what have you. They cannot feed themselves. They can get around in a kitchen, and so on, but just try it.

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Although we do not have time to go into it, I recommend that you read the list of necessities worked out by Mr. Justice Woods. If you do not agree with it, then we do not expect you to support our recommendation. But if you do agree with it I hardly see how you could come to any conclusion other than that $3,000 is little enough for that man by way of Attendance Allowance.

The Chairman: Mr. Marshall?

Mr. Marshall: Mr. Chairman, I think what has been said by Mr. Chadderton and Mr. Whicher emphasizes the need for different levels above the 100 per cent.

Mr. Bigg: The paraplegic does need more Attendance Allowance.

Mr. Chadderton: Yes.

Mr. Bigg: Above the $3,000 a year, in the opinion of some people.

[*Interpretation*]

nes atteintes de cécité totale. Je crois que vous comprendrez mieux la situation.

Je ne veux pas être trop dramatique, mais l'autre jour vous avez entendu une infirmière vous citer un exemple: «Si vous voulez savoir ce que c'est que d'être amputé d'un bras, liez-vous un bras et tentez de vous débrouiller». Permettez-moi de vous proposer une autre expérience, une expérience que j'ai faite moi-même. Dans notre Association nous comptons des amputés de guerre et un bon nombre d'aveugles. Bouchez-vous les yeux ici même et essayez de retourner chez vous sans aide.

Il est vrai, Monsieur, que depuis de nombreuses années les aveugles se débrouillent fort bien grâce au colonel E. A. Baker. Mais je voudrais dire publiquement, ici au Comité, que le colonel Baker, que j'admire profondément, leur a probablement rendu un mauvais service, parce qu'il leur a montré à devenir indépendants à tel point que nous les avons tout simplement oubliés.

Je ne vois pas pourquoi monsieur le président, on ne leur accorderait pas des allocations maximales pour les soins qu'ils requièrent. Ils ont sûrement besoin d'aide, que ce soit de leur épouse ou d'une autre personne. Ils ne peuvent pas préparer leurs repas, ils ne peuvent pas toujours se débrouiller dans la cuisine. Nous n'avons pas le temps d'en parler davantage, mais lisez la liste de nécessités préparée par le juge Woods. Si vous n'êtes pas d'accord avec cette liste, je ne m'attendrai pas de recevoir votre appui. Mais si vous l'acceptez vous ne pourrez faire autrement que d'admettre que $3,000 c'est bien peu pour un aveugle.

Le président: Monsieur Marshall?

M. Marshall: Ce que l'on vient de dire indique qu'il y a des besoins qui devraient pouvoir dépasser le plafond actuel de 100 p. 100.

M. Bigg: Les paraplégiques ont besoin d'allocations de soins plus considérables.

M. Chadderton: Oui?

M. Bigg: Cela devrait dépasser $3,000 par année?

[*Texte*]

Mr. Chadderton: If I may comment, Mr. Chairman, this raises a very interesting point. That is why Mr. Justice Woods and his colleagues felt that in the assessment for the disability you went higher for the paraplegic than for the war-blinded. But in the matter of attendance, I am not even saying they felt the need was the same—they did not say that. They said the blind are entitled to $3,000, which is the maximum.

The Chairman: Are there any further questions or comments? Mr. Lundberg?

Mr. Lundberg: Recommendation No. 83 is to the effect that revision be made in special categories for Attendance Allowance for amputees.

This has been modified by the government but we are not agreeing with the modification.

Intent of Woods Committee: The Woods Committee presumably felt that there were some obvious inconsistencies in the rate of attendance allowance for amputees. For example, loss of both arms above the elbow was rated at $2,000. only. The Woods Committee considered this should be $2,750., bearing in mind the dependence of this type of amputee on outside help. Another inconsistency affects the amputee who has lost one leg below the knee and one above the knee.

Comment: We are aware that under the date of February 20th, 1969 the Pension Commission issued an amendment to the Table of Disabilities stating that the levels of payment for attendance allowance would be used as guidelines only but stipulated that such payments could not exceed the maximum or minimum amounts. It is hoped that, in such respect, the Commission will approve the increase for the special categories as proposed by the Woods Committee in recommendation No. 83.

Mr. Chairman: Mr. Chadderton?

Mr. Chadderton: May I speak to that, Mr. Chairman? We had a consultation with Brigadier Reynolds last night and we were advised that this recommendation had been modified and that the modification really is that the amendment to the Table of Disabilities of February, 1969, which says that this will only be a guideline, would in effect give intent to at least part of the Woods Committee recommendation.

We do not disagree with that. We feel that if you can consider the Table of Disabilities as only a guide, then perhaps you can go

[*Interprétation*]

M. Chadderton: Monsieur le président, c'est un point très intéressant. C'est pourquoi le juge Woods et ses collègues ont cru que vous accordiez une plus forte évaluation d'invalidité aux paraplégiques qu'aux aveugles de guerre. Je ne prétends pas qu'ils ont cru que les besoins étaient les mêmes. Ils ont dit que les aveugles ont droit au maximum de $3,000.

Le président: Désirez-vous poser des questions ou faire des observations, monsieur Lundberg?

M. Lundberg:

Vœu nº 83—Que soit faite une révision des catégories spéciales d'amputés relativement aux allocations de soins prévues.

Nous ne sommes pas d'accord avec les modifications faites par le gouvernement.

Objet du Comité Woods: Il semble que le Comité Woods ait été d'avis qu'il existe certaines contradictions notoires dans le taux des allocations de soins prévues pour les amputés. Par exemple, la perte des deux bras amputés au-dessus du coude ne comporte qu'une allocation de $2,000. De l'avis du Comité Woods, cette allocation devrait être de $2,750, étant donné le degré dans lequel cet amputé dépend d'autrui. Une autre inconséquence intéresse l'amputé qui a eu une jambe coupée en dessous du genou et l'autre au-dessus du genou.

Commentaire: Nous savons que, le 20 février 1969, la Commission des pensions a publié une modification à la Table des invalidités dans laquelle il était dit que le barème des allocations de soins servirait seulement de norme; mais on ajoutait que ces paiements ne pouvaient excéder les montants maximums ou être inférieurs aux montants minimums. A ce propos, il y a lieu d'espérer que la Commission approuvera l'augmentation relative aux catégories spéciales que propose le vœu nº 83 du Comité Woods.

Le président: Monsieur Chadderton?

M. Chadderton: Nous avons consulté le brigadier Reynolds hier soir. Il nous a dit que le vœu en question a été modifié et que la modification porte sur le Tableau des invalidités de février 1969 et répond en partie au vœu du Comité Woods.

Nous sommes d'accord sur ce point. Nous pensons que si vous assimilez le Tableau des invalidités à un guide, vous pouvez rester en

[*Text*]

upwards from the limits stated there, or downwards—either way—and we are willing to take our chances. But the one word that stuck in our craw was that to put any further specific categories for amputees into the Table of Disabilities would give this a rigidity which presumably was felt to be bad. We do not agree. We feel that there are now certain Attendance Allowance figures in the Table of Disabilities that are inconsistent.

In the recommendations of the Woods Committee in Volume II, Chapter 17, at page 662, it is proposed, for instance, that loss of both arms above the elbow, which is presently rated at $2,000, should be raised to $2,750. We do not see where rigidity comes into it because if you accept the word "rigidity", we would be quite satisfied if it went to $2750 and remained rigid. But what we do not want is to have it assessed at $2000 and then have to fight like mad for every case on the basis of your Table of Disabilities only being a guide. We feel it should be stronger.

It is a very difficult problem that we are posing here. I agree that the Table of Disabilities is only a guide—that is what it is—but in the guide certain standards should be set out. There are now, and we suggest that they have been weighed and found wanting by the Woods Committee in relation to four categories of amputees as listed.

We do not agree with the suggestion

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presumably as put forth by Mr. Ward, to the effect that this rigidity that Mr. Justice Woods is asking for would be a bad thing. We feel that rigidity would be a good thing, if you were to standardize these four categories, because from there on whenever they were considering Attendance Allowance presumably the Commission would have some discretion. They could go below. We are willing to accept that. If they can show us a case, for example, where a double leg or double arm amputee is not worth $2,750 perhaps they can go below it. By the same token perhaps they could go above it. But where rigidity is already in there you have to accept more rigidity for those categories that are inconsistent with the rigid allowances which are fixed in the table now.

Before we become any more complicated or confused, all I will call to your attention is what I think is quite clear in the Woods

[*Interpretation*]

deçà ou aller au-delà des limites qui y sont indiquées. Quant à nous, nous consentons à prendre les risques.

Nous croyons qu'inscrire trop de catégories dans le tableau des infirmités lui enlèverait toute souplesse. Nous croyons que le Tableau des invalidités contient des chiffres relatifs aux allocations de soins qui sont contradictoires.

Dans les recommandations du Comité Woods, on lit à la page 757, chapitre 17, du volume 11, que la perte des deux bras au-dessus du coude, qui donne droit actuellement à $2,000 devrait donner droit au montant de $2,750.

Nous ne voyons pas où la rigidité s'applique ici. Nous serions très heureux, si le montant était porté à $2,750 et restait fixe. Nous ne voulons pas que le montant soit évalué à $2,000 et être obligés ensuite de se débattre dans chaque cas parce que le tableau des invalidités n'est qu'un guide.

J'admets que le tableau des invalidités n'est qu'un guide, mais il doit indiquer certains critères. Le Comité Woods a constaté qu'il manquait des critères à l'égard de quatre catégories d'amputés. Nous ne sommes pas d'accord avec M. Ward qui soutient que ce «manque de souplesse», cette «rigidité» que demande M. Woods, serait une mauvaise chose. D'après nous, cela serait une bonne chose si vous pouviez normaliser les quatre catégories, car alors la Commission pourrait agir à sa discrétion chaque fois qu'elle aurait à étudier des demandes d'allocation de soins. La Commission pourrait accorder un montant moindre. Nous sommes prêts à accepter ce risque. Si elle peut démontrer que le cas d'un amputé des deux jambes ou des deux bras n'ouvre pas droit au montant de $2,750 elle pourra accorder un montant moindre. En revanche, elle pourrait accorder un montant supérieur. Mais vous devez accepter plus de rigidité pour les catégories qui ne s'accordent pas avec les allocations rigides actuellement indiquées dans le tableau.

Enfin, avant d'être confus davantage disons que tout ce que je désire porter à votre attention concerne ce qui est, à mon avis, très clair

[*Texte*]

Committee—I have given you the reference—what Mr. Justice Woods intended, and we do not feel that the modification as proposed in the White Paper will do what Mr. Justice Woods and his colleagues felt should be done, or will do what we feel should be done.

Mr. Bigg: Is there any provision for retraining? Supposing a man is an amputee and he wanted to take some special training which could possibly be done if he took a special course in the use of his artificial arms and so forth. Could the government pick up the tab for that sort of thing? Could he go to a special trades school and learn a trade with the help of the government? Is there any special provision for that?

Mr. Chadderton: Well, Mr. Chairman, I think, speaking from the point of view of both the army and navy and the war amps, we have had in Canada one of the finest training programs for veterans in the world. I think it is probably not public knowledge, but there are also regulations, called the pensioners training regulations, under which, if the man has had one crack at it and has not been successful, under certain circumstances he can be retrained at the expense of the government. So there are regulations which are being used; not extensively, but perhaps it is not an extensive need; but they are being used now for retraining.

Mr. Bigg: And for instance, the blind man, will it help him learn Braille and that sort of thing, so that he can become...?

Mr. Chadderton: Well, of course, the Canadian National Institute for the Blind has a program which is administered by Fred Woodcock. It is called "after care", which takes in all of that type of thing. I am not qualified to give specific details, but I can give you a big broad "yes" to it.

Rehabilitation, of course, has been one of the significant areas which has developed out of pensions. It is not the responsibility of the Commission. It is the responsibility of the Department, but the two things go hand in hand. I do not know of any veterans organization that have any real complaints about the rehabilitation aspect.

The Chairman: Actually, I believe the Department of Veterans Affairs pioneered rehabilitation and achieved world recognition.

Mr. Bigg: I thought this matter was close enough to the subject that it could be considered parallel to this.

[*Interprétation*]

dans le rapport Woods, ce à quoi le juge Woods pensait. Nous ne croyons pas que les modifications telles que vous les proposez dans le Livre blanc répondent à l'intention du Comité Woods ou à ce que nous nous croyons être ce qui devrait être fait.

M. Bigg: Y a-t-il des dispositions visant, disons, un certain recyclage? Une formation professionnelle? Si une personne qui est amputée veut suivre des cours spéciaux pour utiliser, par exemple, des membres artificiels. Est-ce qu'il y a des écoles spéciales où il pourra apprendre, avec l'aide du gouvernement, un métier? Y a-t-il une disposition particulière à ce sujet?

M. Chadderton: Monsieur le président, parlant au nom de notre Association, nous pouvons dire que nous avons, au Canada, l'un des meilleurs programmes au monde pour la formation des anciens combattants. Je crois que le public n'est pas au courant de cette situation. Il y a aussi des règlements qui ont trait au recyclage des anciens combattants, c'est-à-dire, si quelqu'un a tenté d'obtenir un cours et s'il a échoué, il peut être recyclé aux frais du gouvernement. Il y a des règlements auxquels on peut se référer. C'est pas beaucoup, mais le besoin n'est pas extrême. On s'en sert maintenant pour les cours de formation.

M. Bigg: Et pour l'ancien combattant aveugle, est-ce que cela l'aiderait d'apprendre le Braille afin qu'il puisse devenir...?

M. Chadderton: Il y a l'Institut national des aveugles qui a mis sur point un programme qui est dirigé par M. Fred. Woodcock et qui répond à ce que vous demandez. Il existe un tel programme connu sous le nom «After Care» qui englobe cette sorte de choses, je ne peux pas vous l'expliquer en détail mais en général ces programmes existent. La «réadaptation» est tout un domaine qui s'est développé pour répondre aux besoins des anciens combattants. Cela relève du ministère, et non pas de la Commission, mais les deux choses vont de pair et je ne connais pas d'association d'anciens combattants qui aient réellement à se plaindre au sujet de la réadaptation de leurs membres.

Le président: On peut dire que c'est le ministère des Anciens combattants qui a mis en route cet excellent programme de réadaptation.

M. Bigg: Oui, c'est exact. Cette question est si proche de notre sujet que les deux vont de pair.

[*Text*]

The Chairman: Yes. Are there any further questions? Mr. Lundberg.

Mr. Lundberg:

Recommendation No. 84—To the effect that attendance allowance for a bilateral Symes Amputation be considered the same as a below-the-knee amputation.

Intent of Government: It is understood that this recommendation has been turned down.

Intent of Woods Committee: The Woods Committee studied the basic assessments for the Symes Amputation as compared with the below-knee amputation, noting that in December of 1964 the Commission approved an increase in assessment for the Symes Amputation from 40 per cent to 50 per cent.

Comment: The Commission, having recognized that the Symes is a disabling a condition as a below-knee amputation, should, in the opinion of this Association, have automatically approved attendance allowance for a bilateral Symes at the same rate as a bilateral below-knee amputee. There is no difference in the assessment; hence there should be no difference in the requirements of either amputee in respect of the need for attendance allowance.

The Chairman: Are there any questions from members of the Committee? Mr. Peters.

Mr. Peters: What is this amputation?

Mr. Bigg: What he means is what is a Symes amputation?

The Chairman: I think Mr. Chadderton is well equipped to answer that one.

Mr. Chadderton: Well, having a Symes amputation myself, I think I am. The type of amputee we are talking about here is what is called a bilateral Symes, that is, the loss of both feet, where the feet are amputated and the heel flap is sewn up over the bottom of what is left of the stump, and then prostheses are set upon the man and he can walk. Of course, the big argument here has been that at one time, the assessment for a Symes amputation was exactly the same as for a below-knee. That was in 1924.

In 1924 the assessment for below-knee went from 40 to 50 per cent, but the Symes remained at 40 per cent all through the years, and in 1965 on representations from veterans organizations the Commission very graciously agreed that the assessment should be the same, that is, 50 per cent for a Symes and 50

[*Interpretation*]

Le président: Y a-t-il d'autres questions? M. Lundberg?

M. Lundberg: Recommandation No. 84

Vœu nº 84—Que, aux fins de l'allocation de soins, la double amputation de Syme soit considérée comme l'équivalent d'une amputation au-dessus du genou.

Objet du gouvernement: Ce vœu a été refusé, semble-t-il.

Objet du Comité Woods: Le Comité Woods a étudié l'évaluation de base dans le cas de l'amputation de Syme par rapport à l'amputation en dessous du genou, faisant remarquer qu'en décembre 1964, la Commission a accepté une augmentation de 40 à 50 p. 100 dans le cas de l'évaluation de l'amputation de Syme.

Commentaire: La Commission, ayant reconnu que l'amputation de Syme constitue une invalidité aussi grave que l'amputation en dessous du genou, aurait dû, aux yeux de l'Association, approuver automatiquement l'allocation de soins pour l'amputation bilatérale de Syme au même taux que dans le cas de l'amputation bilatérale en dessous du genou. L'évaluation ne comporte aucune différence; c'est pourquoi il ne devrait pas y avoir de différence dans les exigences relatives à l'une et l'autre amputation en ce qui a trait à la nécessité des soins.

Le président: Y a-t-il des questions? Messieurs les membres du Comité? M. Peters?

M. Peters: Pouvez-vous nous donner des précisions sur cette amputation?

M. Bigg: C'est à dire qu'est ce que c'est qu'une amputation de Syme?

Le président: M. Chadderton pourra nous renseigner là-dessus.

M. Chadderton: Je suis moi-même un amputé de Syme. Le genre d'amputé dont nous parlons, c'est un amputé bilatéral. La perte des deux pieds: les pieds sont amputés, on prend le talon et on le recoud au-dessous de ce qui reste de la jambe. Alors, avec une prothèse la personne peut quand même marcher. L'argument que l'on avance ici, c'est que l'on a dit que l'évaluation pour ce genre d'amputation était la même que pour une amputation au dessous du genou. C'était en 1924.

En 1924 également l'évaluation pour l'amputation au-dessous du genou est passée à un certain moment de 40 à 50 p. 100, mais celle pour l'amputation bilatérale n'a pas été augmentée elle est restée à 40 p. 100 tout au long des années et en 1965 à la suite des représentations faites par les associations

[*Texte*]

per cent for a below-knee, presumably recognizing that although a Symes has more mobility, his disability is just as great because he has a lot of problems, freezing and phantom pain that Mr. MacRae mentioned and that type of thing.

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Where the inconsistency now appears to us is that a double below-knee amputee receives an attendance allowance of $1,500 a year but a double Symes—a bilateral Symes—receives an attendance allowance of only $600 a year, and we just cannot see it because if the Symes is rated the same as a below-knee, presumably his need for attendance would be exactly the same.

The Chairman: Are there any further questions or comments? Mr. Lundberg.

Mr. Lundberg:

Recommendation No. 85—To the effect that attendance allowance continue, when in payment at the maximum rate, while the pensioner is under treatment or care from the Department of Veterans Affairs.

The intent of the government is to modify this.

Intent of Woods Committee: Using the existing Section 33 (3) of the Pension Act as a precedent, the Woods Committee suggested that inasmuch as attendance allowance continued indefinitely for the full course of a stay in hospital for a totally blind pensioner, the same provision should apply for all others in receipt of the maximum allowance (e.g., triple amputees and paraplegics).

Comment: There seems little question but that the pensioner in receipt of attendance allowance is usually almost completely dependent upon his pension and his attendance allowance for financial support. His way of life is based on the total amount involved. He cannot stand the loss of $250 a month in hospital and there is every justification to continue this, particularly inasmuch as he must still meet his cost of housing, transportation and pay the wages of an attendant or alternatively make the funds available to his wife if she cares for him, as she cannot readi-

[*Interprétation*]

d'anciens combattants la Commission a reconnu que l'évaluation devrait être la même, c'est-à-dire 50 p. 100 pour une amputation bilatérale et 50 p. 100 pour une amputation au-dessous du genou, reconnaissant aussi que même si un amputé de Syme a plus de facilité à se déplacer, son invalidité est à peu près la même que pour l'amputé au-dessous du genou. Ses problèmes sont les mêmes et ses souffrances également. Ce qui nous semble maintenant parfaitement illogique c'est qu'une double amputation au-dessous du genou reçoit une allocation de soins de $15,000 par année tandis que celui qui a une amputation bilatérale ne reçoit que $600 par année.

Si l'évaluation pour l'amputé de Syme est semblable à celle qui est accordée à ceux qui ont une double amputation en-dessous du genou il est à présumer que ses besoins sont les mêmes.

Le président: D'autres questions, d'autres commentaires? M. Lundberg?

M. Lundberg: Recommandation 85.

Vœu nº 85—Qu'on permette le maintien de l'allocation de soins lorsque le pensionné, qui reçoit l'allocation maximum, est hospitalisé pour recevoir des soins ou des traitements aux frais du ministère des Affaires des anciens combattants.

Objet du gouvernement: Le Livre blanc propose une disposition beaucoup plus restrictive, soit une allocation de soins pendant un mois plus longtemps, s'il le faut pour «alléger les privations».

Objet du Comité Woods: Invoquant le paragraphe (3) de l'article 33 de la Loi sur les pensions comme précédent, le Comité Woods dit que, étant donné que l'allocation de soins est maintenue indéfiniment pendant tout le séjour à l'hôpital du pensionné totalement aveugle, il faudrait que la même disposition s'applique à tous ceux qui touchent l'allocation maximale, c'est-à-dire ceux qui ont subi une triple amputation et les paraplégiques.

Commentaire: Il n'y a guère de doute que celui qui reçoit l'allocation de soins est d'ordinaire un pensionné qui dépend à peu près entièrement de sa pension et de son allocation de soins. Sa vie est organisée en fonction de ces seules ressources financières. Il ne peut, pendant son séjour à l'hôpital, perdre $250 par mois et il y a toutes les raisons possibles de continuer le versement de cette allocation, surtout quand on pense que cet ex-militaire doit continuer à assumer les frais de logement, de transport et de rémunération d'un aide ou bien de fournir l'argent nécessaire à

[*Text*]

ly accept outside employment on a temporary basis when he is in hospital.

Mr. Chadderton: If you will permit a further comment, we reviewed this one with Brigadier Reynolds last night and it has already been mentioned in the Committee, but it was reported, of course, to this Committee by Mr. Ward that this recommendation had been modified. So, as we said the other day, we do not really agree with the word, Mr. Chairman. We feel that it has been nullified because as I understood Mr. Ward's suggestion or explanation, it was that the intent is to make it the same for everybody.

Now really, is it fair in making it the same for everybody that you take away from the war blinded something they have enjoyed since 1954, i.e., full attendance allowance for all the time they are in hospital under departmental care? You are taking that completely away from them, which would be six months perhaps, and you are relegating them down to one month attendance allowance without a hardship test.

You are taking one month away from paraplegics because at the moment they get two months and you are putting everybody in the same boat. We also suggest that everybody should not be in the same boat. I do not know of any veterans organization—they are pretty keen on this type of thing—that are suggesting, for instance, that the man at a minimum attendance allowance of $600 should be in the same boat as the war blinded with regard to continuing attendance when in hospital. The two things are totally different.

A man who is on minimum attendance allowance, say $600, does not have to have all of these extra things in his home. He can cut his own grass part-time. There are many things he can do. But the totally blind man—and let us not go into further detail, it is all on the record two or three times—certainly is in a very desperate position regarding paying for this attendance, as is your paraplegic.

So, I am afraid, Mr. Chairman, without again getting into an exercise in semantics, we do not feel that this recommendation of Mr. Justice Woods was modified. We feel it was rejected in favour of something which is very much less than that which exists right now.

Mr. Peters: Mr. Chairman, could I ask, is there in this type of thinking that the White Paper did, an element of deterrent involved? The reason I say this is because the compen-

[*Interpretation*]

sa femme, si c'est elle qui prend soin de lui, vu qu'elle ne peut accepter un emploi temporaire pendant qu'elle a soin de son mari hospitalisé.

M. Chadderton: Un autre commentaire. Nous avons étudié cela avec le brigadier Reynolds hier soir, nous l'avons déjà mentionné au Comité on a signalé (je crois que c'est M. Ward) le fait que cette recommandation a été modifiée...et comme nous l'avons dit l'autre jour, nous ne sommes pas véritablement d'accord avec le sens du mot «modifier». Nous croyons plutôt qu'elle a été «annulée».

On avait l'impression que l'intention, d'après la proposition l'explication de M. Ward était que la situation devrait être la même pour tous.

Mais, est-il juste si l'on établit une situation qui soit la même pour tous, que l'on enlève l'allocation des aveugles. Un avantage dont ils bénéficiaient depuis 1954, c'est à dire l'allocation complète pour tout le temps passé à l'hôpital pour recevoir des soins? Quant aux paraplégiques, ils ne peuvent plus recevoir qu'un mois et tout le monde est sur un pied d'égalité avec un mois? D'après nous cela n'est pas juste! Je ne pense pas qu'aucune des associations des anciens combattants, qui sont pourtant conscientes de cette situation, puisse proposer qu'une personne qui reçoit $600 pour allocation de soins soit traitée de la même manière que la personne atteinte de cécité totale, pour laquelle on verse une allocation lorsqu'elle est à l'hôpital. Les deux situations sont différentes. Une personne qui reçoit, disons, l'allocation minimum de soins de $600, n'a pas besoin d'avoir tous les appareils de prothèse additionnels chez lui. Elle peut encore tondre son gazon et elle peut encore faire beaucoup de choses. Mais la personne qui est totalement aveugle est dans une situation plutôt désespérée si elle perd son allocation de soins cela a été mentionné plusieurs fois.

Monsieur le président, sans vouloir jouer sur les mots, nous croyons que cette recommandation du Comité Woods n'a pas été modifiée; elle a plutôt été rejetée pour quelque chose qui est beaucoup moins que ce qui existe maintenant.

M. Peters: Dans cette façon de penser, est-ce qu'il n'y a pas un élément de dissuasion? Je veux dire que le tribunal qui verse les indemnités n'utilise-t-il pas une certaine

[*Texte*]

sation board, with which I have quite a bit to do, does use a deterrent. They look at the situation after a period of time and decide that they have to use several methods of changing the status, and they usually do it by cutting off the money. They want to start the man going back to work, and they cut him down to 50 per cent and then in a short while down to 25 per cent, and it has nothing to do with his disability. They admit this, but they use it as a deterrent. They call it another name, of course. They say it is of some assistance in helping him to get back to work, but it really is a deterrent, and I just wonder if there is an element of deterrent in this type of thinking.

Mr. Lundberg: Well, Mr. Chairman and Mr. Peters, I can assure you, sir, that there is not one gentlemen we are referring to—I am in the paraplegic class—who ever goes off unless he is absolutely forced to go, and he is ordered to go. In most cases he is ordered to go by the department.

Mr. Chadderton: And I would add to that. I do not see any element of the departmental people or of the Commission or of the Minister attempting to introduce a deterrent into this. I do not think that is so and I certainly hope not. But I would say that what we are most alarmed about is the change in principle. There is a change in principle, particularly were hardship is involved in the White Paper. In other words, they are saying to the war blinded: "If you want to continue to benefit, which you have enjoyed under Section 33 (3) of the Act where you can continue on attendance allowance while you are in hospital, you are now going to have to show us an element of hardship. Again, we do not want an argument in semantics. We have gone over this since Mr. Ward made his statement. He said it was not financial hardship, it was hardship of some other kind. We refer back to the Pension Act itself where there are definitions of hardship, particularly with regard to continuing retroactivation, and that has always meant financial hardship. We do not see how you could apply any other test.

If Fred Woodcock went to hospital and his attendance allowance was suspended after one month and the investigator came in and said, "Show us where you need a continuation of attendance allowance." It would all boil down to dollars and cents, nothing else, because his wife could say, "Well, look here, we have to continue to run this home, we have had to have a special home built for us because my husband is blind, he has to have special entrances, we have to keep up the cutting of the grass and everything else."

[*Interprétation*]

forme de dissuasion? Il considèrent la situation et après un certain temps, décident qu'ils disposent de différentes méthodes pour modifier le statut, et ils y arrivent habituellement en coupant les fonds, ils réduisent à 50 p. 100 et peu après à 25 p. 100 cela n'a rien à voir avec son invalidité mais ils s'en servent comme moyen de contrainte. Ils ont d'autres mots, évidemment, pour qualifier cette façon de procéder. On dit qu'on l'encourage à retourner travailler en diminuant ce qu'il reçoit! mais en fait c'est une contrainte ni plus ni moins, est-ce qu'il n'y a pas, ici, un élément de dissuasion dans cette façon de penser?

M. Lundberg: Je ne pense pas qu'il y ait personne dont on a pu parler. Je fais partie de la classe des paraplégiques qui s'en va à moins qu'il ne soit forçé de le faire et dans la plupart des cas c'est le ministère qui le lui ordonne. En d'autres termes on l'oblige à agir selon les directives du ministère.

M. Chadderton: J'ajouterais que je crois que cela n'existe pas, cet élément de contrainte dans les services du ministère de ceux de la Commission ou même de la part du Ministre lui-même. Ce qui nous alarme le plus, c'est la modification du principe. Et il y a changement dans les principes, surtout dans le Livre blanc, dans le cas où les problèmes de difficultés particulières sont en cause, on dit aux aveugles: «Si vous voulez continuer à recevoir les bénéfices que vous recevez déjà, en vertu de l'article 33(3), et recevoir l'allocation de soins si vous restez à l'hôpital vous devrez nous prouver que vous avez des difficultés particulières. Nous ne voulons pas argumenter sur les mots. Nous y avons pensé depuis que M. Ward a fait sa déclaration. Il a dit qu'il ne s'agissait pas de difficultés financières mais de difficultés tout court. Nous revenons à la Loi sur les pensions elle-même où l'on trouve une définition du mot «difficultés» particulièrement au sujet de la rétroactivité continue il y a toujours des difficultés financières.

Si Fred Woodcock allait à l'hôpital et que le versement de son allocation de soins soit suspendu après un mois. L'enquêteur arriverait et dirait: «Prouvez-moi que vous avez besoin que l'on continue à vous verser l'allocation de soins.» Tout se réduirait à une question d'argent et rien d'autre, sa femme pourrait dire: «Voyez par vous-même, nous devons entretenir la maison cette maison qui a dû être construite selon des normes particulières parce que mon mari est aveugle. Il lui fallait des entrées spéciales. Il faut quand même voir

[*Text*]

The answer then would be, "Well fine, if you can show us all that, presumably there is a question of additional need." But it all boils down to money and until someone can show us a formula which defines hardship and does not have a dollar sign in it, we are going to fight this, Mr. Chairman. We feel that the change in principle is the most dangerous thing that has been introduced in the White Paper.

Mr. Peters: But in most cases would it not be true that even if we applied a means test it would not be too difficult to show need, as you have just explained. In other words, no doubt there would be some but there would not be too many cases where such a need would not be almost evident.

Mr. Chadderton: Oh, I do not know, I would not want to say that. Actually, there is a vast difference in financial circumstances between two of the paraplegics in front of you. Tony Damiano is one and Ken Langford, who is a lawyer and an executive, is another. As I see it, what you are really doing is denying someone in Mr. Langford's financial situation continuation of attendance allowance. This is where it is so dangerous, Mr. Peters, when you change that principle you change the whole aspect. As I said yesterday and previously in this Committee, and I know I am right, most of the lower income people would not take the chance of going into hospital if it was going to be cut off—and if the higher income people went in it would be cut off. In our view, that is not justice—not when it has been in the Pension Act for 50 years, sir.

The Chairman: Are there any further questions?

Mr. Turner (London East): There are cases where some of these veterans hospitals are out of town and the wives have to take a cab. If they go out twice a day the expenses are actually increased.

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Mr. Chadderton: Oh, yes. As I say, Mr. Turner, we are not trying to oversell this point. As a matter of fact, we do not think we have to. I think you see the point that we are getting at. We can give cases to bring out our point. For instance, we had a triple amp up here—I do not know if you were here—from Cornwall whose wife is his constant companion. He has three limbs gone and when he is

[*Interpretation*]

à ce que quelqu'un tonde le gazon et entretienne la propriété.»

Alors, la réponse, serait: «Très bien, si vous pouvez nous prouver tout cela, alors, sans doute il y a besoins supplémentaires. Toute la question en fait est une question d'argent jusqu'à ce que quelqu'un nous prouve le contraire. Toutes ces difficultés se traduisent en dollars. Nous lutterons pour ceci, monsieur le président. Nous pensons que le changement apporté au principe même est l'atteinte la plus dangereuse à nos droits qui ait été introduite dans les recommandations du Livre blanc.

M. Peters: Dans la plupart des cas, est-ce qu'il n'est pas vrai que même si nous procédons à une sorte de vérification des moyens la personne n'aura pas trop de difficultés à prouver ses besoins comme vous venez de l'expliquer. Il y aura certains cas où ces besoins seront évidents.

M. Chadderton: Je ne sais. Je ne pourrais l'affirmer. Il y a une grande différence dans la situation financière des deux paraplégiques qui sont en face de vous. Tony Damiano et Ken Langford qui est avocat et adjoint exécutif. D'après ce que je vois vous refusez à quelqu'un qui se trouve dans une situation financière semblable à celle de M. Langford la continuation des versements de l'allocation de soins. Voilà le danger. Quand vous changez le principe vous changez tout l'aspect du problème. Ainsi que je l'ai dit, et que je l'ai dit très souvent devant ce Comité, la plupart des gens à revenus modiques ne voudraient pas se risquer à entrer à l'hôpital s'ils allaient perdre leur pension. Quand aux autres ils iraient sans doute mais leur pension serait coupée. A notre avis cela n'est pas juste du tout alors que ce bénéfice est prévu dans la Loi sur les pensions depuis 50 ans.

Le président: Y a-t-il d'autres questions? Monsieur Turner.

M. Turner (London-Est): Dans certains cas, très souvent l'hôpital est très éloigné de la ville et il faut que la femme prenne un taxi. Si elle le visite deux fois par jour les frais sont très élevés.

M. Chadderton: Oui, c'est vrai. Je pense M. Turner que vous comprenez le point que nous essayons de vous faire admettre. Je crois que vous-même vous le reconnaissez. Vous voyez où nous voulons en venir. Nous vous donnons un exemple à vous de conclure. Nous avons ici un triple amputé, M. Macdonald de Cornwall, sa femme s'en occupe entièrement, il a perdu 3 membres et lorsqu'il est à l'hôpital il

[*Texte*]

in hospital here he gets a bit cantankerous and his wife has to move into a rooming house in Ottawa to be with him. Do not forget, she is his constant companion and he just cannot be without her. The type of thing that is so difficult to appreciate is why the framers of the White Paper have gone into this aspect of it.

I actually feel they have done it without thinking. That is an awful thing to say and I do not really mean it that way. I do not really think enough consideration was given to this. Perhaps in an effort to do right by everyone they did not realize that they were creating a serious injustice to those who need it the worst.

The Chairman: Are there any further comments?

Mr. Lundberg:

Recommendation No. 86—which proposed that attendance allowance below the maximum classification is continued for a period of two months when the pensioner is in hospital under treatment or care from the Department of Veterans Affairs.

Intent of Government: As we understand, the White Paper proposes to carry on attendance allowance for one month, or for a longer period in cases of financial hardship.

Intent of Woods Committee: The Woods Committee proposal was for two months which, in the view of our Association, was an absolute minimum. The Woods Committee saw the disruption from the present policy which required attendance allowance to be cut off immediately upon hospitalization as being administratively impractical as well as unwarranted.

Comment: In this instance the White Paper proposal might be said to represent a "breakthrough". Also it might be considered that "one month is better than none". However, in view of the fact that the Woods Committee recommendation was, in our opinion, a basic minimum, we must respectfully suggest that the White Paper proposal will not meet the requirements of the situation.

The Chairman: Are there any further questions or comment?

Mr. Chadderton: I would like to add one further comment, Mr. Chairman. I know you are getting information from the departmental people but it would be very helpful if you could have produced some figures on the average length of stay for people in this category—that is, drawing attendance allowance

[*Interprétation*]

devient très difficile. Il faut que son épouse l'accompagne à Ottawa et reste près de lui. N'oubliez pas qu'elle est sa compagne et il ne peut s'en passer. Et c'est le genre de chose qui est tellement difficile à évaluer. Pourquoi les auteurs du Livre blanc n'en ont pas tenu compte?

Je pense qu'en réalité ils n'ont pas réfléchi. Je ne pense pas qu'une considération suffisante ait été apportée à cette question. Peut-être en essayant de rendre justice à tous, ils n'ont pas compris qu'ils avaient commis une injustice très grave envers ceux qui en avaient le plus besoin.

Le président: Y a-t-il d'autres commentaires?

M. Lundberg: Recommandation 86.

Vœu nº 86—Qu'une allocation de soins inférieure à la catégorie maximum soit maintenue durant une période de deux mois lorsque le pensionné est hospitalisé pour recevoir des traitements ou des soins aux frais du ministère des Affaires des anciens combattants. Objet du gouvernement: Sauf erreur, le Livre blanc propose de maintenir l'allocation de soins pendant un mois ou plus longtemps dans le cas où se présentent des difficultés financières.

Objet du Comité Woods: Le Comité Woods a proposé une période de deux mois, ce qui, aux yeux de notre Association, est un strict minimum. Le Comité Woods s'écartait de la ligne de conduite actuelle en vertu de laquelle l'allocation de soins doit être immédiatement interrompue dès l'entrée à l'hôpital, chose qu'il considère peu pratique du point de vue administratif et malavisée.

Commentaire: Dans ce cas-ci, on peut dire que la proposition contenue dans le Livre blanc représente «une brèche». On peut dire aussi qu'un «mois vaut mieux que rien du tout». Toutefois, étant donné que, selon nous, la proposition du Comité Woods représentait un minimum essentiel, nous faisons respectueusement remarquer que ce que propose le Livre blanc ne répond pas aux exigences de la situation.

Le président: D'autres commentaires, d'autres questions?

M. Chadderton: Je voudrais ajouter un commentaire. Je sais que vous recevez des renseignements des fonctionnaires du ministère ce serait très utile si vous aviez des chiffres à nous donner au sujet de la durée moyenne de séjour des gens qui sont dans cette catégorie. C'est à dire ceux qui touchent

[*Text*]

but not at the maximum rate. Just consider, if it is just a little over one month, what you are putting the administration through, because they have to cut the attendance allowance off and go out and make an investigation. What is the magic in one or two months? We do not know. All I know is that when we did the investigation and the research for this on the Woods Committee—and I should not be here speaking perhaps as the secretary of that Committee, but I cannot help it—we came to the conclusion that two months was a pretty basic minimum. You cannot reduce it below that and get away from the administrative problem of having to take him on and off attendance allowance. We feel that one month is cutting it pretty fine, considering the amount of dollars that would be saved. You know, it costs a lot of money to put a fellow on and take him off attendance allowance these days because of changing his cheque around and so on—and that is quite apart from the disruption caused in his home.

The Chairman: Mr. Chadderton, I think your suggestion that we get some statistics on average length of stay is a good one.

Mr. Chadderton: Yes, thank you.

Mr. Lundberg: Recommendation No. 88...

Mr. Peters: Just before you proceed, you raised the point of an investigation. Does this mean that there would have to be a new investigation before you could re-apply it—without any claim of any kind? Suppose he is in hospital, it is discontinued and then he goes back to hospital. Does he automatically get it then?

Mr. Chadderton: Well if he goes into hospital now—this is the group below the maximum rate of $3,000—his attendance allowance is cut off the day he goes in.

Mr. Peters: Yes.

Mr. Chadderton: Then what happens is that in his next cheque from the Pension Commission there is an adjustment, because he has been in hospital, and the equivalent is taken out of his cheque. Now what would happen here, if the White Paper recommendations were accepted—and I do not think you can escape it, as I read it—is that it would be continued for one month. If a man is receiving $1,800, we will say, attendance allowance at so much a month and he goes into hospital, they would carry him along for one month.

[*Interpretation*]

une allocation de soins mais pas au tarif maximum. Si c'est juste un peu plus d'un mois, vous voyez quels seront les problèmes administratifs, parce ils arrêtent les versements et procèdent à une enquête. Quelle est la grosse différence entre un mois ou deux mois? Nous l'ignorons. Tout ce que nous savons lorsque nous avons fait l'enquête et la recherche à ce sujet pour le Comité Woods, je ne devrais peut-être pas en parler ici à titre de secrétaire de ce Comité, mais nous en sommes venus à la conclusion que deux mois représentaient presque un minimum si vous le réduisez au-dessous de deux mois, vous ne pouvez échapper au problème administratif que représente l'arrêt et la reprise des versements de l'allocation de noms. L'écart d'un mois est réduit à rien lorsqu'on considère le nombre de dollars qui seraient économisés. Car vous savez qu'il en coûte des tas d'argent au point de vue des dépenses administratives si l'on accorde les chèques un jour pour les supprimer ensuite puis les reprendre sans parler des autres problèmes à la maison.

Le président: Vous suggérez que nous obtenions quelques données sur la durée moyenne du séjour à l'hôpital.

M. Chadderton: Merci.

M. Lundberg: Recommandation 88.

M. Peters: Avant de continuer vous avez parlé d'enquête, est-ce que cela veut dire une nouvelle enquête avant de reprendre les versements? Supposez qu'il soit à l'hôpital? L'allocation est discontinuée, lorsqu'il retourne à l'hôpital est-ce qu'il reçoit de nouveau l'allocation automatiquement?

M. Chadderton: Lorsqu'il entre à l'hôpital maintenant et s'il appartient au groupe des moins de $3,000, son allocation de soins est arrêtée dès qu'il entre à l'hôpital.

M. Peters: Oui.

M. Chadderton: Et alors qu'est-ce qui arrive, son prochain chèque est réajusté parce qu'il a été à l'hôpital et une somme équivalente est soustraite du montant du chèque. Qu'est-ce qui se passe ici? C'est que si les recommandations du Livre blanc étaient acceptées, et je pense pas qu'il soit possible d'y échapper on continuerait le versement de l'allocation pour un mois. Si un homme reçoit $1,800 son allocation de soins, sera évaluée à tant par mois et il entre à l'hôpital, automatiquement, il percevrait l'allocation pour un autre mois.

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The Chairman: I think Mr. Peters asked what is the procedure for re-establishing it on discharge.

Mr. Peters: Yes.

Mr. Chadderton: Oh, re-establishing?

Mr. Peters: Yes.

Mr. Chadderton: It is automatic. The minute he leaves hospital a form goes from DVA Treatment Services to the Pension Commission, he is back on attendance allowance and there is an adjustment cheque sent out.

Mr. Peters: No re-application is necessary.

Mr. Chadderton: No. But I would like to continue the point I was on. Whether it is administratively practical to carry out the recommendation in the White Paper is of interest to me, because if they are going to continue it for one month and then cut it off, and he is going to stay in hospital, before they can presumably keep it in payment someone is going to have to do an investigation. If you as legislators tell the administrators that they must do this then the administrators have to make an investigation. Quite often perhaps, as you suggested, they would find that it could be continued, but it costs a lot of money to make an investigation these days—$60 or $70.

Mr. Peters: Well, can it be continued now if there is a need?

Mr. Chadderton: No, sir.

The Chairman: Mr. Bigg.

Mr. Bigg: On page 21 of the White Paper it says:

> .. the White Paper proposes to carry on attendance allowance for one month, or for a longer period in cases of financial hardship.

Now who is going to decide where financial hardship comes in to it? It seems to me almost impossible. For instance, if the wife is the attendant person, you would have to relate this financial hardship to her loss of income while being his constant attendant.

The fact that he is in hospital does not release her to the labour market, by any means, and yet she may have denied herself the right to be out working. Perhaps she may

[*Interprétation*]

Le président: Je crois que la question que posait M. Peters c'était: quelles seraient les formalités à remplir à la sortie de l'hôpital pour que le versement de l'allocation soit rétabli.

M. Peters: Oui.

M. Chadderton: Le rétablissement de l'allocation?

M. Peters: Oui.

M. Chadderton: C'est automatique. Dès qu'il sort de l'hôpital, une formule est envoyée des centres de traitements du ministère des Anciens combattants à la Commission des pensions il est remis sur la liste et on lui envoie un chèque de rajustement.

M. Peters: Il n'est pas nécessaire de faire une nouvelle demande?

M. Chadderton: Non, mais je voudrais poursuivre sur le sujet. La praticabilité de la mise en vigueur de la recommandation du Livre blanc m'intéresse parce que si le versement continue pour un mois et qu'on le termine et que le patient reste à l'hôpital, quelqu'un fera certainement une enquête. Si vous, en tant que législateurs, vous dites aux administrateurs qu'il faut qu'ils la fassent, les administrateurs procéderaient à cette enquête. Comme vous le dites, assez souvent c'est probable ils trouveront que la pension doit continuer, mais ça coûte beaucoup d'argent que de mener une enquête. Ce doit être $60 ou $70.

M. Peters: Est-ce qu'on peut continuer la pension maintenant s'il y a besoin?

M. Chadderton: Non.

Le président: M. Bigg.

M. Bigg: Le Livre blanc déclare, au milieu de la page 14,

> que le versement de l'allocation de soins se poursuivra pendant un mois après la date de l'hospitalisation ou pour une période plus longue, en cas de difficultés financières.

Maintenant qui décidera de ces difficultés économiques? Il me semble à peu près impossible, et si c'est l'épouse qui remplit les fonctions d'une garde vous devriez faire le rapport entre cette gêne et la perte de ses revenus en tant que garde-malade. Le fait qu'il est à l'hôpital ne veut pas dire qu'elle puisse se remettre à travailler. Elle ne pourrait peut-être ne pas se trouver un poste pendant la période où il est à l'hôpital, un mois ou deux

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not even be able to get a job during the month and a half or two months that he is in hospital in order to replace the income she is losing by being cut off in this way.

Mr. Chadderton: I would suggest, Mr. Chairman, there would not be too much difficulty in doing it because the Department does it now in connection with war veterans allowance investigations, and that type of thing. However, we are pointing out to you that it costs a great deal of money to administer this type of welfare where somebody has to go out and do what is called an F and D Report on the financial and domestic situation and get it all down in black and white. It then costs money to bring it back home and do the adjudication on it, and it costs money to have the Treasury Board change the cheques all around, when it would have been so simple, I would think, to say, "What did Mr. Justice Woods and his people feel about it?"

The Chairman: I think, Mr. Chadderton, you have made your point. Is there anything else, Mr. Bigg, on this point?

Mr. Chadderton: They have two months of dissatisfaction.

Mr. Bigg: Yes. I think, while we are getting these other statistics, it would help if we knew what this attendant, who is usually the wife, is worth on the labour market. I would like to know how much it would cost if the wife got on her high horse and refused to attend the veteran.

The Chairman: Mr. Bigg, I am sure we are going to have to take a look at attendance allowances. I am sure we will have to have some comprehensive memoranda concerning this matter.

Mr. Bigg: Yes. We are going to get certain figures from the Department and perhaps we will have to get these as well. While we are at it, we might as well have the figures on what it would cost to replace the wife if for some reason, tempermental or otherwise, she could not do the job.

The Chairman: Mr. Bigg, after we have heard the witnesses, one of the things we proposed to do is to meet and determine areas for further research and memoranda and the witnesses to be called, and this is one of them, and I wonder if you could defer to that point. You are perfectly right. I am sure the Committee will want to know this. Is that agreeable?

Mr. Chadderton: Mr. Chairman, will you permit me to give a figure which arises out of

[*Interpretation*]

mois. Et comment remplacez-vous alors le revenu qu'elle perd?

M. Chadderton: Il n'y aurait pas de difficultés particulières parce que le ministère le fait maintenant pour les enquêtes relatives aux allocations de soins des anciens combattants. Mais ce que nous soulignons c'est que ces enquêtes coûtent beaucoup d'argent. Cela coûte énormément d'argent pour l'administration de ce bien-être. Lorsqu'il faut étudier la situation économique ou financière de la famille, cela coûte de l'argent pour prendre la décision. Ça coûte de l'argent au Conseil du Trésor pour changer le chèque quand tout aurait pu être si simple. Qu'est-ce que monsieur le juge Woods et ses collègues en pensent?

Le président: Je crois, M. Chadderton, que vous avez fait valoir votre argument. M. Bigg, avez-vous quelque chose à dire là-dessus?

M. Chadderton: Deux mois, tout ce qu'ils auront c'est deux mois d'insatisfaction.

M. Bigg: Lorsque nous considérons ces autres statistiques, ce serait utile de savoir ce que vaut son aide, l'épouse habituellement, sur le marché sur travail. Je voudrais savoir combien il en coûterait si, subitement, l'épouse refusait de prendre plus longtemps soin de l'ancien combattant.

Le président: M. Bigg, nous allons examiner la recommandation relative à l'allocation des soins, et nous aurons de nombreuses données sur le sujet.

M. Bigg: Oui, nous obtiendrons des chiffres de la part du ministère et probablement, nous saurons ce qu'il en est. Il serait très utile de savoir combien cela en coûterait pour remplacer l'épouse si pour une raison elle ne pouvait continuer à fournir les soins.

Le président: Monsieur Bigg, l'une des choses que nous vous proposions de faire après avoir entendu les témoins c'est de déterminer les domaines qui requièrent plus de recherches, plus d'enquêtes. Cette question en fait partie et je me demande si vous pouviez la remettre à plus tard, car vous avez parfaitement raison. Le Comité désire aussi être au courant. Êtes-vous d'accord?

M. Chadderton: Me permettriez-vous de vous donner un chiffre à la suite de notre

[*Texte*]

our discussion yesterday which it may be helpful to have in the record. We were talking about the possible number of multiple disability cases other than certain recognized categories. The figure which I was looking for in the report of the Woods Committee will be found in Volume II, Chapter 17, page 639, which shows 181 people drawing the maximum attendance allowance, and that was for the year 1965-66.

The Chairman: Thank you, Mr. Chadderton. I wonder if this would be a convenient time for a coffee break? Having broken the train of thought, may I allow Mr. Lundberg to have your ear for just a moment.

Mr. Lundberg: Gentlemen, in view of the fact that this is an historic occasion in the life of the veterans here, I have arranged for a photographer to be present this morning to take a picture of this very august group for *the Veteran's Advocate.*

(Recess)

(AFTER COFFEE BREAK)

• 1104

The Chairman: May we now resume, please? I think we still have a fair amount of testimony to hear from Mr. Lundberg. Mr. Lundberg.

Mr. Lundberg: Recommendation No. 88—to the effect that automatic age increases apply to the 80 per cent and 90 per cent classes, and to all fixed disabilities resulting from injury or wounding.

Intent of government: It is understood that this recommendation has been refused.

Intent of Woods Committee: The Woods Committee saw automatic age increase as an essential principle in pension administration, to ensure that amputees and other fixed disabilities could be assured of pension increases with advancing age. It would seem to us that the Woods Committee's supporting arguments are unassailable and we find it difficult to understand the reasons for refusing the proposals.

• 1105

Comment: This association considers that automatic age increases have, in fact, worked to the detriment of amputee and gunshot wound cases. Admittedly this provision has been the means of automatic age increases commencing at age 55 for the 50 per cent, 60 per cent and 70 per cent pensioner to bring

[*Interprétation*]

discussion d'hier et qui sera peut-être utile. On parlait du nombre possible de cas d'infirmités multiples autres que ceux de certaines catégories admises. Le chiffre que je cherchais dans le rapport du Comité Woods se trouve au Volume II Chapitre 17, page 132 (édition française), qui indique que 181 personnes reçoivent le maximum de l'allocation de soins pour l'année 1965-66.

Le président: Merci. Est-ce qu'on ne devrait pas prendre la pause-café maintenant? Est-ce que je peux également permettre à M. Lundberg de vous parler à l'instant?

M. Lundberg: Messieurs, du fait qu'il s'agit d'une occasion historique dans la vie des anciens combattants ici présents, j'ai demandé au photographe de venir ce matin prendre une photo de leur groupe à l'intention de l'avocat des Pensions.

REPRISE DE LA SÉANCE

Le président: Nous allons recommencer. Le témoignage de M. Lundberg sera assez long. M. Lundberg.

M. Lundberg:

Vœu nº 88—Que les augmentations automatiques en raison de l'âge s'appliquent aux catégories de pensionnés à 80 et 90 p. 100 à toutes les invalidités fixes causées par une blessure ou un traumatisme. Objet du gouvernement: Il semble que cette proposition ait été refusée.

Objet du Comité Woods: Le Comité Woods a considéré l'augmentation automatique en raison de l'âge comme étant un principe essentiel de l'application de la pension, afin que les amputés et ceux qui souffrent d'autres invalidités fixes soient assurés que leur pension augmentera à mesure qu'ils avanceront en âge. Il nous semble que les arguments que le Comité Woods invoque à l'appui sont irréfutables et nous comprenons difficilement pourquoi on a refusé cette proposition.

Commentaire: Notre Association est d'avis que les augmentations automatiques en raison de l'âge ont effectivement été au détriment des amputés et de ceux qui ont subi des blessures de fusil. Bien entendu, cette disposition a permis d'accorder les augmentations automatiques en raison de l'âge à compter de 55 ans de façon à porter à 80 p. 100 la pension de ceux qui touchaient une pension de 50, 60

[*Text*]

him to 80 per cent, provided the disability was incurred in direct action with the enemy. It has had the over-all effect, however, of excluding all other classes of amputee and gunshot wound cases from the increases to which they would ordinarily have been entitled, had their cases been reviewed regularly. This is not to say that the army, navy and air force veterans would subscribe now to a removal of this provision from the Commission's policy guide. The provision should certainly be there, but it should be made to apply across the board to all levels of amputation and gunshot wounds in the 50 per cent category or above, including those incurred in training accidents and other accidental woundings or injuries.

It is essential to point out that the main purpose of the automatic age increase was not to bring 50 per cent pensioners to the 80 per cent level at a time when this was required in order for the widow to receive pension in the event of the death of the pensioner. The main purpose was, as emphasized by the Woods Committee, to provide for pensioners who had suffered severe wounding, in respect of the increasing handicap brought on by advancing years.

Mr. Bigg: Mr. Chairman, I think it is only fair to say that the word "refused" is probably a bit harsh. Because the White Paper is flexible, I do not think we are taking that as final. It is just that to date they have not accepted it.

Mr. Lundberg: We are prepared to accept that, Mr. Chairman.

Recommendation No. 90—to the effect that Sections 20, 21 and 22 be removed from the Act.

Intent of government: According to our interpretation of the White Paper, it is intended only to provide that any portion of a legal damages award which is for pain and suffering, special damages or loss of consortium would not be recovered by the Crown.

Intent of Woods Committee: The Woods Committee saw the entire procedure whereby the Crown either recovers amounts awarded as legal damages or workmen's compensation or brings about a reduction in the pension to offset such amounts, as having no relevancy to pension administration. It would seem that, in the White Paper, the government is ignor-

[*Interpretation*]

et 70 p. 100, à condition que l'invalidité fût contractée au feu contre l'ennemi. Toutefois, cette disposition a eu pour conséquence inéluctable d'empêcher que toutes les autres catégories d'amputés ou de blessés par un coup de feu de recevoir les augmentations auxquelles elles auraient eu normalement droit, si leur cas avait fait l'objet d'une révision courante. Ce n'est pas à dire que l'Association des anciens combattants des armées de terre, de mer et de l'air voudrait que cette disposition soit maintenant rayée du guide de la Commission. Elle doit certainement être conservées, mais elle devrait s'appliquer de façon générale à toutes les catégories d'amputés ou de blessés par un coup de feu appartenant à la classe de 50 p. 100 ou plus, y compris ceux dont les blessures ont été subies au cours d'accidents pendant l'instruction et les autres blessures ou traumatismes accidentels.

Il importe de signaler que le but principal de l'augmentation automatique en raison de l'âge n'était pas de porter à 80 p. 100 le niveau de la pension de ceux qui étaient pensionnés à 50 p. 100 à un moment où cela était nécessaire pour permettre à la veuve de toucher une pension en cas de décès de son mari. Non, le but principal était, ainsi que le fait ressortir le Comité Woods, d'aider les pensionnés qui avaient subi de graves blessures à faire face aux difficultés plus grandes survenant avec l'âge.

M. Bigg: Monsieur le président, il n'est que juste de dire que le terme «rejeté» est probablement un peu dur. En raison de l'élasticité du Livre blanc, je ne crois pas que nous y accordions une valeur décisive. Pour le moment, ils ne l'ont pas accepté, c'est tout.

M. Lundberg: Nous sommes prêts à l'accepter, monsieur le président.

Vœu nº 90—Que la Loi soit modifiée afin de remplacer les articles 20, 21 et 22 de la Loi.

Objet du gouvernement: Si nous comprenons bien ce qui est dit dans le Livre blanc, tout ce qu'on voudrait, c'est que la Couronne ne recouvre pas toute partie des dommages prévus en vertu de la loi pour les peines et souffrances, les dommages spéciaux ou la perte de «l'association matrimoniale».

Objet du Comité Woods: Selon le Comité Woods, la méthode en vertu de laquelle la Couronne recouvre les montants accordés à titre de dommage aux termes de la loi ou à titre d'indemnité pour accidents du travail ou réduit la pension de façon à contrebalancer ces montants n'a rien à voir à l'administration des pensions. Il semble que, dans le Livre

[*Texte*]

ing the whole principle, and recommending instead a very small concession. As we interpret it, the Woods Committee proposal, was that pension should be awarded as of right, and the pensioner or widow (as the case may be) was entitled to the full amount avardable under the Pension Act. If, because of the circumstances, some other agency was required to make an award in respect of the same injury or death, it would be up to that agency to take into consideration the fact that pension would be in payment and, if warranted, to reduce its award accordingly. Looket at from the point of view of a court making an award of legal damages, it can be readily seen that, should the judge wish to do so, he could take into account the fact that a widow whose pensioner husband has been killed, would receive pension under the Pension Act as a prior right.

The same prerogative could well be exercised by Workmen's Compensation Board where a pensioner has suffered an injury and where that injury might well be consequential upon his pensionable disability. The Army, Navy and Air Force Veterans Association could legitimately have no complaint if a court or Workmen's Compensation Board wished to take this action. We feel it is an essential right, however, of the pensioner or his widow to receive the full amount due under the Pension Act—and to leave the question of legal damages or an award from any other source to be decided by the agency which has that responsibility.

In this comment may we also bring to the attention of the Committee the relevant recommendation No. 91 to the effect that retroactive consideration should be given to cases where the Commission has already recovered moneys or reduced pension. This might be taken as an indication that the Woods Committee felt rather strongly about this point and we have no hesitation in our association stating that the pensioner or widow has been deprived of moneys which properly belonged to him or her; thus the suggestion that these moneys be returned deserves serious consideration.

The Chairman: Mr. Turner.

Mr. Turner (London East): Can you tell us how many such cases have come up in the last ten years?

Mr. Lundberg: No, Mr. Chairman and Mr. Turner, I cannot tell you, but perhaps Mr. Chadderton has it on the record.

[*Interprétation*]

blanc, le gouvernement ne tienne aucun compte du principe en cause et propose plutôt une très légère concession. Si nous comprenons bien la proposition du Comité Woods, la pension devrait être de droit et le pensionné ou sa veuve, selon le cas, devrait avoir droit au plein montant prévu aux termes de la Loi sur les pensions. Si, à cause de certaines circonstances, un autre organisme a eu à rendre une décision au sujet de la même blessure ou du décès, il appartiendrait à cet organisme de considérer que la pension est à verser et, s'il y a lieu, de réduire en conséquence le montant prévu dans sa décision. Si l'on se place du point de vue d'un tribunal qui rend une décision à l'égard de dommages tombant sous le coup de la loi, on peut aisément se rendre compte que, à supposer que le juge en décide ainsi, il est possible au juge de dire que la veuve du pensionné qui a été tué doit recevoir la pension en vertu de la Loi sur les pensions à titre de *droit prioritaire*.

La Commission des accidents du travail peut exercer la même prérogative quand le pensionné a subi une blessure qui peut fort bien être secondaire par rapport à l'invalidité ouvrant droit à pension. L'Association des anciens combattants des armées de terre, de mer et de l'air ne pourrait légitimement se plaindre si un tribunal ou une Commission des accidents du travail voulait faire cela. Toutefois, nous sommes d'avis que le pensionné ou sa veuve ont un droit essentiel à toucher le plein montant prévu en vertu de la Loi sur les pensions et qu'il faudrait laisser à l'organisme intéressé le soin de régler toute question relative aux dommages juridiques ou à toute décision provenant d'une autre source. Nous voulons aussi, en ce moment, mentionner à votre Comité le vœu numéro 91, qui est pertinent en la matière, d'après lequel il faudrait considérer rétroactivement les cas où la Commission a déjà recrouvré certaines sommes ou réduit la pension. On verra peut-être là que, selon nous, le Comité Woods insistait plutôt fortement sur ce point et notre association n'hésite nullement à dire qu'on a privé indûment le pensionné ou sa veuve de sommes auxquelles ils avaient droit. Voilà pourquoi il y a lieu de bien étudier la question de remettre ces sommes à qui de droit.

Le président: M. Turner.

M. Turner (London-Est): Pouvez-vous nous dire combien de cas de ce genre sont survenus au cours des 10 dernières années?

M. Lundberg: Non, je ne le puis, mais M. Chadderton a peut-être en main ce renseignement.

[*Text*]

Mr. Chadderton: I think, Mr. Chairman, in a previous period of 15 or 20 years reported in the Woods Report the total amount recovered was $800,000.

Mr. Badanai: In what number of years?

Mr. Chadderton: From memory, Mr. Chairman, I would say that it is about 15 to 20 years, somewhere in there. I know it is not a large amount of money.

May I add, Mr. Chairman, that one of the members asked me privately whether we could say for certain if such a stipulation exists in the U.S. pension legislation. I have here the Code of Federal Regulations involving Title 38 of the U.S. system, as well as Title 38 itself. I have screened them to the best of my ability and no such stipulation or regulation appears. This applies to the U.S. system.

Another thing is that in going over the reasons which have presumably been given to the Committee we note that the old preferred position argument is being raised again, and I think it is important that we give our view on that. This is an old, old chestnut. In other words, for years veterans' organizations have complained about Sections 20, 21 and 22 and the explanation given for the necessity to keep this in the statute, as explained by various personnel of the Canadian Pension Commission, is that they have always raised the idea that if you had a situation where the widow of a pensioner was able to get $30,000 arising from his death, you would place her in a preferred position compared to the widow of a man killed on active service. We readily admit that at first blush this sounds logical or maybe even plausible, but we also submit that if you examine it further there is a very grave flaw in it.

Take the case of Mrs. Jones whose husband was killed on active service. She is getting $200 a month. Mrs. Smith's husband survives for a few years. He is a 100 per cent pensioner, we will say, and dies as the result of an accident where there is third party liability. So Mrs. Smith, the pensioner's widow, will be entitled to $200 a month, the current rates under the Pension Act, but there is a third party involved in this thing and as a result of the third party, let us say there is $20,000 which she can claim because of the death of her husband. That is fine. The preferred position argument then is why should we have legislation which is more generous for the widow of a pensioner who, after all, did survive and then died afterwards than we do for the widow of the man who was killed on active service?

[*Interpretation*]

M. Chadderton: Je crois, monsieur le président, que le montant recouvré au cours d'une période de 15 ou 20 ans s'élevait à $800,000.

M. Badanai: En combien d'années?

M. Chadderton: 15 à 20 ans, si je me souviens bien. C'est un montant peu élevé, je le sais.

Puis-je ajouter, monsieur le président, qu'un membre m'a demandé privément s'il existe une telle disposition dans la loi sur les pensions des États-Unis. J'ai ici le *Code of Federal Regulations* qui renferme le Titre 38 du système des É.-U. ainsi que le Titre 38 lui-même. J'ai cherché de mon mieux mais je n'ai pas trouvé de disposition ou de règlement de ce genre.

D'autre part, en revoyant les raisons qui ont été données au comité et nous nous apercevons que la position préférentielle utilisée comme argument a été utilisée à nouveau et je crois qu'il est important que nous vous donnions notre opinion à ce sujet. C'est un vieil argument. C'est-à-dire que les associations d'anciens combattants se plaignent depuis plusieurs années des articles 20 et 22, et la nécessité de les maintenir dans les statuts, suivant le personnel de la Commission des pensions du Canada, c'est que si l'épouse d'un pensionné pouvait au décès de son épouse obtenir $30,000, elle se trouvait dans une situation avantageuse par rapport à l'épouse d'un homme tué en service actif. Nous convenons volontiers que cela semble logique et même plausible, au premier abord, mais si vous y regardez de plus près, vous verrez la lacune.

Prenons le cas de M^me^ Jones, dont le mari a été tué en service actif. Elle reçoit $200 par mois. Le mari de M^me^ Smith a vécu pendant quelques années. Il est pensionné à 100 p. 100, puis décède par suite d'un accident où une troisième partie est en cause. Alors M^me^ Smith, sa veuve, aura droit à $200 par mois, en vertu de la Loi sur les pensions. Mais vu qu'il y a une troisième partie, disons qu'elle en peut réclamer $200,000 pour le décès de son mari. L'argument préférentiel revient à se demander pourquoi il nous faut des mesures législatives plus avantageuses pour la veuve d'une pensionnée qui, après tout, a survécu, pour ensuite décéder, que pour celle dont le mari est décédé en service actif?

[*Texte*]

Of course, as I said, when you examine it very, very closely you can see that in both cases there is a liability on the part of the federal government to pay pension. It does not differ. Mrs. Jones' husband was killed on active service; the liability was there and she gets $200. Mrs. Smith's husband died afterwards in an accident, but under the Pension Act because he was in receipt of a pension of more than 48 per cent, Mrs. Smith also gets the $200 by reason of the liability of the government. However, because of this third party liability it is affecting the pension of the second person, of Mrs. Smith, and we submit that it should not. The only difference in circumstances is that whereas the widow of the pensioner who died has access to some third party to sue, the widow of the man who was killed on active service certainly cannot sue, for instance, the German government, Adolf Hitler or whoever was responsible for his death. Therefore, we submit that you people are introducing a completely false concept into this whole thing.

The Chairman: But Mr. Chadderton, it is not this Committee or the federal government which determines—adds to or detracts from—a third party liability. This is there as part of the tradition of our law. It is either a liability or it is not. We cannot add to it or take away from it.

Mr. Chadderton: But you do, sir.

The Chairman: No, the pension is our problem. The third party liability, whether the claim for it exists or does not exist, is the result of circumstances which are certainly beyond the scope of reference of this Committee.

Mr. Chadderton: No, I am not discussing the question of whether or not she is entitled to third party liability. In the hypothetical case I stated, we have to assume that she is entitled to it, but what you are dealing with is the Pension Act.

The Chairman: The suggestion in your brief is that the other damages should take into account the prior right of the pension and be reduced accordingly and this seems to me to be something which could not stand up in our law. I just do not see how we could say that a court should take the widow's pension into effect and reduce the third party award accordingly.

Mr. Chadderton: You are quoting here from the view expressed by Mr. Justice Woods who

[*Interprétation*]

Mais regardez-y de plus près, et vous verrez que, dans les deux cas, il y a le gouvernement fédéral qui doit payer une pension. Cette pension est la même. L'époux de M^me^ Jones est décédé en service actif et le gouvernement doit lui payer $200. L'époux de M^me^ Smith décède plus tard dans un accident, et parce que l'épouse recevait une pension de plus de 48 p. 100, M^me^ Smith reçoit également $200, en vertu de la responsabilité du gouvernement. Toutefois, vu l'effet exercé par cette troisième partie, la pension de la deuxième personne, M^me^ Smith, est touchée, et, à notre avis, ne devrait pas l'être. La seule différence dans les circonstances est en effet que la veuve du pensionné qui est décédé se trouve dans la possibilité de poursuivre une troisième partie tandis que celle dont le mari est décédé en service actif ne peut sûrement pas poursuivre, disons, le gouvernement allemand ou Adolf Hitler, ou le responsable de la mort de son époux, quel qu'il soit.

Le président: Mais, monsieur Chadderton, ce n'est pas au Comité ou au gouvernement fédéral, à déterminer, ajouter ou retrancher à la responsabilité de la tierce partie. Suivant nos lois, il y a responsabilité ou non. Nous ne pouvons rien y ajouter ou y retrancher.

M. Chadderton: Mais vous le faites, monsieur.

Le président: Seule la pension est de notre ressort. La responsabilité d'une tierce partie, qu'il existe ou non une réclamation à cet égard, est attribuable à des circonstances qui sont hors du mandat de ce Comité.

M. Chadderton: Non, je ne discute pas si elle peut profiter de la responsabilité d'une tierce partie. Dans le cas hypothétique en cause, il nous faut supposer qu'elle y a droit, mais ce dont vous parlez, c'est de la Loi sur les pensions.

Le président: Vous suggérez dans votre mémoire que les autres dommages-intérêts tiennent compte du droit prioritaire de la pension et être déduite en conséquence, et, d'après moi, nous ne pouvons pas inscrire cela dans nos lois. Comment dire au tribunal qu'il doit tenir compte de la pension à la veuve et réduire proportionnellement le montant des dommages-intérêts imposés à la tierce partie.

M. Chadderton: Vous empruntez ici les mots du juge Woods du Tribunal d'appel de

[*Text*]

is a member of the Appeal Court of Saskatchewan, so I am certainly not going to suggest he is wrong.

The Chairman: Did Mr. Justice Woods suggest that third party awards should be reduced and they should take into account the widow's claim?

Mr. Chadderton: He did not suggest that and neither are we. He suggested that if it were necessary for somebody to take into account the fact that this widow was going to get more money from the Pension Act, that somebody should be the person to decide on the amount of judgment. Now that is not done and it never will be done, but that is where the responsibility lies, with the person who is awarding the third party damages, not the Canadian Pension Commission which has the prior right to give this widow her $200 a month because her husband died and his pension was in excess of 48 per cent.

Mr. Whicher: I want to give you one more hypothetical case. You have picked a very convenient one, but what about the veteran who is still alive, the fellow in the army. One is killed overseas and the other is an M.P., a military policeman in Toronto, who is killed by a truck. The truck firm is sued and they are awarded $50,000. Are you saying that these two widows are not being treated differently?

Mr. Chadderton: I am dealing, Mr. Whicher, at the moment with what we call in the veterans' movement, "the preferred position argument" raised by the Commission and with all due respect, I think we have to stick to that first. I am not precluding discussion of the other one, but we say admittedly this legislation does place the widow of the pensioner who has availability to sue a third party in a preferred position to the widow whose husband who was killed on active service, only because that widow could not sue the enemy in time of war and this surely is an artificial premise. You are using.....

Mr. Whicher: It is not an artificial premise if it actually happened.

Mr. Chadderton: The premise is artificial because this is certainly no basis on which to refuse pension to the widow whose husband was a pensioner, who died and who was entitled to pension under the Pension Act because his pension was in excess of 48 per cent.

Mr. Whicher: I am not saying that the widow of the fellow who got hit by a truck

[*Interpretation*]

la Saskatchewan, et ce n'est sûrement pas moi qui dirai qu'il est dans l'erreur.

Le président: Le juge Woods a-t-il suggéré que l'allocation provenant de la tierce partie soit réduite et entre en ligne de compte dans la réclamation de la veuve.

M. Chadderton: Non, il n'a rien suggéré de tel et nous non plus. Il a dit que si quelqu'un devait tenir compte du fait que la veuve en question retirerait plus d'argent en vertu de la Loi sur les pensions, cette même personne devait être celle qui décide quel sera le montant des dommages-intérêts. Or, il n'en est pas ainsi et il n'en sera jamais ainsi, mais c'est là que se situe la responsabilité, chez la personne qui fixe les dommages-intérêts de la tierce partie, et non pas à la Commission des pensions, qui, antérieurement, a eu le droit d'accorder à la veuve $200 par mois, parce que son époux est décédé et qu'il jouissait d'une pension de plus de 48 p. 100.

M. Whicher: Je voudrais vous soumettre un autre cas hypothétique. Vous avez choisi un cas qui vous convenait, mais que dire si l'ancien combattant vit encore, s'il est dans l'armée. L'un est tué outre-mer, l'autre est dans la police militaire à Toronto, où il est tué.

La compagnie est poursuivie et condamnée à payer $50,000. Prétendez-vous que ces deux veuves ne sont pas traitées différemment?

M. Chadderton: Je parle présentement, M. Whicher de ce qu'on appelle dans le cercle des anciens combattants «l'argument de position préférentielle» et sauf le respect que je vous dois, nous devons nous en tenir à cette question. Je ne refuse pas de discuter l'autre cas, mais nous disons qu'il est évident que la Loi place l'épouse du pensionné qui peut poursuivre une tierce-partie dans une position plus avantageuse que celle de la veuve dont l'époux est mort en service actif, du seul fait que cette dernière ne pouvait en temps de guerre poursuivre l'ennemi et ce sont là, à mon avis, des prémisses bien artificielles. Vous utilisez...

M. Whicher: Ce sont des prémisses artificielles, lorsqu'elles se vérifient.

M. Chadderton: Les prémises sont artificielles, parce que ce n'est sûrement pas une raison de refuser la pension à une veuve dont le mari, décédé, avait droit en vertu de la Loi sur les pensions à une pension de plus de 48 p. 100.

M. Whicher: Je ne prétends pas que la veuve de celui qui a été frappé par un camion

[*Texte*]

should not get it. I am just saying that if your husband is going to be killed, pray that he gets hit by a truck and not by a bullet.

Mr. Chadderton: Right.

Mr. Whicher: There is a difference.

Mr. Chadderton: That is right. What I am suggesting is that if the people who are explaining the White Paper proposals are raising this preferred position argument, I suggest that you should look at it very carefully because it can throw you. I can recall discussions in front of a parliamentary committee when Mr. Bert Herridge was a member. He came up to me afterwards and he said: "Well, you are not going to explain that one away, Mr. Chadderton, the Commission people are perfectly logical and perfectly right." We went back and spent quite a bit of time with Mr. Herridge and finally he said, "You know, I have changed my views." That is on the record of this Committee years ago. He said, "I have changed my view. It sounds so logical to say you do not want to put Mrs. Smith whose husband survived in a preferred position to the widow who lost her husband overseas." I submit if you examine that in detail they are two different cases and they are not related in any way.

To deal with your other hypothesis about the veteran who gets hit by a truck, the principle, then, I will admit, is not as strong. I will admit that it is not as strong, but the principle is still there, Mr. Whicher. If he were on active duty right now and were hit by a truck the insurance principle does not apply because we are not in a time of war, but Section 13(2) could easily apply in that somebody could relate it to service and say, "Yes, he is due to a pension under the Pension Act." We suggest that that is where the responsibility of the pension administrators stops and if he qualifies under Section 13(2) then he should get a pension. If they have access to a third party and they want to sue, what business is it of the pension administrators or of the Canadian government? The prior liability is that of the Pension Act and that is as Mr. Justice Woods and his people saw it.

The Chairman: Mr. Chadderton, I think you have made your point. I think it is something of an old chestnut in committee hearings. It is certainly one that has occurred with great frequency. I wonder whether very much would be added to the record by prolonging the Committee's discussion at this point?

[*Interprétation*]

ne doive pas la recevoir. Je dis que si votre mari doit être tué, priez pour que ce soit par un camion et non par une balle.

M. Chadderton: Exact.

M. Whicher: Il existe une différence.

M. Chadderton: C'est juste. Je dis en somme que si les gens qui expliquent les propositions du Livre blanc soulèvent cette question de la position préférentielle, il convient de l'étudier à fond. Je me rappelle certaines discussions devant un comité parlementaire quand M. Bert Herridge en était membre. Il est venu me dire par la suite: «Il vous sera impossible d'expliquer ce point, M. Chadderton: les gens de la Commission sont logiques et ont parfaitement raison». Plus tard, nous avons discuté quelque temps avec M. Herridge, qui a fini par dire: «Savez-vous, j'ai changé d'avis. Il semble si logique de dire que vous ne voulez pas placer M^me^ Smith, dont le mari vit encore, dans une position plus avantageuse que celle de la veuve dont le mari est mort outre-mer.»

A mon avis, si on y regarde de près, il s'agit de deux cas distincts.

Prenons votre autre hypothèse, celle de l'ancien combattant qui est tué par un camion. Le principe, dans ce cas, ne ressort pas avec autant de force, je l'avoue. Mais il ressort quand même. S'il était présentement en service actif et qu'il était heurté par un camion, le principe de l'assurance ne s'applique pas, car nous ne sommes pas en temps de guerre. Mais l'article 13 (2) pourrait s'appliquer parce qu'on pourrait rattacher l'accident à son service et dire: «Oui, il a droit à une pension en vertu de la Loi sur les pensions». Ici, selon nous, prend fin la responsibilité de l'administrateur des pensions, et s'il a droit à une pension en vertu de l'article 13 (2), il doit alors la recevoir. S'ils peuvent poursuivre une tierce-partie, en quoi cela concerne-t-il la Commission des pensions ou le gouvernement. La Loi sur les pensions vient en premier lieu dans l'échelle des responsabilités, est là l'opinion du juge Woods et de ses collègues.

Le président: Vous avez, je crois, exposé votre point de vue. C'est une question qui revient périodiquement au cours des audiences du Comité. En tout cas, on en entend très souvent parler. Je ne crois pas que le comité ait profit à prolonger la discussion.

[*Text*]

• 1120

Mr. Peters: Mr. Chairman, I would like to ask one question on this point because it bothers me. I can see—it is not good to see both sides of the story, I suppose—if the government really feels that this third party liability belongs to them, why do they not process the claim for the destruction of government property or whatever they deem it? Why do they not act as the agent for the suing and the collecting?

The Chairman: Mr. Peters, I would like you to think about that and make that representation at a later stage in our proceedings. I think you have a point. I think you would like to think it through and discuss it with some parties involved and possibly the rest of us would, too.

Mr. Peters: It seems to me that . . .

The Chairman: Can we leave it at this point, Mr. Peters? Mr. Lundberg.

Mr. Lundberg:

Recommendation 108—That pension for child be continued to age 25 while in university or similar type courses of instruction.

Intent of Government: It is understood that this recommendation has been refused.

Intent of Woods Committee: The Woods Committee saw that the pensioner was entitled to assistance so long as his child was undergoing training and was thus dependent upon him.

Comment: It would seem that, in this particular instance, there is a need to modernize the legislation. The age of 21 was introduced in 1919, at a time when the numbers attending university were extremely small, and when presumably graduation from university could be achieved at a much earlier age than is the case now.

We believe strongly in the principle of assistance to a pensioner's child while undergoing a course of instruction and we believe, equally strongly, that the pensioner is entitled to continue receiving such assistance at least until the child is 25 years of age or his university years have been completed, whichever is the lesser.

It should be pointed out that for a 100 per cent pensioner, the amount payable to a child is only $34 per month, and this amount is, of course, scaled down for those in the lower pension classes. Hence this would not be a large financial item

[*Interpretation*]

M. Peters: Il y a quelque chose qui me préoccupe, et je voudrais poser une question. Si le gouvernement estime que cette responsabilité d'une troisième partie lui revient, pourquoi ne fait-il pas une réclamation pour destruction de la propriété du gouvernement? Pourquoi ne devient-il pas l'agent de réclamation?

Le président: J'aimerais, M. Peters, que vous y pensiez encore, et que vous y reveniez plus tard au cours des délibérations. Vous soulevez un point intéressant, sur lequel il conviendrait je crois de s'attarder et de discuter plus à fond avec les intéressés.

M. Peters: Il me semble que...

Le président: Restons-en là pour le moment voulez-vous?

M. Lundberg:

Vœu nº 108—Que la pension versée à l'égard d'un enfant qui suit un cours universitaire ou un cours semblable soit versée jusqu'à ce que cet étudiant ait atteint l'âge de 25 ans.

Objet du gouvernement: Il semble que cette proposition ait été refusée.

Objet du Comité Woods: Le Comité Woods a été d'avis que le pensionné avait droit à recevoir de l'aide tant que son enfant était aux études et dépendait de lui.

Commentaire: Dans ce cas particulier, il semblerait que la loi doive être mise à jour. En 1919, on a adopté l'âge de 21 ans à une époque où le nombre de ceux qui faisaient des études universitaires était très faible et où, semble-t-il, on obtenait son diplôme à l'université à un âge beaucoup moins avancé qu'aujourd'hui.

Nous croyons vivement au principe selon lequel il faut aider l'enfant qu'un pensionné a fait inscrire à un cours d'études. De même, nous croyons que le pensionné a le droit de continuer de recevoir une aide de ce genre, du moins jusqu'à ce que l'enfant ait 25 ans ou tant qu'il n'aura pas terminé ses études universitaires, selon la première des deux éventualités.

Signalons que le montant à payer pour un enfant, dans le cas d'un pensionné à 100 p. 100, n'est que de $34 par mois, montant qui diminue, du reste, s'il s'agit de pensionnés de catégorie inférieure. Il n'y aurait donc pas là un important poste financier; mais même si

[*Texte*]

but, even it were, the Army, Navy and Air Force Veterans could consider that it is a fully justifiable one.

This, gentlemen, has been gone over before and covered very well and we have no further comments.

The Chairman: Thank you, Mr. Lundberg.

Mr. Lundberg:

Recommendation No. 109, to the effect that pension continue at married rates for 12 months following the death of a pensioner.

The intent of the government—it has been refused.

Intent of Woods Committee: The Woods Committee saw this as a humane and justifiable measure, bearing in mind the necessity for a widow to make a readjustment when she would be required to live on widow's income as compared to income at the married rates, where such was in excess of the widow's rate.

The amount involved, for a 100 per cent pensioner, would be the difference between the married rate of $337 and the widow's rate of $200; that is, $137 monthly.

May we also point out our objection to the basis used in the White Paper for refusal of this recommendation, to the effect that such payments would be welfare. The Woods Committee suggested only a continuation of the pension paid to the pensioner which, by all definitions, is a matter of right, not welfare.

This recommendation has also been gone over by this Committee at great length and we have no comment at this time on it.

The Chairman: You may proceed, Mr. Lundberg.

Mr. Chadderton: We are dealing now, Mr. Chairman and gentlemen, with Recommendations Nos. 111 and 112 and I think we will have to take them together.

Recommendation No. 111 which deals, incidentally, with Section 36 (5) of the Pension Act is

To the effect that a widow who was divorced or separated and was receiving a payment under the Pension Act should be entitled to pension of not less than the amount she was receiving by agreement or court order, following the death of her husband.

[*Interprétation*]

cela était, les anciens combattants de l'Armée, de la Marine et de l'Aviation pourrait considérer la chose comme pleinement justifiable.

Nous avons déjà discuté ce point et nous n'avons rien à ajouter.

Le président: Merci M. Lundberg.

M. Lundberg:

Recommandation nº 109—La pension doit être maintenue suivant un taux de personne mariée pendant 12 mois après le décès d'un pensionné.

Position du gouvernement: sauf erreur, cette recommandation a été rejetée.

Dessein du Comité Woods: Le Comité Woods voit là une mesure humanitaire et justifiable, étant donné qu'une veuve doit se réadapter si elle n'a pour vivre qu'un revenu de veuve, au lieu de jouir du taux des personnes mariées, qui est peut-être supérieur à celui qui s'applique aux veuves.

Dans le cas d'un pensionné à 100 p. 100, le montant à prévoir équivaudrait à la différence entre $337, taux applicable aux gens mariés, et $200, taux appliqué pour les veuves, soit $137 par mois.

On notera aussi que nous nous opposons au principe sur lequel on s'est fondé, dans le Livre blanc, pour rejeter cette recommandation, à savoir que ces paiements constitueraient une forme d'assistance sociale. Le Comité Woods n'a proposé qu'une prolongation de la pension versée au pensionné; cette pension, quelque définition qu'on en donne, correspond à un droit; elle n'a rien à voir avec l'assistance sociale.

Cette recommandation a également été étudiée à fond par ce Comité et nous n'avons pas de commentaire à ajouter pour le moment.

Le président: Vous pouvez poursuivre, monsieur Lundberg.

M. Chadderton: Nous traitons maintenant des recommandations 111 et 112 que nous devrons étudier ensemble.

La recommandation 111—traite de l'article 36(5) de la Loi sur les pensions, se lit comme suit:

Recommandation nº 111—Une veuve qui, divorcée ou séparée, touchait des prestations en vertu de la Loi sur les pensions, doit après la mort de son mari avoir droit à une pension au moins égale à celle qu'elle recevait aux termes de l'entente consécutive à la décision du tribunal.

[*Text*]

Intent of the government: This was not accepted.

Intent of Woods Committee: The Woods Committee saw that the existing legislation, which required such widow to be in financial need before pension would be continued to her after the death of the husband, despite the fact that it was in payment to her prior to his death, should be amended. Our interpretation of the Woods Committee supporting argument is this: The Woods Committee felt that if the pensioner was making provision for his separated or divorced wife prior to his death, she, in fact, had a vested interest in that pension, once the pensioner died, and she was entitled to the same treatment as any other pensioner's widow, up to the amount she was receiving by agreement or court order prior to his death.

Comment: This Association concurs in the findings of the Woods Committee in respect of this type of situation and recommends its adoption.

Recommendation No. 112, which deals with Section 36 (6) of the Act,

Which would have removed from the Act the existing provision under which a widow can make a claim to the Commission after a pensioner's death, even though she was divorced or separated from him and had not made such claim during his lifetime.

The intent of the government: It is not accepted.

• 1125

Intent of Woods Committee: The Woods Committee saw this as a denial of the rights which should be inherent in the Pension Act for the pensioner. The Committee felt that a divorced or separated wife should be entitled to place a claim before the Commission while the pensioner was alive and, if that claim was reinforced by a court decision, part of the pensioner's pension should be said to her. The Woods Committee did not see, however, that there was any validity in allowing a widow under these circumstances to make a claim after death which she was presumably not prepared to make during the pensioner's lifetime. In essence, the Woods Committee argument seemed to be based on the suggestion that the present legislation will allow a widow to claim that her husband had subjected her to certain treatment, but

[*Interpretation*]

Position du gouvernement: inconnue.

Dessein du Comité Woods: Le Comité Woods a jugé qu'il y a lieu de modifier la disposition législative actuelle, selon laquelle une veuve se trouvant dans cette situation doit être dans le besoin pour qu'on puisse continuer de lui verser une pension *après* la mort de son mari, même si cette pension lui revenait avant la mort de ce dernier. Voici comment nous interprétons la thèse du Comité Woods. Celui-ci estime que si le pensionné, après la séparation ou le divorce, prévoyait une aide financière pour son épouse avant sa mort, l'épouse avait, en fait, un droit réel à cette pension, advenant le décès du pensionné; elle a donc droit au même traitement que toute autre veuve de pensionné, jusqu'à concurrence du montant qu'elle touchait, par suite d'une entente ou d'une décision du tribunal, avant la mort de son mari.

Commentaire: L'Association approuve les conclusions du Comité Woods quant à ce genre de situation et recommande l'adoption de cette recommandation.

La recommandation 112 traite de l'article 36(6) de la Loi

Recommandation n° 112—Elle demande la suppression, dans la Loi actuelle, la disposition selon laquelle une veuve peut présenter une réclamation à la Commission après la mort d'un pensionné, même si, l'ayant divorcé ou s'en étant séparé, elle n'a jamais présenté de réclamation de ce genre du vivant de son ex-mari.

Position du gouvernement: inconnue.

Dessein du Comité Woods: Le Comité Woods a vu là un déni des droits que la Loi sur les pensions attribue au pensionné. Le Comité estime qu'une femme divorcée ou séparée a droit de présenter une réclamation à la Commission du vivant du pensionné, et si cette réclamation a été renforcée par une décision du tribunal, une partie de la pension du défunt doit être versée à la veuve. Le Comité Woods n'a trouvé toutefois aucun motif sérieux qui autorise une veuve, dans ces circonstances, à présenter, après la mort de son mari, une réclamation qu'elle n'était pas disposée à faire du vivant du pensionné. En somme, la thèse du Comité Woods semble reposer sur l'opinion selon laquelle la loi actuelle permet à une veuve de soutenir que son mari l'avait soumise à un certain traitement, mais que celui-ci ne peut plus, une fois mort, réfuter ces allégations.

[*Texte*]

that he would have no opportunity to refute these statements after his death.

We understand from Brigadier Reynolds that this second recommendation was not accepted, so it would leave this provision in the Act. Speaking to it just generally, we certainly have seen this type of case where there is separation, a family problem develops, but a wife will not go to the court to ask for alimony or anything like that—she probably has her own reasons. Then, after the pensioner dies—and bear in mind all rights under the Pension Act flow from the pensioner's service—she can come to the Commission under this Section and say that her husband was a so and so, and a such and such, and the Commission presumably, judging after the pensioner's death that she was entitled to maintenance, can then award her a pension. The Woods Committee felt, I suppose, that was not really good pension legislation, and we certainly subscribe to that.

Coming back to the Recommendation No. 111 which was, in essence, that if a pensioner and his wife had a marital situation where they were separated, and by mutual agreement he was giving her $75 or $100 a month, part of which was coming from his pension and part from hers and he died, she should be entitled to receive that pension in the same way as any other widow—not the maximum under the Pension Act for a widow, but certainly at least up to the amount that her husband had agreed to give her either voluntarily or by court order. However, under the existing Section 36 (5) she must establish financial need. Certainly we in the Army, Navy and Air Force cannot see that. Why should she have to establish financial need? She is a widow! Any other widow is entitled to pension, and perhaps we are simply penalizing her because the circumstances of her marriage prior to her husband's death were that a separation was in force.

Mr. Whicher: Is she a widow if she is divorced?

Mr. Chadderton: No, I am speaking only about separated people at the moment. The thing that alarmed us, Mr. Chairman, is that in the explanation given by Brigadier Reynolds, as we understood it, this Committee was advised that Recommendation No. 111 was turned down because it would have denied something to a widow, or it would have given something to a widow which was less than she would be entitled to under Recommendation No. 112, and I submit that somewhere along the line there has been some misunderstanding. Quite possibly this is

[*Interprétation*]

D'après ce qu'à dit le brigadier Reynolds, cette deuxième recommandation n'a pas été acceptée: cette disposition confirmerait donc à être en vigueur. Nous avons eu des cas de séparation de ce genre où surviennent des problèmes de famille. Mais l'épouse n'aura pas recours au tribunal pour obtenir une pension ou quelque chose du genre: elle a probablement des motifs personnels.

Lorsque le pensionné est décédé,—retenez que tous les droits acquis en vertu de la Loi sur les pensions provienne du service du pensionné—elle peut comparaître devant la Commission en vertu du présent article et dire «mon époux était ceci et cela, avait tel ou tel défaut» et la Commission peut présumément juger après la mort du pensionné que la personne a droit à une pension. Le comité Woods a trouvé que ce n'était pas une bonne façon d'attribuer des pensions et nous souscrivons d'emblée à cette opinion.

Pour revenir à la recommandation 111—qui stipulait en somme que si un pensionné et son épouse se trouvaient dans un état de séparation et que par entente mutuelle il lui donnait $75 ou $100 par mois, provenant en partie de sa pension et en partie de la sienne, et que le pensionné décède, elle devrait recevoir la même pension que recevait toute autre veuve—peut-être pas le maximum prévu par la Loi à l'égard de la veuve, mais au moins le montant que l'époux avait convenu de lui verser de lui même ou par un arrêté du tribunal. Toutefois, en vertu de l'article 36(5) actuel elle doit prouver qu'elle a besoin d'argent. Nous, membres de l'armée, de la marine et de l'aviation ne pouvons pas comprendre cela. Pourquoi doit-elle prouver qu'elle a besoin d'argent? Elle est une veuve! Toute autre veuve a droit à une pension; peut-être voulons-nous la punir parce qu'avant le décès de son mari, elle vivait dans un état de séparation.

M. Whicher: Une femme divorcée est-elle veuve?

M. Chadderton: Non, je ne parle que des cas de séparation actuels. Ce qui nous alarme, monsieur le président, c'est que dans l'explication donnée par le brigadier Reynolds si nous l'avons bien compris, le présent Comité a été informé que la recommandation 111 a été refusée parce qu'elle aurait enlevé quelque chose à une veuve ou lui aurait accordée moins que ce à quoi elle avait droit en vertu de la recommandation 112, et je crois qu'à un moment donné, il y a eut un malentendu. Peut être que de fait les deux choses en cause ne sont pas liées.

[*Text*]

the case. The two things are not related as we see them.

In the first instance, we feel that if there is a separation this should not affect her right to pension, at least up to the amount that her husband was giving her either voluntarily or by court order. You cannot say if you approve that—say the amount was $80—you are taking something away from her which would be available in the next recommendation, because if she waited until her husband died and then applied and said he was a so and so, some court or the Commission might award her a full pension.

Again, I think the only thing to do about this, Mr. Chairman, is for us to file a statement. We could discuss it all morning and time is short, but I am willing to answer any questions.

Mr. Guay (St. Boniface): I would like to ask a question.

The Chairman: Mr. Guay.

Mr. Guay (St. Boniface): Possibly I have the wrong impression and you might be able to clarify this, Mr. Chadderton. A lady who is divorced for years may not have been receiving any or very little help from her husband but when he dies and she claims a pension she may get an amount considerably higher through the pension because of the fact that he dies. Am I right?

Mr. Chadderton: Yes, quite right; she could.

Mr. Guay (St. Boniface): This would change her whole way of life, possibly.

Mr. Chadderton: That is right, Mr. Chairman.

Mr. Guay (St. Boniface): Do you see what I mean? Yet really it all depends on the circumstances of their divorce. There is a multiplicity of things involved. Am I right?

• 1130

Mr. Chadderton: Yes, that is true and, mind you, some of the conclusions that were arrived at by the Woods Committee we feel must have been arrived at in a very difficult way, because nobody likes to prejudge and nobody likes to take anything away from a widow who does not have enough money, and so on. However, there were two essential principles in this type of legislation. First, we

[*Interpretation*]

Dans le premier cas, s'il y a séparation, cela n'affecte pas son droit à une pension du moins pas jusqu'à concurrence du montant que son époux lui versait, volontairement ou par décision du tribunal. Si vous approuvez cela—disons que le montant est de $80 par mois—décision du tribunal. Vous ne pouvez pas dire que vous lui enlevez quelque chose qui lui reviendrait en vertu de la recommandation suivante puisque si elle attendait que son époux décède pour venir présenter sa demande, alléguant que son époux était comme ci ou comme ça, le tribunal ou la Commission pourrait lui accorder pleine pension. Ici encore, monsieur le président, il est préférable que nous déposions une déclaration.

M. Guay (St-Boniface): Je voudrais poser une question.

Le président: M. Guay.

M. Guay (St-Boniface): Suis-je dans l'erreur, mais vous pourrez alors me fixer sur ce point M. Chadderton—mais il se peut qu'une dame qui est divorcée depuis des années n'ait pas reçu d'aide, ou si peu, de la part de son mari. Mais lorsqu'il meurt, et qu'elle demande une pension, elle peut recevoir énormément plus grâce à la pension versée à la mort de son mari. N'est-ce pas?

M. Chadderton: Oui, c'est exact: Elle le pourrait.

M. Guay (St-Boniface): Tout son régime de vie d'en trouverait changé.

M. Chadderton: C'est exact, monsieur le président.

M. Guay (St-Boniface): Vous voyez? Tout dépend des circonstances du divorce. Il y a une foule de choses en cours, n'est-ce pas?

M. Chadderton: Oui. Cela est vrai et, soit dit en passant, certaines des conclusions de la Commission Woods ont dû être atteintes d'une façon très pénible car nul n'aime à juger à l'avance et nul n'aime enlever quoi que ce soit à une veuve qui n'a pas assez d'argent etc. Toutefois ce genre de législation était régi par deux principes fondamentaux. Le premier, c'est qu'il s'agit de la Loi sur les

[*Texte*]

are dealing with the Pension Act and by principle any rights under this Act flow from the pensioner's service, so we have to look at his side of it. Second, there are courts which decide the extent of financial responsibility of a husband while he is alive and while his separated wife is alive or while his divorced wife is alive, and there is, I think, a very strong pronouncement in the Woods Report to the effect that the Commission should not set itself up as a matrimonial agency and I think that premise has been accepted. You see, in 1919 matrimonial courts, they tell me, were pretty skimpy; we did not have them everywhere and it was a real problem, but today there are family courts operating in all the provinces so why should anybody take it upon himself to make an arbitrary judgment, to say "You, veteran Jones, must pay your separated wife so much money." Let it go to the court. Now, that has already been accepted.

Mr. Guay (St. Boniface): On that point I would like to ask Mr. Chadderton another question. Let us say that the matter is still in court and she is not receiving anything, but the fact that he would die in the meantime, she would be subject to a pension. That is one question.

The other one—you may call it B if you want—is how many times can a veteran divorce himself and how many are going subsequently to receive pension? Let us say, for example, that a chap does get divorced twice or three times and in each instance he can go before the court and pay her so much alimony and when the time comes that he dies how many are going to receive pension if this were the case?

Mr. Chadderton: If he has remarried, the Commission can only recognize his new wife.

Mr. Guay (St. Boniface): So in the other case, if he is not remarried, then it goes to the one he divorced.

Mr. Chadderton: You just brought up another point, which I will put to you this way. I wish I had thought of it when I was working with the Woods Committee. I think it is a good one. I do not think there is any provision in here for a case which is in a state of hiatus and the judgment has not been made. I think that is something that the drafters of the legislation might look at.

The Chairman: This is a fairly complicated area and I simply call to the attention of the Committee that we could go a long time on it. We still have a substantial number of recommendations to cover.

[*Interprétation*]

pensions et que, en principe, cette loi découle du service des pensionnés; il nous faut donc retenir ce point de vue.

Dernièrement, il y a des tribunaux qui décident qu'elle est l'étendue des responsabilités financières d'un mari pendant sa vie et pendant la vie de sa femme, qui vit séparée de lui, ou qui en est divorcée. Je crois que le Comité Woods affirme avec vigueur que la Commission ne devrait pas s'établir à titre d'agence matrimoniale et ceci a été accepté. Et vous voyez en 1919, les cours matrimoniales étaient rarissimes et il y avait un problème mais aujourd'hui, il y a des cours familiales dans toutes les provinces, donc, pourquoi une personne prendrait-elle une décision et dirait: «vous, ancien combattant Jones, devez payer tant à votre épouse». Laissons le tribunal décider.

M. Guay (St-Boniface): Je voudrais poser une question à M. Chadderton. Mettons que la question est encore devant le tribunal, que l'épouse ne reçoit rien, mais le fait que l'ancien combattant meurt entre-temps lui donnerait droit à une pension. Voilà un problème. Mon autre question touche ceci: combien de fois un ancien combattant peut-il divorcer et se remarier et combien de femmes recevront une pension? Mettons qu'un homme divorce deux ou trois fois? Il peut aller devant les tribunaux, mais s'il meurt avant que la décision du tribunal soit rendue, y a-t-il plusieurs femmes qui recevront des pensions?

M. Chadderton: S'il est remarié, la Commission ne reconnaîtra que la nouvelle épouse.

M. Guay (St-Boniface): Ainsi s'il n'est pas remarié, la pension va à la femme dont il a divorcé.

M. Chadderton: Vous soulevez justement une autre question que je voudrais formuler de cette façon-ci. J'y ai pensé lorsque que je travaillais auprès du Comité Woods. Il n'y a aucune disposition dans la loi pour le cas où aucun jugement n'a été rendu. C'est, je crois, un point auquel les législateurs devraient apporter leur attention.

Le président: C'est un domaine assez compliqué et nous pourrions l'étudier assez longtemps. Nous avons encore énormément de recommandations à étudier.

[*Text*]

Mr. Chadderton: Mr. Chairman, can we file a statement on this.

The Chairman: I would prefer that some procedure like that would be adopted, if you do not mind.

Mr. Peters: I have always been very impressed with the stand that the Department of Veterans Affairs and the Pension Commission have taken on common law relationships which is a very confused field. I am wondering if this interferes or limits the Commission's discretionary right to make a decision in a common law relationship particularly where there is a separated wife or a deserted wife?

Mr. Chadderton: Mr. Chairman, let me say this, which I think will terminate the discussion. We in the Association are quite happy with the acceptance of the other Woods recommendations dealing with irregular unions.

Mr. Peters: I have been very pleased with the Commission's past decisions in this regard.

Mr. Chadderton: It was felt in the Woods Committee that there were some loopholes which the White Paper is intending to plug and we are quite happy with the acceptance by the government of all the Woods Committee recommendations except these two, which we suggest are not properly set out or explained. We would like to file a paper on it if that is acceptable.

The Chairman: I am sure the Committee will be happy to receive a further communication on this subject.

Mr. Lundberg: Recommendation 116.

Mr. Guay (St. Boniface): Before we move on to 116, this is only a matter or inquiry again. With due respect, why is it that in many instances you say that you do not know the government's intention, but surely you must be aware...

The Chairman: Mr. Guay, this was prepared before the discussion last night. The written submission was prepared prior to the discussions which took place after adjournment last night. We had a statement at the opening of our proceedings today dealing with this problem in the gap of receipt of communications.

Mr. Guay (St. Boniface): Then I will change my question somewhat. I notice that you are dealing with many . . .

[*Interpretation*]

M. Chadderton: Est-ce qu'on pourrait faire une déclaration à ce sujet?

Le président: Je préférerais qu'une telle procédure soit adoptée.

M. Peters: J'ai toujours été fortement surpris par les décisions prises au ministère des Affaires des anciens combattants au sujet des rapports conjugaux entre personnes non mariées. Je me denade si nous sommes en train de mettre un obstacle au jugement que peut prendre la Commission sur une base discrétionnaire. Lorsqu'il s'agit d'un lien de «Common Law» surtout lorsque survit une femme séparée, ou une femme abandonnée.

M. Chadderton: Monsieur le président, je pourrai terminer la discussion ainsi. Dans notre association, nous sommes satisfaits des autres recommandations de la Commission Woods, au sujet du règlement des successions dans le cas d'une union irrégulière.

M. Peters: J'ai été très satisfait de la façon dont la Commission a rendu ses décisions dans le passé.

M. Chadderton: Le Comité Woods a eu l'impression qu'il y avait des lacunes et que le Livre blanc parait à celles-ci. Nous sommes très heureux que le gouvernement ait accepté les recommandations du Comité Woods, sauf en ce qui concerne ces deux recommandations qui ne sont pas expliquées de façon claire et nous voudrions déposer un document à ce sujet.

Le président: Nous serons très heureux de recevoir un tel document.

M. Lundberg: Recommandation 116.

M. Guay (St-Boniface): Avant de passer à la recommandation 116, il s'agit là encore d'une question d'enquête. Pourquoi, à plusieurs reprises avez-vous dit ne pas être au courant des intentions du gouvernement? Cependant vous devriez avoir certaines connaissance . . .

Le président: Monsieur Guay, ce document a été préparé avant la discussion d'hier soir. Il a été préparé avant les discussions qui ont eu lieu après l'ajournement hier soir. Nous avons reçu une déclaration avant la reprise des délibérations ce matin, portant sur le problème du manque de continuité dans la réception des communications.

M. Guay (St-Boniface): Ainsi je modifierais un peu ma question. Je vois que vous vous occupez de...

[*Texte*]

The Chairman: I think the statement at the opening of the meeting dealt with this problem.

Mr. Guay (St. Boniface): I beg your pardon.

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The Chairman: Our problem, Mr. Guay, is that at the opening of the proceedings today, we described the procedure that took place following last night's adjournment.

Mr. Guay (St. Boniface): I am aware of that.

The Chairman: We have . . .

Mr. Guay (St. Boniface): You do not even know what I am going to ask, Mr. Chairman. You are jumping the gun many times because what I would like to know is why were, for example, recommendations numbers 113, 114, 115 as an example of what I have in mind, which are acceptable to the government, not mentioned whatsoever in your brief. I want to deal with those three for the moment and perhaps you can answer that question.

Mr. Lundberg: At that time, Mr. Chairman and Mr. Guay, we did not know the intent; we do know now; following consultation with Brigadier Reynolds last night who informed us of the intent of the government. We are quite happy to accept that.

Mr. Guay (St. Boniface): Your brief was prepared prior to that meeting last night and yet there is no mention in it at all.

Mr. Chadderton: I think, Mr. Chairman, we did say.....

The Chairman: This is precisely the point, Mr. Guay, I have been trying to make; that the brief was prepared on the basis of inadequate documentation because of the delays in receipt of transcript. There have been verbal discussions as a result of which the testimony has been modified this morning, but it has not been possible with the time in which the witnesses make their presentation to make all these references and make it a consistent kind of reference of the type you have in mind, but the problem is time at this point. We have substantially modified our schedule. We have laid on an evening session tonight. If we continue to go on in this manner the evening session will not be sufficient.

Mr. Chadderton: I think, Mr. Chairman, the point might be: that we have not mentioned

[*Interprétation*]

Le président: Je pense que la déclaration reçue au début des délibérations de ce matin règle ce problème.

M. Guay (St-Boniface): Pardon?

Le président: Le problème, monsieur Guay, c'est qu'au début des délibérations de ce matin, nous avons décrit les faits qui ont eu lieu à la suite de l'ajournement d'hier soir.

M. Guay (St-Boniface): Je le sais.

Le président: Nous avons...

M. Guay (St-Boniface): Mais vous ne savez même pas quelle question je vais poser, monsieur le président. Vous vous emballez parce que je voudrais savoir pourquoi les recommandations 113, 114 et 115, qui sont un exemple de ce que j'ai à l'esprit, qui sont acceptables pour le gouvernement, ne sont pas mentionnées dans votre mémoire. Je voudrais qu'on s'en tienne à ces trois recommandations pour le moment, et peut-être pourriez-vous répondre à ma question.

M. Lundberg: Au moment de la rédaction du mémoire, monsieur le président, nous n'étions pas au courant des intentions du gouvernement, mais maintenant, à la suite des consultations avec le brigadier Reynolds, nous sommes au courant de la situation. Nous sommes très heureux d'accepter les recommandations.

M. Guay (St-Boniface): Votre mémoire a été préparé avant la réunion d'hier soir, et cependant vous n'avez fait aucune mention de ces recommandations.

M. Chadderton: Je pense, monsieur le président, que nous avons dit...

Le président: C'est justement là le point que nous essayons d'expliquer. Le mémoire fut préparé sur la base d'une documentation inadéquate due au délai dans la réception de la transcription. On a changé les témoignages ce matin à la suite d'une explication, mais il était impossible pendant le temps que les témoins avaient à leur disposition, de faire le genre de référence auquel vous pensez. Nous avons modifié quelque peu notre programme; nous avons une séance ce soir et si nous continuons de cette façon, la séance du soir ne suffira pas.

M. Chadderton: Monsieur le président, nous n'avons pas mentionné dans cette soumission

[*Text*]

in this brief those recommendations which the government has accepted. Perhaps it is an oversight that we are not complimenting the government for having accepted these, I do not know. I think in his opening remarks Mr. Lundberg did state that we were pleased with the fact that a lot of recommendations had been accepted and we are, but we are dealing here only with the ones which are in question.

The ones you mentioned, Mr. Guay, are accepted and we have expressed our pleasure at the fact the government has accepted them.

The Chairman: Would you like to continue?

Mr. Lundberg: Recommendation number 116, which would provide for retroactivation of up to five years from the date of a grant or from the date or original application, whichever is the lesser, and that has been accepted and we are thankful.

Mr. Chadderton: Recommendation number 119, which would have required the Commission to take into consideration, and give a decision on the possibility of retroactivation in all awards. Now the intent of the government here; this was not accepted.

Intent of Woods Committee: The Woods Committee suggested this procedure, as it was obvious that the Commission did not automatically take into consideration the possibility of retroactivation. Hence, unless an advocate or the applicant himself asked for a ruling, it was entirely possible that no retroactive award would be made.

Comment: It would seem, in the interests of good administration, that the Woods Committee recommendation should be accepted, to ensure that an applicant is given the full benefit of any retroactive award, and that the Commission must necessarily make a decision in this regard. Otherwise the applicant may miss out on a retroactive award "by default".

Brigadier Reynolds pointed out that the preferred procedure, presumably in the veterans advocate branch was to get an entitlement ruling through first and then, if there were a possibility of retroactivation to go back and submit that for a second adjudication. We do not quite agree. We certainly feel that if there were possibility that the man should have retroactivation that should be part of the original submission and the Commission should be required to give a decision on it right there. Again, Mr. Chairman out of sympathy for the fact that the Commission is going to be terribly bogged down with cases,

[*Interpretation*]

les recommandations que le gouvernement a acceptées. Peut-être est-ce un oubli, car nous ne félicitons pas le gouvernement d'avoir accepté les recommandations. Mais dans les remarques du début, monsieur Lundberg a déclaré que nous étions satisfaits et que de nombreuses recommandations avaient été acceptées. Nous ne discutons ici que des recommandations qui sont en litige.

Vous dites que celles dont vous parlez ont été acceptées et nous sommes très heureux que le gouvernement les ait acceptées.

Le président: Voulez-vous poursuivre?

M Lundberg:

Recommandation n° 116—Elle prévoit une validité rétroactive allant jusqu'à cinq ans à compter de la date d'attribution ou de la date de la première demande, suivant la moins longue des deux périodes. Cette recommandation a été acceptée et nous en sommes heureux.

M. Chadderton:

Recommandation n° 119—La Commission devrait étudier la possibilité d'accorder la rétroactivité pour toutes les pensions attribuées et rendre une décision à ce sujet.

Dessein du Comité Woods: Le Comité Woods a proposé cette pratique, parce que la Commission, de toute évidence, n'étudie pas automatiquement la possibilité de rétroactivité, si bien que celle-ci peut fort bien ne pas être accordée, à moins qu'un avocat ou le requérant lui-même ne demande un jugement.

Commentaire: Il semble que, dans l'intérêt d'une saine administration, l'on devrait accepter la recommandation du Comité Woods, afin de s'assurer que le requérant profite au maximum de toute rétroactivité; aussi, la Commission doit-elle absolument rendre une décision à cet égard. Autrement, le requérant peut perdre la jouissance de la rétroactivité «par défaut».

Le brigadier Reynolds a souligné que la procédure de préférence, probablement au niveau de la Division des avocats des pensions, avait pour but de passer tout d'abord par l'admissibilité, puis, ensuite, s'il y a une possibilité de rétroactivité, de reprendre la procédure et de demander une deuxième décision. Nous ne sommes pas tout à fait d'accord, car nous pensons vraiment que si l'ancien combattant a droit à une rétroactivité quelconque, cette rétroactivité devrait faire partie de la première demande et la Commission devrait être obligée de rendre sa décision immédiatement. Encore une fois, monsieur le

[*Texte*]

to have to go back and give a second look at the case to decide retroactivation when presumably the facts are all there in its first look at it, would just be additional work. That is our view.

The Chairman: Are there any questions by members of the Committee? Mr. Lundberg.

Mr. Lundberg: Recommendation number 125, which would provide, generally, that the Commission pay part of the pensioner's pension to his dependent if she is living separately from him, but if she has obtained a court order certifying her entitlement to be maintained.

This has been modified and we accept the modification of the government.

Mr. Chadderton: Recommendation number 127 to the effect that improper conduct not apply if a member is totally disabled. The intent of the government: it is understood that the government has not accepted this recommendation. The actual recommendation was marked as modified, as I understood it, but we do not feel the modification goes far enough.

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Intent of Woods Committee: The Woods Committee, drawing on the experience of workmen's compensation boards across Canada, came to the conclusion that it was not justifiable to deny pension to a pensioner who has suffered total disability, despite the fact that improper conduct may have been involved in the act which brought about that disability.

Comment: It is difficult to see how any *other* decision could be made in cases of this nature.

The provisions of Section 14 of the Pension Act provide that, if a member of the forces suffered death, even though misconduct may have been involved, pension may be paid. We are concerned, however, with the poor unfortunate who did not die, but who has been left totally disabled. Under this section of the Act the Commission may award pension if the applicant is in a dependent condition but, otherwise, he must live out the rest of his life, deprived of pension for a disability incurred while in the service of his country. There cannot be very many cases of this nature and

[*Interprétation*]

président, même si la Commission pourra s'embourber dans de tels cas et devra revoir les dossiers et rendre une seconde décision au sujet de la rétroactivité, il semble qu'il serait plus simple, si les faits existent, de régler le problème du premier coup sans créer un travail supplémentaire. C'est là notre point de vue.

Le président: Y a-t-il d'autres questions? M. Lundberg.

M. Lundberg:

Recommandation n° 125—D'une manière générale, la Commission devrait verser une partie des prestations du pensionné à la personne qui est à sa charge si celle-ci en plus de vivre en séparation de corps, a obtenu une décision du tribunal attestant qu'elle a droit au maintien de ces paiements.

Cette recommandation a été modifiée et nous l'acceptons, telle que modifiée par le gouvernement.

M. Chadderton:

Recommandation n° 127—L'inconduite ne doit pas entrer en ligne de compte s'il s'agit d'un membre complètement invalide.

Position du gouvernement: Sauf erreur, le gouvernement n'a pas approuvé cette recommandation. La recommandation actuelle est indiquée comme ayant subi une modification. Nous trouvons que celle-ci ne va pas assez loin.

Dessein du Comité Woods: Le Comité Woods, se fondant sur l'expérience des jurys chargés d'étudier les demandes d'indemnités des accidentés du travail dans les diverses régions du Canada, a conclu qu'il n'est pas justifiable de refuser la pension à un bénéficiaire qui souffre d'*invalidité totale,* même si son inconduite a causé de quelque manière l'action qui a entraîné cette invalidité.

Commentaire: Il est difficile de voir quelle *autre* décision on peut prendre dans des cas de ce genre.

Les dispositions de l'article 14 de la Loi sur les pensions prévoient que lorsqu'un membre des Forces a trouvé la mort, même en raison de son inconduite, la pension peut être accordée. Ce qui nous préoccupe, toutefois, c'est le cas du pauvre malheureux qui n'a pas perdu la vie et s'est trouvé complètement invalide. Aux termes de cet article de la Loi, la Commission peut accorder une pension si le requérant ne peut subvenir à ses besoins; autrement, il ne peut toucher de pension pendant le reste de ses jours, bien que son invalidité soit survenue pendant la durée de son

[*Text*]

we feel that, whereas this principle of denying pension on grounds of misconduct in cases of this nature may have been acceptable when the Act was originally brought into being, we are now living in an enlightened society which could consider this provision as an extremely harsh one.

Again in discussion with Brigadier Reynolds we understand that the figure of several million dollars—six, I believe—was quoted as the cost of this. That may be true, but we do not think there are that many totally disabled veterans who have been turned down on grounds of misconduct. Of course, we do not have the figures and we cannot argue with it, but that is...

Mr. Whicher: Mr. Chairman, I wonder if we could have a couple of examples of so-called improper conduct?

Mr. Chadderton: Yes. A man takes a vehicle out without a work ticket, as we used to call it in the army, borrows it and smashes it up. If he has overseas service he would be covered, presumably, but if he has not and is just living totally disabled as a result of this accident, a court of inquiry has found him guilty and that is it. Mind you, I will say that is a good example. A horrible example would be the guy who, perhaps, beat the hell out of his commanding officer and was just a bad, bad, bad soldier during his whole period of service. This is what you are always up against in these cases. There are the good examples and the bad examples. But do you deprive the good examples of pension merely on the grounds that the bad examples do not deserve it? I do not know, sir.

Mr. Whicher: What about things like cowardice in the face of the enemy or desertion? Is that improper conduct?

Mr. Chadderton: Oh, yes, but this would be covered under the present Act.

Mr. Bigg: And even that can be qualified. If a man has been shelled continually for three months, he might desert and so might you. I think his widow could be covered.

Mr. Chadderton: I doubt that veterans' organizations would want to make a judgment on that without knowing all the facts. But where you are talking about overseas service there is no problem. Most of these cases take place in Canada.

The Chairman: The problem applies only where there is no death.

[*Interpretation*]

service. Les cas de ce genre ne sont pas très nombreux; aussi, estimons-nous que, même s'il était acceptable, à l'époque où la Loi a été adoptée, de refuser la pension pour des motifs d'inconduite dans de tels cas, la société évoluée dans laquelle nous vivons aujourd'hui considérerait cette disposition comme extrêmement cruelle.

Encore une fois, lors de notre entretien avec le brigadier Reynolds, on nous a fait remarquer qu'une telle recommandation coûterait environ six millions de dollars. C'est peut-être vrai, mais nous ne croyons pas que tant d'invalides de guerre ont vu leurs pensions refusées pour mauvaise conduite. Bien sûr, nous n'avons pas de chiffres et nous ne pouvons pas soutenir notre raisonnement, mais...

M. Whicher: Donnez-nous des exemples de conduites fautives.

M. Chadderton: Oui. Un homme prend un véhicule sans permis, l'emprunte, et il en résulte un accident où le véhicule est totalement endommagé. S'il est en service outremer, il serait probablement couvert. Mais s'il n'est pas couvert et que cet homme est handicapé totalement à la suite de cet accident et que la Cour d'enquête établit qu'il est coupable, il s'agirait là d'un excellent exemple. Mais un mauvais exemple serait l'homme qui, lorsqu'il était un soldat n'était juste qu'un très mauvais soldat pendant toute sa période de service militaire. Il y a les bons exemples et les mauvais exemples. Mais vous ne supprimez pas la pension des bons exemples sur la base que les mauvais exemples n'y ont pas droit?

M. Whicher: En ce qui concerne la couardise devant l'ennemi, ou la désertion, est-ce là un exemple de mauvaise conduite?

M. Chadderton: Oui, mais la présente loi régit les cas semblables.

M. Bigg: Mais un déserteur pourrait être admissible. S'il est bombardé continuellement pendant trois mois, il peut déserter, comme vous le feriez peut-être. Je pense que sa femme serait protégée.

M. Chadderton: Je ne pense pas que les organisations qui groupent les anciens combattants jugeraient de la chose sans connaître tous les faits. Mais lorsque vous parlez de service outre-mer, il n'y a pas de problème. La plupart des cas de mauvaises conduites sont ceux qui se présentent au Canada.

Le président: Le problème existe que lorsqu'il n'y a pas mort d'homme.

[*Texte*]

Mr. Chadderton: Yes, Mr. Chairman. And we just cannot see where there is such a great amount of money involved. I think the Committee might want to get a little more information on that. I really do not think so, though, bearing in mind also that we are not suggesting any retroactivation in these awards. If we are, it is limited to the five years. I will reserve my comments on that because five years at 100 per cent is of course a lot of money, but in any event I think the veterans' organizations would say that even if it were not made retroactive but were made available from now on it would be a blessing and it would be an enlightened look at the thing, bearing in mind—and I think it is a very strong argument—that workmen's compensation boards have seen fit to do this. Of course the Woods Committee did visit the Workmen's Compensation Board people in Ontario and we had a very serious discussion with them on this subject.

We came away feeling that in this modern society it was the only reasonable and respectable thing to do. You do not hold that kind of misconduct against a man and his family.

Mr. Peters: This horseplay has been a real problem in Ontario where the workmen's act has placed a duty particularly like in a shower...

The Chairman: You are talking about Workmen's Compensation cases.

Mr. Peters: Yes, this is where it applies. Where the injury has been of a sufficiently serious nature they have always accepted the possibility that this kind of horseplay takes place and if the accident is serious they will assume responsibility. I think it is a fairly enlightened procedure. I can think of a particular case in a mine where guys were horsing around in the shower and a guy slipped and was totally paralyzed. This was accepted, although it was not part of his duty, as he was on the premises.

• 1145

The Chairman: Are there any other questions or comments by members of the Committee on this point? You suggested that we make further investigations in regard to the frequency of cases and possible costs.

Mr. Lundberg: That is right, sir.

Mr. Chadderton: That is, Mr. Chairman—for the record—only those suffering total disablement. We are not worrying about the man who has an injured foot and a 10 per cent disability. We want the costs for the one suffering total disablement.

[*Interprétation*]

M. Chadderton: C'est exact. Monsieur le président, nous n'entrevoyons pas pourquoi il y aurait tellement d'argent en question. Le Comité voudrait peut-être se renseigner plus à fond. Je ne pense pas. Il faut nous souvenir également que nous ne proposons aucune rétroactivité dans l'allocation de ces pensions. Ou si nous en proposons une, elle se limite à une période de 5 ans. Je réserve mes commentaires là-dessus, parce qu'évidemment 5 ans à un taux de 100 p. 100 de pension représentent une très forte somme. Mais, de toute façon, nous dirions dans les organisations des anciens combattants que même si cette pension n'était pas rétroactive mais disponible dès maintenant, ce serait certainement une aide précieuse et ce serait reviser la Loi à la lumière d'une pensée d'une société plus libérale. Les Commissions d'accidents de travail ont établi des jugements dans ce sens-là et le Comité Woods a entretenu des discussions très prolongées sur ce sujet.

Dans la société actuelle, c'est la seule mesure sage que l'on puisse adopter. Nous ne retenons pas un jugement défavorable lorsque ce jugement peut affecter un homme et sa famille.

M. Peters: Il y a eu un vrai problème en Ontario, parce que la Loi des accidents de travail...

Le président: Vous parlez de cas relevant de la Loi des accidents de travail?

M. Peters: Oui, dans le cadre de ces dispositions. Lorsque un ouvrier a beaucoup souffert, on a toujours accepté qu'il puisse s'agir de ce genre d'incapacité si l'accident est grave. La Commission en assume donc la responsabilité. C'est une procédure qui me semble très libérale. Je pense, par exemple, à un cas dans une mine, où quelqu'un a glissé, en courant dans une douche, il est devenu paralysé totalement; on a accepté qu'il reçoive une compensation, même si cela ne faisait pas partie de ses devoirs.

Le président: D'autres questions ou commentaires par les membres du Comité sur ce point-là? Vous suggérez qu'on fasse d'autres enquêtes en regard de la fréquence des cas et du coût qu'il pourrait en advenir.

M. Lundberg: C'est exact monsieur.

M. Chadderton: Seulement dans les cas de ceux qui subissent une invalidité totale. Nous ne songeons pas à quelqu'un qui a 10 p. 100 d'incapacité de travail, comme celui qui a reçu une blessure au pied.

[*Text*]

Recommendation 128—That venereal disease not be considered improper conduct under the Pension Act. Intent of the government: presumably this recommendation was not accepted and the comment we have there is only if the man has died, which would not cover our recommendation.

Intent of Woods Committee: The Committee wrote at length, in its supporting comment, on this issue, pointing out that the circumstances of military service very often subjected the young soldier to the dangers of this type of infection, and the Committee felt that he should not be penalized should a disability result. It was pointed out further that the issue of contraceptives and the availability of other protective measures in the Armed Forces was a strong indication that conduct of the nature which would lead to venereal disease was not, to say the least, being discouraged. The Woods Committee pointed also to the fact that venereal disease is considered as acceptable under the United States Pension Legislation.

Comment: The Army, Navy and Air Force Veterans strongly endorses the Woods Committee recommendation and asks that this matter be reconsidered in the light of the supporting argument of the Committee.

And again this figure of $6 million we understand was linked to this one too. If cost is a great factor, we do not know it, and if retroactivation is a great factor I think that we would be willing to listen to reason. But certainly we feel that basic entitlement for venereal disease should be put into effect, particularly in the light of the fact that the present Act can be interpreted that if a man had venereal disease before he enlisted and it was aggravated on service he can get pension for it. We are not kicking at that; that is a very generous provision. But if that is the situation, then why should we not be pensioning for venereal disease incurred on service?

Mr. Guay (St. Boniface): I would like to ask Mr. Chadderton why he is concerned only with the young soldiers being subjected to that? Is that really the case?

Mr. Whicher: Discrimination.

Mr. Chadderton: We assume, Mr. Chairman, that the older soldier would know better...

Mr. Guay (St. Boniface): We can take a joke.

[*Interpretation*]

Recommandation n° 128—Les maladies vénériennes ne doivent pas être tenues pour des preuves d'inconduite, aux termes de la Loi sur les pensions.

Position du gouvernement: On présume que cette recommandation n'a pas été approuvée.

Dessein du Comité Woods: A ce sujet, le Comité a exposé en détail sa position, soulignant que le jeune soldat, du fait des circonstances particulières de la vie militaire, se trouve très souvent exposé aux dangers de ce genre d'infection; aussi, le Comité estime-t-il que le soldat ne doit pas être pénalisé s'il survient une invalidité. De plus, on a fait remarquer que la distribution de contraceptifs et la possibilité d'obtenir, dans les Forces armées, d'autres moyens de protection n'ont pas précisément pour effet de dissuader le soldat qui, par sa conduite, s'expose aux maladies vénériennes. Le Comité Woods a signalé aussi que, dans la législation américaine relative aux pensions, ces maladies sont considérées comme acceptables.

Commentaire: Les anciens combattants de l'Armée, de la Marine et de l'Aviation appuient vivement la recommandation du Comité Woods et demandent une nouvelle étude de cette question, compte tenu de la thèse présentée par le Comité à cet égard.

Encore une fois nous croyons que le chiffre de six millions se rapportait à cette recommandation. Si le coût est un facteur important, nous ne le savons pas, et si la rétroactivité est un facteur prépondérant, nous nous ferons une raison. Mais nous croyons sincèrement que le droit à l'admissibilité pour cause de maladie vénérienne s'impose, particulièrement sur le fait que la présente loi est interprétée de façon à ce qu'un homme qui était victime d'une maladie vénérienne avant son enrôlement et que cette maladie s'est aggravée au cours du service, cet homme peut obtenir une pension. Nous n'en voulons pas à cette décision, c'est une disposition très généreuse. Mais si l'on admet ce cas, pourquoi ne donnons-nous pas une pension à des gens victimes d'une maladie vénérienne au cours de leur période de service?

M. Guay (Saint-Boniface): J'aimerais demander à M. Chadderton pourquoi il ne parle que de jeunes soldats victimes de la maladie? Est-ce réellement le cas?

M. Whicher: Distinction injuste.

M. Chadderton: Il nous semble que le soldat plus âgé est naturellement plus au courant.

M. Guay (Saint-Boniface): Nous acceptons la plaisanterie.

[*Texte*]

Mr. Chadderton: ... which could be a very dangerous assumption. We do not want to be flattened with statistics from your Department saying that the average age of people who contracted this was 39.

The Chairman: Are there any further comments from members of the Committee? Mr. Lundberg.

Mr. Lundberg:

Recommendation No. 133—That Commissioners be appointed on recommendation of the Chairman of the Pension Commission.

Intent of Government: Not known.

Intent of Woods Committee: It was felt that, if appointments were made in this way, the Commission Chairman could institute a career planning program and could screen applicants to ensure that their qualifications to sit on the Commission would be a prerequisite to appointment.

Comment: This Association considers this one of the most important recommendations in the Woods Committee Report. This should not be taken as a reflection on any of the existing Commissioners. It is felt, however, that some orderly method of recruiting Commissioners would ensure the highest possible calibre of personnel. This method is followed in the Board of Veterans Appeals in the United States and is considered by veterans' organizations in that country to have brought about a vast improvement in the administration of pensions since its inception in that country in the early 1950's.

There is only one thing yet to say about that, gentlemen, and that is that President Harry Truman was instrumental in bringing out a career planning program to train men and bring them forward to become commissioners. In my many discussions with the American Legion, this was said to be a most acceptable situation which has proved beneficial to the government and to the veterans' organizations there.

Mr. Chadderton: We understand also that the comment of the departmental people was that this would interfere with the prerogatives of the Governor in Council. That may be true but we do not really feel so. We feel that if the Governor in Council see the recommendation they can approve or otherwise, but that the Chairman of the Commission should have the right to recommend. Otherwise he has absolutely no control over the people who are supposedly going to work for him. We will leave it with you, though.

[*Interprétation*]

M. Chadderton: Nous ne voulons pas que le ministère nous soumette des statistiques pour nous indiquer que l'âge moyen auquel les soldats souffrent de cette maladie est de 39 ans.

Le président: D'autres commentaires? Monsieur Lundberg.

M. Lundberg:

Recommandation nº 133—Les commissaires devraient être nommés sur la recommandation du président de la Commission canadienne des pensions.

Position du gouvernement: inconnue.

Dessein du Comité Woods: On estime que si les nominations étaient faites de cette manière, le président de la Commission pourrait instituer un programme de planification professionnelle et étudier les demandes présentées par les candidats, afin de s'assurer que les sujets choisis ont les qualités voulues pour siéger au sein de la Commission.

Commentaire: L'Association considère cette recommandation comme l'une des plus importantes que renferme le Rapport du Comité Woods. Il ne faut pas voir là, toutefois, une allusion à quelque membre actuel de la Commission. Nous croyons simplement que le fait de recruter les commissaires selon une méthode raisonnée permettrait de réunir un personnel de premier ordre. C'est du reste ainsi que procède, aux États-Unis, la Commission d'appels des anciens combattants, et depuis l'institution d'un tel régime dans ce pays, au début des années 1950, l'administration des pensions s'est considérablement améliorée.

Tout ce que nous avons à dire à ce sujet c'est que le président Harry Truman fut l'un des hommes responsables de ce changement dans la Loi, c'est-à-dire l'établissement d'un programme pour former des hommes à devenir commissaires. Au cours de mes nombreuses discussions avec l'*American Legion*, j'ai appris que cette solution était fructueuse et pour le gouvernement et pour les associations d'anciens combattants.

M. Chadderton: Le commentaire du personnel du ministère est que ceci présenterait une ingérence dans les responsabilités du gouverneur en conseil, c'est peut-être vrai, mais nous ne le pensons pas. Si le gouverneur général en conseil étudie la recommandation, il peut l'approuver ou non, mais le président de la Commission ne devrait pas jouir du droit de recommander quelqu'un. Ainsi il n'a aucun pouvoir sur la nomination des gens qui doivent travailler pour lui. Nous vous laissons la conclusion.

[*Text*]

• 1150

Mr. Lundberg: Recommendation 142 to the effect that information on pension files not be released to employers or insurers. This has been modified and accepted and we so accept.

Mr. Chadderton: I might add to that, Mr. Chairman, that the modification is that the information can be provided at the discretion of the Department of Veterans Affairs, but we will reserve any further comment until we see whether there is going to be a directive on the circumstances under which this information should be released.

We can see that it certainly should be released in court cases, for instance, or where the man needs a certificate saying he is not insane or is insane or that type of thing; but if it is just a question of certifying whether he is fit to accept service in the public service, then we feel that his pension information should not be there. Incidentally, we also recommend to you the regulations on this in the United States Veterans Administration which say specifically that not under any circumstances can that be released except—and then there are a few exceptions to which everybody would agree.

The Chairman: Mr. Peters?

Mr. Peters: Would it be possible for us to get these excelibional cases that the Government of the United States used?

Mr. Chadderton: Yes, I can make them available to the Committee. They are now law. They are fairly lengthy and fairly detailed.

Mr. Lambert (Edmonton West): Surely you would not want this to be released to employers or insurers without the consent of the veteran? On many occasions, for instance, a Member of Parliament has to get authorization to look at a pensioner's file, and they do. I would say that a pensioner would want the privilege of authorizing someone. If you put in a blanket prohibition then with all the goodwill in the world not one party can get access to that file.

Mr. Chadderton: That is the penalty of rushing, Mr. Chairman. The government proposal, as we understand it, is that there would be two elements. That is, that the pensioner must give his consent, and that it can then be released at the discretion of the department.

[*Interpretation*]

M. Lundberg:

Recommandation n° 142—Les renseignements contenus dans les dossiers relatifs aux pensions ne doivent être communiqués ni aux employeurs ni aux assureurs.

Cette recommandation a été modifiée et acceptée, ainsi nous l'acceptons nous aussi.

M. Chadderton: Je voudrais ajouter que la modification touche ceci: que les renseignements peuvent être soumis à la discrétion du ministère des anciens combattants, mais nous réservons tout commentaire jusqu'au moment où nous saurons s'il y aura une directive de formulée quant aux circonstances sur lesquelles ces renseignements doivent être rendus publics.

Nous envisageons la possibilité de ce que ces renseignements soient rendus publics lorsqu'il y a audience au tribunal. Nous nous demandons s'il ne s'agit que de vérifier si l'homme est acceptable pour rendre des services dans la fonction publique, si l'on devrait rendre publics les renseignements au sujet des pensions. Dans l'administration des anciens combattants aux États-Unis, on dit très spécifiquement qu'on ne peut rendre publics ces renseignements que sous certaines circonstances qui sont spécifiées très exactement.

Le président: M. Peters?

M. Peters: Nous serait-il possible de connaître ces cas exceptionnels dont se sert le gouvernement des États-Unis?

M. Chadderton: Oui, je peux les rendre disponibles au comité. En ce moment-ci, ils figurent dans la loi. Ils sont assez longs et détaillés.

M. Lambert (Edmonton-Ouest): Mais je suppose qu'on ne les mettra pas à la disposition des employeurs ou des assureurs sans l'assentiment des anciens combattants? Souvent, par exemple, un député doit recevoir une autorisation pour examiner les dossiers d'un ancien combattant. Je dirais qu'un pensionné voudrait retenir le privilège de donner lui-même l'autorisation pour qu'on confie son dossier. S'il y a interdiction formelle de toucher au dossier, alors personne ne peut en aucun cas y avoir accès.

M. Chadderton: C'est le désavantage de se dépêcher, monsieur le président. Le gouvernement proposait deux étapes; que le pensionné donne son consentement et que le dossier puisse être fourni à la discrétion du Ministère.

[*Texte*]

The Chairman: We did have some testimony relating to circumstances in which there could be abuse by an employer.

Mr. Lambert (Edmonton West): I would say that the discretion of the department is just precisely what we do not want. For instance, if a Member of Parliament, or somebody else such as a Legion secretary, or executive manager, or an advocate on behalf of the Legion or of any other veterans' organization, is authorized directly by the veteran to have a look at the file, if there is a dispute between them, and you leave it to the discretion of the department as a second condition of releasing the file—nothing doing.

Mr. Chadderton: Mr. Chairman, that is exactly why we said that we were accepting this modification, but with the rider that we would specifically want to see the departmental instructions which would govern it. What are you going to do, sir, about the man who is involved in criminal proceedings? If he can get the information released from his departmental file it might be helpful to him. We do not know. But I think we are perfectly in agreement that generally the present situation is far too...

The Chairman: We want to do good and avoid harm. But apart from that it is difficult.

Mr. Lambert (Edmonton West): I do not want the discretion as a second condition, because that would then allow either the Pension Commission or the department, if there were a dispute between the veteran and the body, to say, "No, we are not going to release it to your advocate".

Mr. Peters: Mr. Chairman, we did have an example of a claimant with a psychiatric problem of which he was not aware, which it was not to his advantage to know, and the release of which was certainly not to his advantage. Because he did not know of it he might ask for the release of that information, not knowing what is in the file. I think in that case it would be to his advantage to have discretion.

Mr. Chadderton: Unfortunately, Mr. Chairman, I think there was only one case cited in the Woods Report and somebody ran away with the idea, I am sure, that we were talking about one case. I can assure you that that is not true. This is a very sore point with very many veterans. The reason they do not complain about it is that they do not know. If they did, they would be up in arms.

[*Interprétation*]

Le président: Nous avons eu quelques témoignages à l'effet que, dans certains cas, un employeur pouvait abuser de la situation.

M. Lambert (Edmonton-Ouest): Je dirais que ce que nous ne voulons surtout pas, c'est laisser la décision à la discrétion du Ministère. Si un député ou quelqu'un d'autre, un secrétaire de la Légion ou son directeur exécutif ou un avocat de la Légion ou de toute autre association d'anciens combattants peut recevoir directement de l'ancien combattant l'autorisation d'examiner son dossier, s'il y a contestatiton entre eux et que le Ministère doit alors donner son autorisation, il est sûr qu'ils n'obtiendront jamais le dossier.

M. Chadderton: Monsieur le président, voilà pourquoi nous disons que nous acceptons cette modification, mais nous ajoutons que nous voudrions voir les directives ministérielles qui la régiront. Que ferez-vous lorsqu'un homme est cité devant un tribunal. S'il peut obtenir les renseignements qui se trouvent dans son dossier au Ministère, cela peut lui être utile. C'est possible. Mais je pense que nous sommes absolument d'accords que de façon générale, la situation actuelle est beaucoup trop...

Le président: Nous voulons savoir la cause des anciens combattants et ne pas leur faire du tort. Mais c'est bien difficile.

M. Lambert (Edmonton-Ouest): Je m'objecte à ce que le Ministère puisse ou non à sa discrétion refuser de fournir un dossier, car il pourrait, ainsi que la Commission canadienne des pensions refuse de donner les dossiers à un avocat en cas de contestation entre l'ancien combattant et la Commission.

M. Peters: Nous avons l'exemple d'un requérant qui souffrait d'un problème psychologique dont il n'était pas au courant et qu'il n'était pas dans son intérêt de connaître. Puisqu'il n'est pas au courant de ce qui se trouve dans le dossier, il pourrait demander qu'on le donne à examiner. Dans ce cas, je pense que ce serait à son avantage que le Ministère use de discrétion, n'est-ce pas?

M. Chadderton: Malheureusement, le rapport Woods ne mentionne qu'un seul cas semblable. On s'est dès lors imaginé que ce n'était pas un cas courant et pourtant, énormément d'anciens combattants sont dans ce cas, je vous assure. Ils ne s'en plaignent pas, parce qu'ils ne le savent pas. S'ils le savaient, ils se rebelleraient.

[*Text*]

• 1155

The Chairman: Mr. Turner had his hand up some time ago.

Mr. Turner (London East): Yes, Mr. Chairman. I understood that if it was not in the veteran's interest the information would not be released.

Mr. Chadderton: We will accept that if we see how they are going to operate it. But we are not buying a pig in a poke on this, sir.

Mr. Bigg: There might perhaps be the very rare cases in which it was not in the interest of the security of the country, or something of that kind. I think the regulations could be so framed as to protect the veteran and also the security of the country, if the information is screened.

The Chairman: Are there further comments on this point? Will you continue, Mr. Lundberg, please?

Mr. Lundberg: "Recommendation No. 143—That the statutory exemption from income tax for payments under the Pension Act be continued" be accepted. We so accept.

The Chairman: You may want to take note, Mr. Lundberg, that there is to be a White Paper on taxation and that will probably be public hearings, Your organization may want to make representations at that time.

Mr. Lundberg: We shall be there, Mr. Chairman

The Chairman: The next one?

Mr. Chadderton:

Recommendation No. 144—To the effect that the $15 deduction from pensioners in the 90 per cent class and below be eliminated.

This recommendation should be coupled with Recommendation 145.

Intent of Government: It would appear that these recommendations were not accepted.

I do not intend to read this, Mr. Chairman. I think I can explain it much better.

Recommendation No. 144 deals with the present section of the Pension Act which, to all intents and purposes, is redundant. But the second recommendation would have done what we want it to do, which is that it would have avoided this $15 deduction for the pensioner who is in the 90 per cent class and below.

[*Interpretation*]

Le président: M. Turner voulait poser une question.

M. Turner (London-Est): M. le président, il me semblait comprendre qu'on ne divulguerait pas le contenu du dossier si ce n'était pas dans l'intérêt de l'ancien combattant.

M. Chadderton: Nous accepterons une belle solution quand nous verrons comment le Ministère se sert de ses prérogatives. Mais nous ne prenons pas des dossiers pour des lanternes.

M. Bigg: Il y aurait aussi les cas où ce ne serait pas dans l'intérêt de la sécurité de l'État qu'on divulgue le dossier. A mon avis, il faudrait établir des règlements qui protégeraient l'ancien combattant en même temps que la sécurité de l'État.

Le président: Y a-t-il d'autres commentaires? Continuez, M. Lundberg.

M. Lundberg: Recommandation n° 143:

Que l'exemption statutaire de l'impôt sur le revenu en faveur des paiements faits en vertu de la loi sur les pensions soit maintenue. Nous adoptons cette recommandation.

Le président: Vous noterez, qu'il y aura, monsieur Lundberg, un Livre blanc sur l'impôt et qu'il y aura des auditions publiques. Votre organisation pourrait peut-être faire des recommandations à ce moment-là.

M. Lundberg: Oui, monsieur le président.

Le président: Qui veut prendre la parole?

M. Chadderton:

Recommandation n° 144—Il faut supprimer la déduction de $15 dans le cas des pensionnés de la catégorie des invalides à 90 p. 100.

Cette recommandation se rattache à la recommandation n° 145. Position du gouvernement: Il semble que ces recommandations ont été rejetées.

Monsieur le président, je crois pouvoir m'expliquer beaucoup mieux qu'en lisant le texte.

La recommandation n° 144 qui traite de l'article de la Loi sur les pensions est à toutes fins pratiques superflue. Mais la deuxième recommandation aurait préconisé ce que nous voulons, c'est-à-dire qu'elle aurait évité cette déduction de $15 pour les pensionnés qui reçoivent une pension à 90 p. 100 et moins.

[*Texte*]

The comment of the government officials is that if this were put into effect as the Woods Committee wrote it, it could happen that if a 5 per cent pensioner went into hospital and was put on 100 per cent pension and then he died, his widow would automatically be entitled to pension because at the time of his death he was over 48 per cent.

Perhaps it is an error in drafting. I would simply say that if that is true then the intent of the Woods Committee recommendation should be considered by your Committee. That would be to change the wording of the Woods Committee recommendation from "pension be increased to 100 per cent" while in hospital to "treatment allowances should be made equal to 100 per cent".

Then your 5 per cent pensioner could go on treatment allowances, he would get the same amount as a 100 per cent pension, but if he died he would not qualify his widow to receive pension. I just read that suggestion into the record, and that is it.

The Chairman: Mr. Lundberg?

Mr. Bigg: That is only to avoid a technical difficulty?

Mr. Chadderton: Yes; I think the drafting of the Woods Committee recommendation did not take into consideration the fact that if it were approved as written it would have an undesirable effect. But the intent is still good, so far as we are concerned.

The Chairman: We will make a note of that, Mr. Chadderton.

Mr. Peters: Mr. Chairman, for clarification, is that not how it is operated now? A pensioner going in for pension disability, no matter what his pension entitlement is, gets 100 per cent treatment allowances now, does he not?

Mr. Chadderton: Yes; but treatment allowances are $15 per month less than pension. So, in effect, it amounts to a $15 deduction.

Mr. Peters: I do not see how it can be a deduction, because his pension can be any amount—5 per cent...

Mr. Chadderton: Do not let us use the 5 per cent; that is not fair either. Let us use the 50 per cent. The 50 per cent man goes into hospital for his pensionable disability.

Mr. Peters: Yes.

Mr. Chadderton: To all intents and purposes he is taken off the unskilled labour

[*Interprétation*]

Les hauts fonctionnaires du gouvernement prétendent que si cette recommandation était adoptée, telle quelle, il se pourrait qu'un pensionné qui reçoit une pension de 5 p. 100 qui entre à l'hôpital où on lui accorde une pension de 100 p. 100, en cas de décès, sa veuve aurait automatiquement droit à une pension parce que l'ancien combattant recevrait une pension de plus de 48 p. 100 au moment de son décès. C'est peut-être dû à une erreur dans la préparation de la recommandation. Si cela est vrai, je pense qu'il faudrait que vous étudiiez quel est le but de la recommandation du comité Woods. Il faudrait alors modifier l'énoncé de la recommandation «que la pension soit portée à 100 p. 100» quand le pensionné est à l'hôpital et «que les allocations de soins soient de 100 p. 100.

Un pensionné à 5 p. 100 pourrait alors recevoir les mêmes allocations de soins que s'il était un pensionné à 100 p. 100, mais s'il mourait, sa veuve n'aurait pas droit à recevoir une pension comme celle d'un pensionné à 100 p. 100.

Le président: Monsieur Lundberg.

M. Bigg: Faites-vous ce commentaire afin d'éviter des difficultés d'ordre technique?

M. Chadderton: Oui, je pense que la rédaction de cette recommandation du comité Woods ne tient pas compte du fait que si elle était adoptée telle quelle, le but visé ne serait pas atteint. Mais l'intention est bonne, il n'y a aucun doute.

Le président: Nous en prendrons note, monsieur Chadderton.

M. Peters: Est-ce que ce n'est pas de cette façon que la loi est appliquée maintenant? Un invalide qui se fait traiter reçoit des allocations de soins de 100 p. 100, en tous cas, n'est-ce pas?

M. Chadderton: Oui, mais l'allocation de soins est de 15 p. 100 inférieure à la pension mensuelle.

M. Peters: Je ne vois pas comment on pourrait faire une réduction sur une pension de 5 p. 100.

M. Chadderton: Je crois qu'il ne faut pas se baser sur 5 p. 100. Prenons 50 p. 100 par exemple. Prenons le cas d'un pensionné à 50 p. 100 qui entre à l'hôpital à cause de son infirmité, ouvrant droit à pension.

M. Peters: Oui.

M. Chadderton: A toutes fins pratiques, comme il n'est plus sur le marché du travail,

[*Text*]

market so he should be entitled to pension at the same rate as 100 per cent pension when he is in, because he is not working. Even the departmental treatment people—and I quoted an instance the other day—said that it was no longer feasible to continue this $15 deduction; but apparently the government did not agree, or somebody did not agree. Anyhow, the 50 per cent pensioner is in hospital. He is out of the unskilled labour market and is therefore entitled to 100 per cent pension. But all he gets is maximum treatment allowance, which is $15 less.

Mr. Peters: But he does not have to buy any food. There are some factors that...

Mr. Chadderton: This was the argument, on the theory, Mr. Peters, which was the basis of the original proposal. At one time treatment allowances were $40 a month less than pension, but now nobody apparently continues to subscribe to the idea that when he is in hospital he should have a deduction for food he is not buying, or comforts, or anything else. When I say nobody, I mean nobody in the veterans' organizations; and even the views of the treatment officials on it were read into the record the other day from a memorandum published in the Woods Report.

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We are dealing, Mr. Chairman, with a technicality. Certainly if the Committee were in agreement that when the 50 per cent pensioner is in hospital his treatment allowances should equal 100 per cent pension, then you could just revise the Woods Committee recommendation as it is written and it can go through. Apparently the objection of the departmental officials is that to put him on a 100 per cent pension would leave the 5 per cent pensioner, as I said, in a position where if he died his widow would get pension.

The Chairman: Mr. Lundberg. Mr. Peters?

Mr. Peters: You are not recommending that?

Mr. Chadderton: Definitely not.

Mr. Lundberg:

Concluding Remarks.

We have made no reference in this submission, to basic rates but we would again draw the attention of the Committee to the views as expressed in the brief submitted by the nationally chartered Veterans Organizations on September 18 last, and the National Coun-

[*Interpretation*]

il devrait recevoir une pension à 100 p. 100. Même les fonctionnaires qui s'occupent des soins estiment qu'il ne faudrait plus opérer cette réduction de $15; mais apparemment le gouvernement ou quelqu'un n'était pas d'accord. En tous cas, ce patient qui n'est plus sur le marché du travail a droit à une pension et tout ce qu'il reçoit, c'est une allocation de soins qui est de $15 inférieure à cette pension.

M. Peters: Mais il ne doit pas acheter de nourriture. Il y a certains facteurs dont il faut tenir compte.

M. Chadderton: C'est sur cela qu'on s'était fondé pour opérer cette réduction. A une certaine époque, les allocations de soins étaient de $40 par mois inférieures aux pensions, mais aujourd'hui, personne ne trouve plus qu'on devrait réduire la pension parce que le pensionné ne doit pas acheter ses aliments, etc. Quand je dis personne, je pense aux organisations d'anciens combattants, et même aux fonctionnaires des traitements dont on a inséré les commentaires dans le compte rendu l'autre jour à partir d'un mémoire qui a été publié dans le Rapport Woods. Nous avons ici

affaire à un problème d'ordre technique. Évidemment, si le Comité était d'accord pour dire qu'un pensionné à 50 p. 100 qui est à l'hôpital devrait recevoir des allocations de soins de 100 p. 100, nous devrions simplement reviser la recommandation du Rapport Woods et je pourrais continuer. La seule objection que font les fonctionnaires du ministère est la suivante: si un pensionné à 5 p. 100 meurt à l'hôpital où il bénéficie d'une pension à 100 p. 100, sa veuve pourrait obtenir une pension.

Le président: Monsieur Lundberg. Monsieur Peters?

M. Peters: Ce n'est pas ce que vous recommandez.

M. Chadderton: Absolument pas.

M. Lundberg:

Dernières remarques

Dans le présent mémoire, nous n'avons pas parlé des taux de base; nous aimerions néanmoins attirer l'attention du Comité sur les vues exprimées, le 18 septembre dernier, dans le mémoire présenté par les associations à charte nationale des anciens combattants et,

[*Texte*]

cil of Veteran Associations in Canada on September 19 last.

Veterans organizations are alarmed that the government has stated, in the White Paper, that the matter of the basic rate will be considered along with the current government studies on social legislation.

Pension is not part of the social legislation of the country. It is unique, in the sense that it is compensation for loss suffered in the Armed Forces. Compensation paid therefor must be held separate and apart from any social benefits to which a recipient under the Pension Act is entitled. This would include any benefits under the Canada Assistance Act or the Canada Pension Plan or any other benefits to which the pensioner may have made a direct or indirect contribution.

We are alarmed also at the announcement of the Honourable, the Minister of Veterans Affairs, made to veterans organizations at the time of delivery of the White Paper on September 9 last, to the effect that he has under way studies regarding the formula for payment of the basic rate of pension. We have often expressed the view that the existing formula is satisfactory. It is part of the very fabric of our pension law. For example, reference to the unskilled labour market is made frequently throughout the "Instructions and Table of Disabilities for the Guidance of Pension Medical Advisors and Medical Examiners". This is, of course, the basic guide upon which assessments are based in the Canadian Pension Commission.

For example, we refer to the Table, page 2, paragraph 4, subparagraph 7, wherein it states:

> The measure used is the unskilled labour market. If by reason of damage sustained the claimant is unable to follow any of the many unskilled employments he has a disability. The wider the range of restriction the greater the disability.

On page 11 we find the following note:

> When a claimant for pension has, in addition to the above conditions, a war injury that would further restrict his employability in the unskilled labour market, an addition to the percentage is to be made.

The unskilled labour market has been the basis of payment of pension since the inception of the Act. There appears to be no jus-

[*Interprétation*]

le 19 septembre, par le Conseil national des associations canadiennes d'anciens combattants.

Les associations d'anciens combattants ont été alarmées par la déclaration contenue dans un Livre blanc, selon laquelle la question des taux de base sera considérée lors de l'étude des mesures législatives ayant trait au bien-être social.

Les pensions n'entrent *pas* dans le cadre de la législation sociale du pays. C'est une question à part, en ce sens qu'il s'agit de compenser les pertes subies dans les Forces armées. Les indemnités versées à ce poste doivent être distinctes et détachées de toutes prestations d'assistance sociale auxquelles un bénéficiaire a droit en vertu de la Loi sur les pensions, y compris celles qui sont versées aux termes du Régime canadien d'assistance publique ou du Régime de pensions du Canada et toutes autres prestations versées en vertu de régimes auxquels le pensionné a pu contribuer d'une manière directe ou indirecte.

Nous avons été alarmés aussi en apprenant l'annonce faite par le ministre des Affaires des anciens combattants aux Associations d'anciens combattants lors de la publication du Livre blanc, le 9 septembre dernier, selon laquelle il a ordonné des études ayant trait à la formule d'établissement du taux de base des pensions. Nous avons souvent déclaré que nous trouvons la formule actuelle satisfaisante; elle cadre parfaitement avec notre loi sur les pensions. Ainsi, tout au long des «Instructions et Tableau des invalidités, établis à l'intention des conseillers et des examinateurs médicaux à des fins de pension», il est question du marché de la main-d'œuvre non spécialisée. C'est sur ce guide, évidemment, que se fondent les décisions au sein de la Commission canadienne des pensions.

Par exemple, au tableau figurant à la page 2, on peut lire au paragraphe 4, alinéa 7: «On prendra pour mesure le marché de la main-d'œuvre non spécialisée. Si le requérant, en raison du dommage qu'il a subi, est incapable d'exercer son emploi de manœuvre, il est jugé invalide. Plus la gamme de restrictions est étendue, plus l'invalidité est grave.

A la page 11, on trouve la note suivante: «Si le candidat à la pension, en plus de se trouver dans les conditions énoncées ci-dessus, souffre d'une blessure de guerre qui diminue encore ses capacités de travail comme manœuvre, il faut hausser le pourcentage d'indemnisation.»

Depuis l'adoption de la Loi, le marché de la main-d'œuvre non spécialisée a toujours servi de base pour l'attribution des pensions. Rien

[*Text*]

tifiable reason for abandoning this basis at this time. Along with this is the necessity to tie the unskilled labour market to some scale which will fluctuate in accordance with the country's economy.

In this regard we commend to the Committee the recommendation of the Woods Committee that the rate of unskilled labour be that of the classified lower grades in the federal Public Service. This, surely, would represent a basis which would be fair both to the pensioner and to the tax payer.

There are a number of other recommendations in the Woods Report which are not covered in this submission. There will, however, be appearances before your Committee by other veterans organizations and we know that, taken collectively, the views of all those in Canada who represent the interests of veterans and pensioners will furnish to your Committee an adequate basis upon which you can assess your attitudes towards the Woods Report and the White Paper on Pensions.

Respectfully submitted by the Army, Navy and Air Force Veterans in Canada.

The Chairman: Thank you Mr. Lundberg. Are there questions by members of the Committee? Mr. Chadderton.

Mr. Chadderton: Mr. Chairman, I hope you will permit me just to make one short statement. At the commencement of the hearings with the Army, Navy and Air Force Veterans in Canada, Mr. Lundberg stated that I was here in the capacity of consultant and it was suggested to me by several people last night that I make it absolutely clear that that is not a paid consultant. My salary comes from The War Amputations of Canada and they have asked me to loan my services to any group that may require them and I hope it is generally understood that this is certainly not on a paid basis. Thank you very much.

Mr. Guay (St. Boniface): I am sure you are getting your wages while you are sitting though.

Mr. Chadderton: I am getting my wages from the War Amputations of Canada, sir.

• 1205

Mr. Lundberg: Mr. Chairman, before I close I would like to thank the Committee for the very kind attention they have given to my delegation. Mr. Chairman, thank you for your kind co-operation and your understanding of

[*Interpretation*]

ne paraît justifier la suppression de cette base. Au surplus, il importe de rattacher le marché de la main-d'œuvre non spécialisée à une échelle quelconque dont les fluctuations refléteront celles de l'économie du pays.

A cet égard, nous engageons le Comité à appuyer la proposition du comité Woods, qui recommande de considérer comme taux applicable à la main-d'œuvre non spécialisée celui qui est en vigueur pour les niveaux classifiés inférieurs au sein de la Fonction publique fédérale. On aurait ainsi une base équitable, tant pour le pensionné que pour le contribuable.

Le Rapport Woods contient maintes autres recommandations que nous n'avons pas abordées dans le présent mémoire. Toutefois, d'autres témoins se présenteront devant le Comité à titre de représentants des associations des anciens combattants; aussi, sommes-nous assurés que, prises globalement, les vues exprimées par tous ceux qui défendent au Canada les intérêts des anciens combattants et des pensionnés fourniront au Comité une base suffisante pour que celui-ci puisse apprécier nos opinions au sujet du Rapport Woods et du Livre blanc ayant trait aux pensions.

Respectueusement soumis, Les anciens combattants canadiens, membres de l'Armée, de la Marine et de l'Aviation.

Le président: Merci, monsieur Lundberg. Y a-t-il d'autres questions? Monsieur Chadderton?

M. Chadderton: J'espère que vous me permettrez de faire une courte déclaration. Au début des auditions de l'Association des anciens combattants canadiens, membres de l'Armée, de la Marine et de l'Aviation, M. Lundberg a déclaré que j'étais présent en qualité de conseiller. Je voudrais souligner que je ne suis pas un conseiller rétribué. Je suis rétribué pas l'Association des amputés de guerre du Canada et cette association m'a demandé de prêter mes services à l'association qui paraît aujourd'hui devant vous. Je fais donc un travail bénévole aujourd'hui pour la présente association. Je vous remercie.

M. Guay (Saint-Boniface): Je suis sûr que vous êtes payé par l'Association des amputés de guerre du Canada.

M. Chadderton: C'est l'Association des amputés de guerre du Canada qui me verse une rétribution.

M. Lundberg: Avant de terminer, je voudrais remercier le Comité de l'attention qu'il a manifestée à la lecture de notre mémoire.

Monsieur le président, je vous remercie de nous avoir compris et permis parfois de nous

[*Texte*]

our presentation and allowing us to perhaps stray from the written word. My organization, sir, extends to you and to your Committee our sincere thanks.

The Chairman: Thank you Mr. Lundberg. We are very pleased that you were able to come and I thank you for your kind words. I hope that members of the Committee will be as charitable to the Chairman as you have been.

Mr. Lundberg: I must say, too, sir, before I go, our thanks to the Royal Canadian Legion for offering and giving me this morning to complete our brief. Mr. Thompson I trust you will convey that to your Dominion President, Bob Kohaly.

The Chairman: The meeting is adjourned.

AFTERNOON SITTING

• 1410

The Chairman: I call the Committee to order. Our witnesses this afternoon are from The Royal Canadian Legion; Mr. Kohaly will make the presentation and introduce the delegation. Mr. Kohaly, please.

Mr. Robert Kohaly (Dominion President, The Royal Canadian Legion): Mr. Chairman and gentlemen, I am pleased to be with you this afternoon and want to thank you for your attendance. I want to tell you immediately that while our brief is rather thick, we know you are used to wading through these kinds of things. We used the coloured pages first of all so that I would not make so many mistakes. I can tell colours but I may not be so apt at some of the other discriminating factors that are necessary in reading a brief. The colours primarily, however indicate the white pages are general policy of the Legion in respect to the Woods Report and the blue pages are the detail concerning that particular item.

I will deal with policy as is usual for an elected official of the Legion and Mr. Don Thompson, the Dominion Secretary and his Director of the Service Bureau, Mr. MacFarlane, who are very knowledgeable in these matters, will deal with the blue pages which again are the details and generally speaking will be the area from which your questiins will arise and our answers start to develop. Just to relieve you of a little bit of worry about whether we are going to read all of this, the answer is, no.

Mr. Chairman, you have been kind enough to invite me to introduce those Legion people

[*Interprétation*]

écarter de notre mémoire. Je voudrais aussi remercier le Comité.

Le président: Merci beaucoup, monsieur Lundberg. Nous sommes heureux que vous ayez pu venir. Nous vous remercions de vos aimables paroles. J'espère que les membres du Comité seront aussi charitables envers moi que vous l'avez été.

M. Lundberg: Je tiens aussi à remercier la Légion royale canadienne de nous avoir permis de prendre la matinée pour compléter la lecture de notre mémoire.

Monsieur Thompson, voudriez-vous transmettre nos remerciements au président de votre association, M. Bob Kohaly.

Le président: La séance est levée.

SÉANCE DE L'APRÈS-MIDI

Le président: Attention, messieurs, la séance débute.

La Légion royale canadienne témoigne cet après-midi. M. Kohaly fera les présentations des témoins. Monsieur Kohaly s'il vous plaît.

M. Robert Kohaly (président, La Légion royale canadienne): Monsieur le président, messieurs, je suis heureux de me retrouver parmi vous cet après-midi et je vous remercie de votre présence. Je veux vous dire immédiatement que bien que notre mémoire soit assez long, nous savons que vous êtes accoutumé d'étudier ces genres de mémoires. Nous utilisons les pages en différentes couleurs, pour que je ne fasse pas tant d'erreurs. Je peux distinguer des couleurs mais, je ne distingue pas toujours les différents points soulevés pendant la lecture du mémoire. Les pages blanches ont trait à la politique générale de la Légion à l'égard du rapport Woods et les pages vertes vous donnent le détail à l'égard d'un article en particulier.

Je traiterai de la politique comme c'est la coutume pour un fonctionnaire élu de la Légion, et M. Don Thompson, le secrétaire, et le directeur des services, M. MacFarlane, qui sont très au courant de ces affaires, traiteront des pages bleues où se trouvent les détails et qui en général feront l'objet de vos questions auxquelles nous répondrons. Afin de vous enlever toute inquiétude quant au fait de savoir si nous allons lire tout cela, la réponse est non.

Monsieur le président, vous avez été assez aimable pour m'inviter à présenter les mem-

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who are with us here today. I am supported by the Second Vice-President, Mr. Art Adams of Toronto; Mr. Don Thompson, the Dominion Secretary with whom you are well acquainted; Mr. Murray MacFarlane, the Director of the Service Bureau; Mr. Norman Shannon, Director of Public Relations and related matters; Mr. Lorne Manchester, the Editor of *The Legionary*—in this respect we are indebted to you for your time in having this picture taken which eventually will find its way into the Legion magazine—Mr. Ron Abbott, the Assistant Editor of *The Legionary;* three members of the Service Bureau under Murray MacFarlane; Mr. Bert Hanmer; Mr. Ed. Slater and the newest addition to the Service Bureau, Mr. Colin Graham.

We also are fortunate to have with us a man who has been deeply concerned with these matters over many years and who has often written in the Legion magazine on the subject, the Publishing Consultant, Mr. John Hundevad, who was formerly Editor-in-Chief of the Legion magazine. That represents the group of people who are here today.

It might be apropos, Mr. Chairman, for us to refer you to the most recent issue of the Legion magazine, copies of which have been made available should you like to have them and I know you get them at your home or office. Our lead editorial is particularly interesting; we hope you will read it. It deals with the matter of the Woods Report and the changes we hope for in the Pension Act.

I will take only one paragraph from that lead editorial to try again to convince you that the Legion's attitude, while firm in some matters where we feel that veterans affairs are keenly involved, in that we are also aware of your problem. This one paragraph is taken out of the lead editorial:

> Ever since September 15 the Committee under the chairmanship of Mr. Lloyd Francis, has been meeting in Ottawa. The members agreed to leave their homes and hold special sessions, even though Parliament has been adjourned for the summer, in order to have a report ready when Parliament resumes on October 22. They have listened sympathetically to briefs presented by representatives of veterans' organizations, and have been attempting to reconcile conflicting points of view on several major issues in order to reach solutions that will be mutually satisfactory.

[*Interpretation*]

bres de la Légion qui m'accompagnent. Je suis accompagné du deuxième vice-président, M. Art Adams de Toronto, Don Thompson, le secrétaire national que vous connaissez tous bien; M. Murray MacFarlane, le chef de la division des services; M. Norman Shannon, chef des relations publiques et autres affaires connexes; M. Lorne Manchester, rédacteur en chef du «Légionnaire», et à ce propos nous vous remercions d'avoir fait prendre la photo qui éventuellement paraîtra dans la revue de la Légion—M. Ron Abbott le rédacteur adjoint de la revue; trois membres du bureau des services, sous la direction de M. MacFarlane; M. Bert Hamner, M. Ed Slater et notre plus nouvelle recrue, Colin Graham.

Nous avons aussi la chance d'avoir parmi nous un homme qui s'est beaucoup préoccupé de ces questions pendant de nombreuses années et qui a souvent beaucoup écrit sur le sujet dans la revue de la Légion, le conseiller en publication, M. John Hundevad, autrefois rédacteur-en-chef de la revue. Cea représente le groupe qui nous accompagne aujourd'hui.

Il serait peut-être utile, monsieur le président, de revoir l'exemplaire le plus récent de la revue de la Légion dont nous avons distribué des exemplaires au cas où vous aimeriez les lire à votre loisir et je sais que vous pouvez vous en procurer un chez-vous ou au bureau. Un éditorial récent est très intéressant et nous espérons que vous lirez cet éditorial. On y traite du rapport Woods, des changements que nous voudrions voir apportés à la Loi sur les Pensions.

Je lirai un paragraphe pour essayer de vous convaincre que nous de la Légion, bien que nous soyons fermes sous certains rapports lorsque nous croyons que les affaires des Anciens combattants sont en jeu, nous sommes aussi au courant de vos problèmes. Le présent paragraphe est tiré du principal éditorial.

> Depuis le 15 septembre, le Comité, sous la présidence de M. Lloyd Francis se réunit à Ottawa. Les députés ont bien voulu quitter leurs foyers et tenir des réunions spéciales bien que la Session ait été ajournée durant l'été afin de préparer leur rapport avant que le Parlement ne se rassemble le 22 octobre. Ils ont prêté une considération toute spéciale aux demandes soumises par les organisations qui représentent les anciens combattants, afin de réconcilier des points de vue contradictoires sur plusieurs problèmes importants en vue d'en arriver à une solution mutuelle satisfaisante.

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This is going into more than 300,000 homes in Canada. It is on its way now. It is one of the views which we are trying to express to our Legion members. We think we should again thank you for the time you are taking on behalf of all Canadians, and veterans in particular, and thank you sincerely and show you that we do not just express these thanks here, but try to tell our members exactly what we think is happening, that we are receiving a fair hearing by the highest authority in the land.

If I might then turn to the brief, Mr. Chairman, together with the white pages there are a few coloured pages in the front.

[*Interprétation*]

Cette revue est distribuée à plus de 300,000 foyers au Canada. Elle va de l'avant maintenant. C'est là une des idées que nous essayons d'exprimer aux membres de la Légion. Nous pensons qu'il est de notre devoir de vous remercier du temps que vous consacrez à l'étude des problèmes de tous les Canadiens en particulier ceux des anciens combattants. Nous ne faisons pas qu'exprimer des remerciements ici mais nous voulons renseigner nos membres au sujet de ce qui se passe vraiment ici, c'est-à-dire de l'intérêt que nous accordent les autorités les plus importantes au pays. Monsieur le président, il y a dans le mémoire en plus des pages blanches quelques pages en couleur au début.

• 1415

We welcome the opportunity to appear before you at this stage of your deliberations, and we appreciate your Chairman's assurance that the Legion will be permitted to come before you again after we have had an opportunity to analyze the statements made by the Minister and his officials.

Nous sommes heureux de l'occasion qui nous est offerte de comparaître devant le Comité à ce stade de vos délibérations, et nous sommes reconnaissants au président qui nous assure que la Légion aura l'occasion de comparaître de nouveau lorsque nous aurons eu la possibilité d'analyser les déclarations du Ministre et de ses fonctionnaires.

We hope that you will not consider it presumptuous on our part when we say that we have always looked on the evolution and development of veterans legislation as a team effort. The team members, to us, are the government, represented by the Minister of Veterans Affairs, the Parliamentary Committee and the representatives of veterans organizations. We have through the years found this Committee to be made up of sincere members of the House and, may we say to your credit, gentlemen, that your Committee has never behaved in a partisan manner. We have looked on these sessions as an earnest endeavour on the part of all concerned to provide just recognition of the needs and rights of those who, in the words of the Minister, "put their lives on the line for this country".

Nous espérons que vous ne nous accuserez pas de présomption si nous disons que nous avons toujours considéré l'évolution et l'élaboration des mesures législatives relatives aux anciens combattants comme un effort d'équipe. L'équipe se compose, selon nous, du gouvernement, représenté par le Ministre des affaires des anciens combattants, du Comité parlementaire et des représentants des organisations d'anciens combattants. Par le passé, nous avons constaté que ce Comité était composé de députés sincères; je dois ajouter, messieurs, et c'est tout à votre honneur, que votre Comité n'a jamais fait preuve de partisannerie. Nous considérons que les séances du Comité représentent un effort honnête, de la part des personnes en cause, pour reconnaître équitablement les besoins et les droits de ceux qui, pour reprendre les mots du Ministre, «ont mis leur vie en jeu pour leur patrie».

We would like to express our appreciation for the improvements in veterans legislation proposed in the government's White Paper. There are a number of changes that will prove helpful to those whom we represent.

Nous voudrions exprimer notre gratitude pour les améliorations que le Livre blanc du gouvernement propose d'apporter aux mesures législatives relatives aux anciens combattants.

We are also very pleased with the Minister's statement, "the government is very anxious to have the views of the veterans associations and the recommendations of the Standing Committee, available to those who have the responsibility for drafting the necessary legislation". This suggests to us that the present White Paper does not represent an inflexible position, but rather provides a basis for discussion.

Nous sommes également heureux de ce que le Ministre a déclaré: «Le gouvernement espère sincèrement que les opinions des associations d'anciens combattants et les recommandations du Comité permanent seront communiquées à ceux qui sont chargés de rédiger la nouvelle mesure législative.» Nous en concluons que le présent Livre blanc ne représente pas une prise de position immuable, mais forme plutôt une base de discussion.

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One conclusion which should be drawn from the Report of the Woods Committee is that Canada's system of pensions for disability and death derived from military service, both the legislation and administration thereof, require a complete overhaul. It is noted that substantial briefs were submitted by all major veterans organizations, the Chief of the Defence Staff, the Chief Pensions Advocate and some thirteen members of Parliament. Through the medium of these briefs, and in their appearances before the Committee, those of us who represent the interests of veterans and their dependents, and who must necessarily work with the Pension Commission on a day-to-day basis, were able to bring to the attention of the Committee a great deal of information concerning the unacceptable features of its operation.

It should be added that most organizations approached the matter with a certain amount of reluctance. The chairman and members of the Commission are all veterans, and well known to us. The Commission staff is helpful and co-operative. This made it difficult for us to level criticism at an agency which has done much good work. The weight of the facts and evidence brought before the Woods Committee, however, cannot be denied and in the face of the very considerable dissatisfaction which has existed for many years there was really no alternative but to put all the information available before the Woods Committee in an effort to seek effective remedial action.

The Legion feels that neither the Pension Commission nor the government should necessarily be blamed for the situation. It is significant that the Commission was required to operate within the framework of the legislation which originated nearly fifty years ago. This legislation was reviewed by a Royal Commission in 1922-24 and, except for a limited study by a Committee of Civil Servants and veterans organizations' representatives in 1932, the Act and its administration have not been the subject of study or assessment on a major scale until the Woods Committee was appointed in 1965.

The Legion considers now, however, that the Woods Report, which in our view is one of the most complete and authoritative studies any administration has ever produced, represents a tremendous opportunity to revamp and revitalize this legislation. The recommendations of the Woods Committee, if implemented, would be of considerable value

[*Interpretation*]

Une des conclusions que l'on peut tirer, à la lecture du rapport du comité Woods, est qu'il est nécessaire de remanier complètement à la fois la loi et l'administration du présent régime canadien des pensions à l'égard des invalidités et des décès consécutifs au service militaire. Nous remarquons que les principales organisations d'anciens combattants, le chef de l'état-major de la Défense, l'avocat en chef des pensions et quelque treize députés ont présenté des mémoires considérables. Grâce à ces mémoires et à la comparution des organismes devant le Comité, ceux d'entre nous qui représentent les intérêts des anciens combattants et des personnes qui sont à leur charge, et qui sommes nécessairement appelés à travailler continuellement en collaboration avec la Commission des pensions, ont pu porter à l'attention du Comité de nombreux renseignements sur les aspects inacceptables de son fonctionnement.

Je dois ajouter que la plupart des organisations ont abordé la question avec une certaine hésitation. Le président et les membres de la Commission sont tous d'anciens combattants et nous les connaissons très bien. Le personnel de la Commission est aimable et serviable. Il nous est donc difficile de critiquer un organisme qui a fait énormément de bon travail. Toutefois, il est impossible de fermer les yeux sur le poids des faits et des preuves qui ont été révélés au comité Woods, et, vu le mécontentement très répandu qui se manifestait depuis bon nombre d'années, le choix s'imposait: celui de communiquer tous les renseignements disponibles au comité Woods dans un effort pour trouver une mesure qui puisse remédier efficacement à la situation.

La Légion est d'avis qu'il ne faut pas nécessairement blâmer ni la Commission des pensions ni le gouvernement. Il ne faut pas oublier que la Commission devait travailler dans le cadre restrictif d'une mesure législative qui date de près de cinquante ans. La Loi a été examinée par une Commission royale d'enquête de 1922 à 1924 et, à l'exception d'une étude restreinte entreprise par un Comité composé de fonctionnaires et des représentants des organisations d'anciens combattants en 1932, la Loi et son administration n'ont pas fait l'objet d'une étude ou d'une évaluation générale jusqu'à la création du comité Woods en 1965.

La Légion considère toutefois que le rapport Woods, qui, selon nous, est une des études les plus complètes et digne de foi qui soient ressorties de toute administration, représente une occasion extraordinaire de remanier et de ranimer cette mesure législative. Si les recommandations du comité Woods sont mises en œuvre, elles seront, tant à

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to veterans and their dependents both in the short and the long term. The Woods Committee Report is the blueprint. All that is required now is to put the blueprint into effect.

Best in the World?

The comment is made from time to time that Canada's legislation for veterans including the Pension Act is among the most generous in the world. The Legion submits that this statement, although accurate in some respects, can be extremely misleading. It is true that our Pension Act does contain some very generous provisions. For example, we have the insurance principle which means that, for service in wartime, death or disability need not be related to service conditions to be pensionable. Another is that which provides pension automatically for a widow, if a pensioner was in receipt of a pension of 48 per cent or more.

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It would be dangerous to assume, however, that because our legislation contains some excellent provisions, it is everything that it should be. The recommendations of the Woods Committee would seem ample testimony to the fact that our Act and its administration can be greatly improved.

Potential Future Activity

Last year, Canada marked the fiftieth anniversary of the 1918 Armistice. Notwithstanding the length of time that has elapsed since 1918, the statistics reflecting the activity of the Pension Commission for the fiscal year ended March 31, 1969, showed a total of 5,562 applications on behalf of World War I veterans; 28,265 from veterans, including dependents of World War II; 565 Special Force; 2,841 Regular Force and 9,786 files were reviewed, making a grand total of 47,019.

The average age of the World War I veteran is now in the vicinity of 74, and it can be expected that applications on behalf of this group will decline rapidly within the next decade. The fact, however, that there is still considerable pension work being done on behalf of this World War I group is a significant indicator of the future workload for World War II veterans. The average age for this group is now 54. The Woods Committee,

[*Interprétation*]

court qu'à long terme, d'une grande valeur pour les anciens combattants et les personnes qui sont à leur charge. Le rapport du comité Woods présente les principes directeurs; il ne reste plus qu'à les traduire dans la réalité.

La meilleure au monde?

On fait parfois remarquer que les mesures législatives canadiennes relatives aux anciens combattants, y compris la Loi sur les pensions, sont parmi les plus généreuses au monde. La Légion prétend que, bien que cette remarque soit exacte à certains égards, elle peut facilement induire en erreur. Il est vrai que notre Loi sur les pensions renferme effectivement des dispositions très généreuses. Nous avons, par exemple, le principe de l'assurance qui signifie que, à l'égard du service militaire en temps de guerre, il n'est pas nécessaire que le décès ou l'infirmité découle d'une affection contractée durant la période de service pour ouvrir droit à pension. Un autre exemple est la disposition en vertu de laquelle la veuve touche automatiquement une pension si le pensionné recevait une pension de 48 p. 100 ou plus.

Il serait toutefois dangereux de croire que, parce que nos mesures législatives renferment quelques dispositions excellentes, elles sont parfaites. Les recommandations du comité Woods semblent présenter une preuve suffisante qu'il est possible d'améliorer énormément notre Loi et son administration.

Rôle futur

L'an dernier, le Canada a marqué le cinquantième anniversaire de l'Armistice de 1918. Malgré le laps de temps considérable écoulé depuis 1913, les données statistiques sur le travail de la Commission des pensions, pour l'année financière se terminant le 31 mars 1969, indiquent que 5,562 anciens combattants de la Première Guerre mondiale ont présenté une demande de pension de même que 28,265 anciens combattants (y compris leurs personnes à charge) de la Deuxième grande guerre, 565 membres des forces spéciales, et 2,841 membres des forces régulières; de plus, 9,786 dossiers ont été examinés, ce qui fait un grand total de 47,019.

L'âge moyen des anciens combattants de la Première Guerre mondiale est maintenant d'environ 74 ans, et il est probable que le nombre de demandes provenant de ce groupe diminuera considérablement au cours de la prochaine décennie. Si l'on considère, toutefois, que ce groupe d'anciens combattants de la Première grande guerre exige encore autant de travail en ce qui a trait à leur pension, on peut s'imaginer ce que sera la

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therefore, foresaw the need for an extensive pension administration for World War II veterans for a period of at least 25 years from 1967.

The Legion wishes to emphasize this factor. Persons with little experience of war disability work may logically assume that there is concentrated pension activity for a few years immediatly after a war, and that there is no requirement for anything but a "housekeeping operation" from that period on. An examination of the facts indicates quite clearly, however, that medical problems which are the direct result of war service will often come to light only many years later and the Legion's experience in Canada—and indeed in all countries from which the Legion has been able to obtain pension reports—indicates the need for fully-manned pension facilities for at least 50 years following the cessation of any war.

While expressing our appreciation for the improvements proposed in the government's White Paper, we believe that some of the important philosophy of the Woods Committee has been missed and there appears to have been a tendency to turn aside some of the more vital recommendations. We also feel that some of the measures proposed in the White Paper are totally inadequate. As an example of what we deem are inadequacies in the Paper, we would draw your attention to the fact that it ignores completely the principle of the basic rate. The measures it proposes concerning provision for multiple disabilities and for the establishment of an independent Appeal Board, reduce greatly the effectiveness of the Woods Report. With your permission, we will discuss later and in more detail, these and other points recommended by the Woods Committee.

We have heard some people say when talking about the White Paper, "Let us try it this way. If it does not work we can always change it". Gentlemen, you know and we know that life is not that simple. If inadequate remedies are attempted now and are later found to be unworkable, if half-measures optimistically adopted cause frustrations, injustices and bottlenecks in adjudication, we all know that many years may pass before the Pension Act is reopened and the required remedies provided.

[*Interpretation*]

charge de travail à l'égard des anciens combattants de la Deuxième Guerre mondiale. L'âge moyen de ce groupe est présentement de 54 ans. C'est pourquoi le comité Woods a prévu la nécessité d'accroître les services administratifs des pensions à l'égard des anciens combattants de la Deuxième grande guerre pour une période d'au moins ving-cinq ans après 1967.

La Légion désire mettre ce facteur en lumière. Les personnes qui ne connaissent pas très bien en quoi consiste le processus des pensions pour les invalidités de guerre peuvent s'imaginer, en bonne logique, qu'il y a une période d'activité intense pendant quelques années après la guerre, et qu'il suffit ensuite d'assurer une certaine administration de routine. L'examen de la situation indique cependant très clairement que les problèmes médicaux qui découlent directement du service militaire en temps de guerre ne se présenteront, bien souvent, que plusieurs années plus tard; l'expérience au Canada, et, en réalité, de tous les pays dont la Légion a pu obtenir des rapports sur les pensions, indique qu'il est nécessaire d'avoir des services complets de pensions pendant au moins cinquante ans après la fin des hostilités.

Malgré la reconnaissance que nous exprimons au gouvernement pour les améliorations qu'il propose dans son Livre blanc, nous estimons que certains principes importants établis par le comité Woods ont passé inaperçus, et on semble vouloir laisser de côté certaines des recommandations les plus fondamentales. Nous estimons également que certaines des mesures proposées dans le Livre blanc sont nettement complètement insuffisantes. Pour vous donner un exemple de ce que nous considérons comme une lacune du Livre blanc, nous portons à votre attention le fait qu'il ne traite aucunement du principe du taux de base. Les mesures qu'on y propose au sujet de la pension pour infirmité multiple et de la création d'un Bureau d'appel autonome dimunuent considérablement l'efficacité du rapport Woods. Si vous le permettez, nous reviendrons plus tard, et plus en détail, à cette question ainsi qu'à d'autres recommandations du comité Woods.

Nous avons plusieurs fois entendu la remarque suivante au sujet du Livre blanc: «Essayons d'appliquer ces recommandations. Si c'est un échec, on peut toujours essayer autre chose». Messieurs, inutile de vous dire que la vie n'est pas aussi simple que cela. Si nous tentons de remédier à la situation par des mesures inadéquates qui résulteront plus tard en un échec, si, par optimisme, nous adoptons des demi-mesures qui causeront des frustrations, des injustices et des goulots d'étranglement dans le processus décisionnel à

[*Texte*]

In view of this very real danger, we ask you to be wary of accepting what may appear to be easy and relatively cheap remedies that may come highly recommended because they do not unduly disturb the established set-up. We are not anxious to disturb the established set-up any more than is necessary, but we do believe that at this point in time, 50 years after the end of World War I, 25 years after the end of World War II, it is imperative that the team develop a sound, fair and workable plan that will result in justice and satisfaction for the next 25 years.

Before going into the detail of the Woods Committee recommendations, we would again wish to stress that in our opinion the principles of basic rate, of adequate provision for multiple disabilities and of the establishment of an independent Appeal Board are of paramount importance.

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Gentlemen, I will turn to the white pages now. We will leave the blue ones for a little later. They are the detail. At this stage, Mr. Chairman, we would like to apologize to you, to the Committee and all others, that due to the lack of time we were unable to have this translated into the second language. I understand that even you have some difficulties on occasion doing that. We did our best; we were able to do it in the joint brief, but we were not able to do it in this. You can probably see why because of the matter of time and the size of it. We apologize to those who would have expected us to have done it properly and to have had it translated.

The Chairman: It will be published in the two official languages in the transcript, Mr. Kohaly. The new format of the Committee report sets the two languages side by side.

Mr. Kohaly: Thank you, sir.

Interpretation—V.I, Ch. 2, pp. 24-36 Recommendations 1-5—

To minimize political intervention, the Pension Commission has been given sole authority to make final interpretation of the Pension Act.

The Woods Committee, while believing that the vital requirement of independence should

[*Interprétation*]

l'égard des pensions, nous savons tous qu'il faudra plusieurs années avant de pouvoir réexaminer la Loi sur les pensions et y apporter les remèdes qui s'imposent.

Vu ce danger très réel, nous vous exhortons à prendre soin de ne pas accepter des remèdes apparemment faciles à appliquer et relativement peu coûteux qui sont fortement recommandés uniquement parce qu'ils ne bouleversent pas trop le système actuel. Nous ne tenons pas à le bouleverser indûment, mais nous croyons fermement qu'il importe à ce moment-ci de l'histoire, cinquante ans après la fin de la Première guerre mondiale, et vingt-cinq ans après la fin de la Deuxième, de mettre au point un programme solide, équitable et pratique qui assurera à chacun, pour le prochain quart de siècle, un traitement juste et satisfaisant.

Avant d'entrer dans les détails des recommandations du Comité Woods, nous voudrions souligner encore une fois qu'à notre avis, les principes du taux de base, d'une disposition adéquate à l'égard des infirmités multiples, et de la création d'un Bureau d'appel autonome sont de la plus haute importance.

Messieurs, regardons les pages blanches maintenant. Nous laisserons les pages bleues pour les regarder un peu plus tard. Elles renferment les questions de détail. Maintenant, monsieur le président, je désire m'excuser envers vous, envers le Comité et tous les autres qu'en raison du manque de temps, nous n'avons pu faire traduire ce rapport en français. Je crois comprendre que même vous avez de la difficulté parfois à cet égard. Nous avons fait notre possible; nous avons pu le faire dans le mémoire conjoint mais n'avons pu le faire pour celui-ci. Vous comprendrez sûrement que cela est dû au manque de temps et à l'étendue du mémoire. Nous nous excusons auprès de ceux qui auraient cru que nous aurions pu mieux ce faire.

Le président: On plubliera ceci dans les deux langues officielles dans la transcription, monsieur Kohaly. Le nouveau format du rapport du Comité présente les deux versions anglaise et française, côte à côte.

M. Kohaly: Merci, monsieur.

Interprétation—(Vol. I, chap. 2, pp. 24-36 Recommandations 1 à 5).

Afin de minimiser les interventions politiques, la Commission des pensions seule est dotée de l'autorité voulue pour rendre l'interprétation finale de la Loi sur les pensions.

Tout en croyant qu'il fallait maintenir le principe fondamental de l'autonomie, le

[*Text*]

be retained, recommended that the final power of interpretation should be vested in a Pension Appeal Board, a completely separate agency from the Commission.

The White Paper deals with this matter in the reorganization of the Pension Commission by assigning to the Appeal Division the final authority for interpretation. This arrangement still retains the power of interpretation within the Pension Commission.

The only way to guarantee fully independent interpretation of the Act is by placing the authority in the hands of the independent Pension Appeal Board as recommended by the Woods Committee.

Personal Appearance—V.I, Ch. 3, pp. 37-53 Recommendations 6-11—

Section 7(3) of the Pension Act allows the Canadian Pension Commission, represented by one or more Commissioners, to hold sittings, "...for the purpose of hearing evidence or complaints in respect of pensions or any question of assessment...".

The Legion has previously criticized the Pension Commission for being too narrow in its interpretation of Section 7(3) of the Pension Act. Appearances under this authority were apparently restricted to questions of medical assessment and the degree of aggravation.

Notwithstanding the convincing arguments presented in the Woods Committee Report, we understand that certain changes in the recommendations have been proposed and we are particularly concerned about the modification of Recommendation 9 concerning the reimbursement of expenses. We would not agree with such a change which would allow reimbursement only in the case of successful applicants.

The Legion agrees with the Committee recommendations as they are presently framed. It is, in our opinion, important that the Commission make more use of this legislation to provide pensioners full opportunity to air complaints regarding assessments and other matters.

Independent Appeal Board—V.I, Ch. 4, pp. 54-120 Recommendations 11-14—

The history of the Pension Act shows that time and again authorities studying the legislation saw the need for appeals to some body that was not specifically involved in the administration of the law.

[*Interpretation*]

comité Woods a recommandé que l'autorité finale en matière d'interprétation repose sur le Bureau d'appel des pensions qui est un organisme complètement séparé de la Commission.

La solution proposée à cette question dans le Livre blanc, lorsqu'il traite de la réorganisation de la Commission des pensions, est de confier l'autorité finale en matière d'interprétation à la division d'appel. Cette solution laisse toujours l'autorité en matière d'interprétation à l'intérieur de la Commission des pensions.

La seule façon de garantir une interprétation complètement indépendante de la Loi est d'en remettre l'autorité à un Bureau d'appel des pensions autonome comme le recommande le comité Woods.

Comparution en Personne—Vol. I, chap. 3, pp. 37-53, Recommandations 6 à 11—

L'article 7 (3) de la Loi sur les pensions autorise la Commission canadienne des pensions, représentée par un commissaire ou plus, de tenir des audiences, «...dans le but d'entendre les témoignages ou les griefs relatifs aux pensions ou à toute question d'évaluation...».

La Légion a déjà critiqué la Commission des pensions de son interprétation trop étroite de l'article 7(3) de la Loi sur les pensions. Les comparutions en vertu de cette disposition étaient en général restreintes aux questions d'examen médical et du degré d'aggravation.

Malgré les arguments convaincants présentés dans le rapport du comité Woods, nous croyons comprendre qu'on a proposé d'apporter certains changements aux recommandations, et nous nous inquiétons surtout de la modification de la recommandation 9, qui porte sur le remboursement des dépenses. Nous ne sommes pas d'accord avec une telle modification en vertu de laquelle le requérant ne rembourserait que si sa demande est acceptée.

La Légion accepte les recommandations du comité telles qu'elles sont présentées à l'heure actuelle. A notre avis, il importe que la Commission ait davantage recours à cette mesure législative pour permettre aux pensionnés d'exprimer tous leurs griefs en ce qui a trait à l'évaluation et aux autres questions.

Bureau d'Appel autonome—Vol. I, chap. 4, pp. 54-120, Recommandations 11 à 14—

L'histoire de la Loi sur les pensions nous révèle qu'à maintes reprises les autorités chargées d'examiner cette mesure législative ont senti le besoin d'accorder un droit d'appel auprès d'un organisme qui ne participait pas directement à l'administration de la Loi.

[*Texte*]

A Medical Appeal Board, recommended by the 1921-22 Parliamentary Committee on Veterans Affairs, was created in 1922, but its powers were purely advisory. Almost immediately following this, a Royal Commission on Pensions and Re-establishment recommended that an appeal system be established involving District Review Boards and a federal Appeal Board. A select committee of the Senate studied the proposal, resulting in abolition of the Medical Appeal Board and the substitution of a federal Appeal Board. This latter functioned from 1923 until 1930 at which time a special Parliamentary Committee on Pensions and Returned Soldiers Problems formulated an entirely new plan that there should be super-imposed upon the Board of Pension Commissioners the Pension Tribunal and the Pension Appeal Court, the latter being a court of appellate jurisdiction. This new arrangement proved unsatisfactory with the result that the Tribunals were abolished in 1933, although the Pension Appeal Court operated until 1939. All powers of interpreta-

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tion of the Pension Act were conferred upon the Pension Commission in 1941.

Though the Woods Committee concluded that the existing system had been reasonably successful, the powers of the Commission appear to far outweigh the rights of an applicant. Such an arrangement is simply not designed to satisfy the requirements of a completely impartial and independent system of appeals.

The chief criticism of the present appeal system arises from the use of Appeal Boards made up of members of the Pension Commission who must pass judgment on decisions made by their own colleagues.

The Legion agrees with the Woods Committee that the existing Appeal Boards be redesignated "Entitlement Boards" and an independent Pension Appeal Board be established to review decisions of the Commission on appeal and to be the final authority for interpretations of the Act.

The Appeal Division of the Commission, proposed in the White Paper, will not remove the main criticism of the current system, will not be independent and will not fulfil the

[*Interprétation*]

A la suite d'une recommandation du Comité parlementaire sur les affaires des anciens combattants (1921-1922), le Bureau d'appel médical a été créé en 1922, mais son rôle était purement d'ordre consultatif. Peu de temps après, une Commission royale d'enquête sur les pensions et l'établissement agricole des anciens combattants a recommandé qu'on établisse une procédure d'appel qui compterait des Bureaux régionaux d'examen et un Bureau d'appel fédéral. La proposition a été étudiée par une Commission d'enquête du Sénat, ce qui a entraîné l'abolition du Bureau d'appel médical pour le remplacer par un Bureau d'appel fédéral. Celui-ci a fonctionné de 1923 à 1930, au moment où un Comité parlementaire spécial sur les pensions et les problèmes des anciens combattants démobilisés a proposé un régime complètement nouveau qui superposait à la Commission des pensions d'alors, un Tribunal des pensions et une Cour d'appel des pensions, cette dernière jouissant de juridiction en matière d'appels. Ce nouveau régime n'a pas donné de très bons résultats, de sorte que les tribunaux ont été abolis en 1933, bien que la Cour d'appel des pensions ait continué de siéger jusqu'en 1939. Toute l'autorité en matière d'interprétation de la Loi des pensions a été confiée à la Commission des pensions en 1941.

Malgré la conclusion du comité Woods sur le succès relatif du régime actuel, les pouvoirs de la Commission semblent dépasser de beaucoup les droits des requérants. Un tel régime n'est simplement pas conçu pour répondre aux exigences d'une procédure d'appel complètement impartiale et autonome.

Notre principale critique à l'égard du présent régime découle de ce que le Bureau des appels composé de membres de la Commission des pensions, est appelé à rendre un jugement sur les décisions rendues par leurs propres collègues.

La Légion approuve la recommandation du comité Woods pour que les Bureaux d'appel actuels soient désignés sous le nom de «Bureau d'admissibilité» à l'avenir, et qu'on crée un Bureau d'appel des pensions autonome qui serait chargé, en procédure d'appel, d'examiner les décisions de la Commission et qui constituerait l'autorité finale pour l'interprétation de la Loi.

La division d'appel de la Commission proposée dans le Livre blanc n'éliminera pas la principale critique dont le régime actuel fait l'objet; elle ne sera pas autonome et ne satis-

[*Text*]

basic concept that was a vital part of the Woods Report.

To continue, on page 4 of the white pages, *Entitlement Boards*—V.I, Ch. 5, pp.121-417 Recommendations 15-19—

As is mentioned elsewhere in this presentation, the Woods Committee foresaw the continuation of the Pension Commission as a quasi-judicial adjudicating authority completely independent of the Department of Veterans Affairs. Applications for death and disability pensions arising out of a man's service in the armed forces would continue to be processed by the Commission, but on a streamlined basis. Many responsibilities which are now resolved only on authority of one or more Commissioners would be transferred to senior staff officials and Appeal Boards of the Pension Commission would be renamed Entitlement Boards.

Extensive use would be made of the "Examiner's Hearing" by which an applicant living in a more remote area could appear with his witnesses before a single Commissioner and have an advocate plead his case. All evidence would be under oath, transcribed and referred to an Entitlement Board for the decision.

There is a very real need to establish an informal-type of personal hearing in entitlement cases. The recommendation that some such hearing be carried out by one Commissioner—the so-called Examiner's Hearing—is fully endorsed by the Legion as it would speed up the procedures and greatly expand the capability of members of the Commission to hear and evaluate pension claims.

The Committee Report also deals with a number of important complaints in regard to the existing Appeal Board procedures. These include:

(1) Pension Commission decisions were written in a cryptic style and the applicant was given insufficient information as to the reasons for refusal;

(2) Members of an Appeal Board commenced a hearing with no previous knowledge of the case and were expected to assimilate all of the facts in a short period of time;

(3) the advocate or others representing the applicant did not make written sub-

[*Interpretation*]

fera pas au principle fondamental exprimé dans le rapport Woods.

A la page 4, il s'agit des pages blanches, nous retrouvons ce qui suit:

Bureaux d'admissibilité — (V. I, Ch. 5, pp. 121-417 recommandations 15-19)

Comme mentionné antérieurement dans cet exposé, le Comité Woods prévoit la continuation de la Commission des pensions sous forme d'une administration d'adjudication quasi judiciaire complètement indépendante du ministère des Affaires des anciens combattants. Les demandes de pensions à la suite de décès ou d'invalidité et relatives au service d'un individu dans les Forces armées seraient toujours examinées par la Commission mais d'une façon plus rationnelle. Plusieurs responsabilités qui appartiennent actuellement à un ou à quelques commissaires seront transférées à un personnel de fonctionnaires supérieurs et les bureaux d'appels de la Commission des pensions deviendraient des Bureaux d'admissibilité.

On ferait un usage fréquent de l'audience de l'examinateur par l'entremise de laquelle un requérant qui vit dans une région plus éloignée peut se présenter avec ses témoins devant un seul commissaire et faire plaider sa cause par un avocat. Toutes les dépositions seraient faites sous serment, transcrites et remises à un Bureau d'admissibilité pour décision.

Il existe un très réel besoin d'établir une entrevue personnelle du genre non officiel pour les cas d'admissibilités. La recommandation que quelques-unes de ces audiences soient conduites par un seul commissaire (ce que l'on appelle audience de l'examinateur) reçoit l'appui de la Légion vu qu'elle accélérerait les procédures et accroîtrait considérablement la responsabilité des membres de la Commission relativement à l'audition et à l'appréciation des demandes de pensions.

Le rapport du Comité traite aussi d'un certain nombre de plaintes importantes relativement aux procédures actuelles du Bureau d'appel, entre autres:

(1) Les décisions de la Commission des pensions étaient rédigées dans un style obscur et le requérant ne recevait pas suffisamment de renseignements sur les raisons d'un refus;

(2) les membres d'un bureau d'appel entreprenaient une audience sans connaissance antérieure du cas et l'on s'attendait à ce qu'ils assimilent tous les faits dans une courte période de temps;

(3) l'avocat ou les autres représentants du requérant ne présentaient pas d'ex-

[*Texte*]

missions; hence there was no permanent record of the pleas presented on behalf of the applicant.

It would appear that the Woods Committee's proposal to convert the existing Appeal Boards to Entitlement Boards and to provide a standard method of operation for these Entitlement Boards represents a remedy which would be most acceptable to Canada's veterans.

The White Paper proposal for establishing an Entitlement Division of the Canadian Pension Commission does not provide as satisfactory a procedure as the Woods Recommendation.

Leave to Reopen—V.I, Ch.6, pp.148-165 Recommendations 20-22—

The Woods Committee considered that the existing procedure was unnecessarily strict and could see no justification for an applicant to have to obtain leave to reopen his claim when a new medical condition developed. The Report described the whole procedure as "ponderous" and recommended that all unnecessary hurdles should be removed.

The Woods Committee recommended that procedures be established for an applicant to reopen his claim by applying to either the Pension Commission or the independent Pension Appeal Board. The new guidelines on which the reopening of old claims could be presented would be more clearly defined; applications could be considered by one Commissioner on the basis of a written submission, but leave to reopen could only be refused after a hearing by a quorum of the Commission. Provision would be made for the waiving of applications arising as the result of other proposed amendments in the Woods Report based on: (i) presumption, (ii) entitlement (iii) Regular Force.

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The Pension Appeal Board would be required to consider applications for leave to reopen where that Board had ruled adversely in regard to a claim. It was recommended that this procedure would apply not only to entitlement claims, but applications in regard to assessment, degree of aggravation and other discretionary matters under the Pension Act.

The Legion believes that improvements in the procedure for reopening claims is long overdue. We have always co-operated to the fullest extent possible in the matter of submissions to special Appeal Boards of the Pension Commission, but we have felt that this

[*Interprétation*]

posés écrits; il n'y avait donc pas de dossier permanent des plaidoyers présentés au nom du requérant.

Il semble que la proposition du Comité Woods de transformer les bureaux d'appels existants en bureaux d'admissibilité et d'établir une méthode normalisée pour leur fonctionnement représente un remède que les anciens combattants canadiens trouvent très acceptable.

La proposition du livre blanc d'établir une Division de l'admissibilité au sein de la Commission des pensions ne représente pas une amélioration aussi satisfaisante que la recommandation Woods.

Autorisation de reprendre une demande (V. I. Ch. 6, pp. 148-165 recommandations 20-22)

Le Comité Woods considère que la procédure existante était inutilement stricte et ne comprenait pas pourquoi un requérant devait obtenir l'autorisation de reprendre une demande lorsque de nouvelles conditions d'ordre médical se présentaient. Le rapport décrit l'ensemble de la procédure comme lourde et recommande que les obstacles inutiles soient éliminés.

Le Comité Woods recommande que des procédures soient établies pour permettre à un requérant de reprendre une demande en s'adressant à la Commission des pensions ou au Bureau indépendant des appels. Les nouvelles directives relatives à la reprise des demandes anciennes seraient définies plus clairement; les demandes pourraient être étudiées par un commissaire sur présentation écrite mais la permission de reprise ne pourrait être refusée seulement qu'après audition par quorum de la Commission. Des dispositions seraient prises pour l'abandon des demandes qui serait le résultat d'autres modifications proposées dans le rapport et fondées sur: i) une présomption, ii) l'admissibilité—forces régulières.

Le Bureau d'appel des pensions devrait étudier les demandes de reprise dans les cas où ce Bureau aurait rendu une décision contraire relativement à cette demande. Il a été recommandé que cette procédure s'applique non seulement aux demandes d'admissibilité mais aux demandes d'évaluation, au degré d'aggravation et autres sujets discrétionnaires qui relèvent de la loi sur les Pensions.

La Légion croit que l'amélioration des procédures relatives à la reprise des demandes était attendue depuis longtemps. Nous avons toujours collaboré dans la mesure du possible dans les présentations faites aux bureaux d'appel spéciaux mais nous pensions qu'il s'a-

[*Text*]

was a time-consuming procedure fettered by unnecessary restrictions. Under the present interpretation of the Act, the Pension Commission requires an applicant to seek permission for reopening his claim, even though the claim may be for a condition which has not previously been ruled upon at any level. Even where new evidence was presented or additional information was found on a veteran's file which had not previously been considered by the Pension Commission, the application could not be considered until arrangements had been made and the case presented to an Appeal Board. The suggested recommendation will, we believe, save a considerable amount of time while eliminating the necessity for an applicant's advocate to appear in person on routine cases.

Pre-Enlistment Disabilities—V.I., Ch.7, pp. 166-236 Recommendations 23-25—

The recommendations of the Woods Committee emphasize the importance of a veteran's medical record on enlistment in determining his eligibility to pension. If implemented, they would prevent the Pension Commission from concluding that an applicant suffered from a disability on enlistment even though no reference was made to such a disability at that time. The presumption of physical fitness on enlistment could be rebutted if—

(a) a condition was diagnosed within three months,

(b) there was a record of medical evidence prior to enlistment,

(c) the condition was obvious at the time of enlistment, or

(d) impartial medical opinion was obtained to outweigh the presumption.

As the Woods Committee states, there are ample grounds to warrant the adoption of the rebuttable presumption. This would mean that a veteran would be entitled to full pension for any condition which was incurred during or attributable to service unless it was recorded or obvious on enlistment. The Pension Commission would still be able to rule out any application if the condition had been diagnosed within *three* months of enlistment, or if there is medical opinion from practitioners not employed by the Commission, to the effect that the condition is, in actual fact, of pre-enlistment origin.

[*Interpretation*]

gissait là d'une procédure qui demandait beaucoup de temps à cause de restrictions inutiles. En vertu de l'interprétation actuelle de la loi la Commission des pensions exige qu'un requérant obtienne l'autorisation de reprendre sa demande même si la demande est faite pour un sujet sur lequel antérieurement aucune décision n'a été rendue. Même si de nouveaux faits ou des renseignements supplémentaires étaient apportés au dossier d'un ancien combattant qui n'avaient pas antérieurement été pris en considération par la Commission des pensions, la demande ne pouvait pas être étudiée tant que des dispositions n'avaient pas été prises et le cas présenté au bureau d'appel. Nous pensons que les recommandations proposées permettront d'économiser beaucoup de temps tout en éliminant la nécessité pour l'avocat d'un requérant d'être présent en personne pour des cas réguliers.

Invalidités antérieures à l'enrôlement—(V. I. Ch. 7, pp. 166-236, recommandations 23-25)

Les recommandations du Comité Woods appuient sur l'importance du dossier médical antérieur à l'enrôlement d'un ancien combattant pour déterminer l'admissibilité de ce dernier à la pension. Si ces recommandations sont acceptées la Commission des pensions ne pourra pas conclure qu'un requérant souffrait d'une invalidité lors de son enrôlement même si aucune mention n'a été faite à ce moment de cette invalidité. La présomption de bonne condition physique à l'enrôlement peut être rejetée:

a) si une affection a été diagnostiquée dans les trois mois,

b) s'il existe un dossier médical antérieur à l'enrôlement

c) si l'affection était évidente au moment de l'enrôlement, ou

d) si une preuve médicale impartiale est obtenue contre la présomption.

Comme le Comité Woods le déclare, il existe suffisamment de raisons pour garantir l'acceptation d'une présomption rejetable. Cela signifie qu'un ancien combattant aurait droit à pleine pension pour toute affection contractée au cours du service ou attribuable au service à moins qu'elle n'ait été mentionnée lors de l'enrôlement ou qu'elle n'ait été évidente à ce moment. La Commission des pensions aurait encore le droit de refuser toute demande si l'affection a été diagnostiquée dans les *trois* mois qui ont suivi l'enrôlement ou si une preuve médicale provenant de médecins ne relevant pas de la Commission soutient que l'affection est en fait antérieure à l'enrôlement.

[*Texte*]

The Legion has for many years advocated changes in the interpretation of the legislation as it relates to pre-enlistment conditions. We think the Woods Committee has offered proposals to counteract the large number of cases in which the Pension Commission has ruled conditions to be "obvious" or "recorded" in a manner which in our opinion, cannot, be accepted to come within the normal meaning of these words. The White Paper indicates amendments are to be provided to adopt the rebuttable presumption. Our organization trusts that the recommendations respecting pre-enlistment disabilities will be brought to fulfilment without *any* changes.

Benefit of Doubt—V.I, Ch.8, pp. 238-340 Recommendations 25 (25a), p. 318

The benefit of doubt section has given rise to serious controversy since its insertion into the Pension Act in 1930.

The Woods Committee suggested that the wording of the section permitted a number of different interpretations and cited several of these, some more restrictive than others. A significant fact, however, is that the final authority for interpretation of Section 70 rests with the Commission.

The Committee felt that there was an urgent need to rewrite the section, making it applicable specifically to adjudication. Attempts to apply the benefit of doubt, in general terms, describing the intent and purpose of the Act, were detrimental and merely served to dissipate its effectiveness.

The Committee recommended that the benefit of doubt should be used to add weight to a veteran's claim when, by reason of insufficient evidence or otherwise, the preponderance of evidence does not appear in his favour.

The Legion agrees with the Woods Committee, that there is room for the "benefit of doubt" in adjudication of claims under the Pension Act and that this benefit can logically be applied to give added weight to a claim, in the manner as prescribed in the recommendations.

• 1440

The Legion has noted with satisfaction that the government recognizes the problem and plans to revise the section in accordance with the Woods Committee recommendations. The White Paper has used the phrase "when he has submitted credible evidence". The Legion hopes that the insertion of the word "credible" will not perpetuate the problems encountered previously by requiring interpretations of what is credible in the eyes of the Pension Commission.

[*Interprétation*]

Durant de nombreuses années la Légion a demandé de modifier l'interprétation de la loi relativement aux affections antérieures à l'enrôlement. Nous pensons que le Comité Woods a présenté ces recommandations en fonction du grand nombre de cas pour lesquels la Commission des pensions avait rendu des décisions d'«évidence» ou de «consignation» d'une façon qui selon nous ne peut être acceptée comme signification normale de ces mots. Notre organisme espère que les recommandations relatives aux invalidtés antérieures à l'enrôlement seront acceptées sans qu'elles soient modifées en *aucune* façon.

Bénéfice du doute—(Vol. I, ch. 8, pp. 278 à 401, Recommandation n° 25 (25 a), p. 371)

Depuis son insertion dans la Loi sur les pensions, en 1930, l'article sur le bénéfice du doute a soulevé une grande controverse. Le Comité Woods est d'avis que l'article tel que libellé se prête à de multiples interprétations et il en a cité plusieurs dont certaines sont plus restrictives que d'autres. Fait important, cependant, c'est à la *Commission qu'il incombe d'interpréter l'article 70 en dernier ressort.*

Le Comité estime qu'il importe de refondre l'article sans délai pour qu'il s'applique expressément au procédé d'attribution. Chaque fois qu'on a tenté d'appliquer le bénéfice du doute dans ses grandes lignes pour décrire l'esprit et l'objet de la loi, cela s'est révélé préjudiciable et n'a abouti qu'à en émousser l'efficacité.

Le Comité recommande que le bénéfice du doute s'applique pour appuyer la demande d'un ancien combattant lorsqu'en l'absence de preuve suffisante ou autre, la prépondérance des preuves n'est pas en sa faveur. La Légion convient avec le Comité qu'il y a lieu de tenir compte du «bénéfice du doute» dans l'examen des demandes aux termes de la Loi sur les pensions, et que ce doute peut s'appliquer logiquement pour étayer une demande, comme le prescrit la recommandation à cet égard.

La Légion note avec satisfaction que le Gouvernement ne nie pas le problème et envisage de réviser l'article en fonction des recommandations du comité Woods. Le Livre blanc stipule «lorsqu'il a soumis une preuve digne de foi». La Légion espère que l'insertion de l'expression «digne de foi» ne contribuera pas à multiplier les problèmes qui se sont présentés auparavant, compte tenu de ce que la Commission des pensions entend par digne de foi.

[*Text*]

Application Procedure—V.I, Ch.9, pp. 343-361 Recommendations 27-38—

The Woods Committee noted the lack of uniformity between World War I, Regular Force and World War II adjudication procedures. To regularize this, it recommended adoption of a common three-stage procedure as follows:

(1) first application;

(2) second application;

(3) renewal application based on new evidence, such not to be limited in number.

The Committee recommended this procedure be followed not only with respect to entitlement claims, but also, "for a discretionary benefit, an increase in assessment or an increase in the degree of aggravation on submission of additional evidence."

Another recommendation was that, "first, second and renewal applications for entitlement be approved or rejected by an individual Commissioner acting in the capacity of an 'Entitlement Officer', thus providing that such Commissioner be empowered to act for the Commission in the disposal of such applications."

To standardize procedure, Justice Woods and his colleagues recommended the introduction of application forms with a proviso that informal applications would also be acceptable.

We understand from the White Paper and the testimony of the Chief Pensions Advocate that some of these recommendations are to be modified and adopted. Others, such as the use of an Entitlement Officer, renewal hearings for an increase in assessment and the standardization of application forms, have been rejected.

In our day-to-day work on behalf of pension applicants, we have felt the need not only to standardize application procedures, but also to alter present procedures with respect to consideration of applications so as to overcome some of the delays which result from the necessity of having two or more Commissioners involved in finalizing decisions prior to the Appeal Board Hearings. It is, therefore, our opinion that the recommendations of the Woods Committee, if adopted in their entirety, would facilitate the work of the Pension Commission, while substantially reducing delays which cause so much concern to the applicants.

[*Interpretation*]

Procédure de demande—(Vol. I, ch. 9, pp. 401 à 420—Recommandations nos 27 à 38)

Le Comité note l'absence d'uniformité entre la procédure d'admissibilité pour les demandes relatives à la Première Guerre mondiale, aux forces régulières et à la Deuxième Guerre mondiale. Pour remédier à cela, il préconise l'adoption d'une procédure commune en trois étapes:

(1) Première demande;

(2) Seconde demande;

(3) Renouvellement de demande fondé sur une nouvelle preuve, sans limite quant au nombre.

Le Comité recommande que cette procédure vaille non seulement pour les demandes d'admissibilité, mais aussi «dans le cas d'un avantage discrétionnaire, de majoration de l'évaluation de l'invalidité et du degré d'aggravation, sur présentation d'une preuve supplémentaire».

Une autre recommandation stipule que «la première et la seconde demandes, ainsi que les renouvellements de demande d'admissibilité soient approuvées ou rejetés par un commissaire agissant seul à titre d'«agent d'admissibilité», ce qui donnerait audit commissaire le pouvoir de statuer sur ces demandes au nom de la Commission».

Pour généraliser la procédure, le juge Woods et ses collaborateurs recommandent l'utilisation de formules de demande, sous réserve que les demandes officieuses soient aussi acceptées.

Il ressort du Livre blanc et de la déposition de l'avocat en chef des pensions, que certaines de ces recommandations vont être modifiées et acceptées. D'autres, telles que le recours à l'«agent d'admissibilité», les auditions de renouvellement pour la majoration de l'évaluation, ainsi que l'uniformisation des formules de demande ont été rejetées.

Dans la tâche quotidienne que nous accomplissons pour le compte des demandeurs, nous avons éprouvé le besoin non seulement d'uniformiser les procédures de demande, mais aussi de modifier les procédures en vigueur pour ce qui est de l'examen des demandes, afin d'éviter les délais qui sont inévitables s'il faut se prévaloir de la décision de deux commissaires ou plus avant les auditions du Bureau d'appel. Nous estimons, par conséquent, que si elles sont adoptées dans leur intégralité, les recommandations du comité Woods faciliteront la tâche de la Commission tout en réduisant considérablement les délais qui sont un grand sujet de préoccupation pour les requérants.

[*Texte*]

The Veterans Bureau—V.I, Ch.10, pp. 362-405 Recommendations 39-47—

The Veterans Bureau is established under authority of the Pension Act to provide a service through which a pension applicant can be assisted in the preparation and presentation of his claim to the Pension Commission. The only general criticism by the Woods Committee concerned the responsibility of the Veterans Bureau to present all available information, including that which may be unfavourable to the applicant when preparing documentation—the summary of evidence—which is the basis of a pension appeal. The Legion suggested to the Woods Committee that in this role the Bureau was breaching a confidence expected by a client of his solicitor.

To remedy this and ensure its complete independence, the Woods Committee recommended that the Bureau should be established under a separate act of Parliament, reporting directly to the Minister and be charged with the sole responsibility to assist applicants under the Pension Act. This would leave the Bureau free to operate in an atmosphere of client-solicitor with no responsibility to disclose information which would be adverse to the claim.

We welcome the announcement that the Veterans Bureau is to be established under a separate section of the Pension Act reporting directly to the Minister of Veterans Affairs. We believe, however, that the independence will not be as complete as it would if it were established under a separate act of Parliament as recommended by Justice Woods and his colleagues.

We also urge that in accordance with the Woods Committee recommendations, the responsibility for preparing summaries of evidence and providing information to the Minister's office on individual pension cases be removed from the Veterans Bureau.

Routine Decisions—V.I, Ch. 11 pp. 406-433. Recommendations 48-60—

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In these sections the Woods Committee detailed nearly 50 areas in which improvements could be made in the handling of routine decisions, that is to say, adjudication on "split pensions", additional pensions for children, separated wives, parents, widows, etcetera. Some functions would be transferred to Pension Medical Examiners in the District Offices across the country, while the Claims and Review Branch of the Pension Commission at Head Office would be granted authori-

[*Interprétation*]

Le Bureau des Vétérants—(Vol. I, ch. 10, pp. 421 à 465—Recommandations n^{os} 39 à 47)

Le Bureau des vétérans est établi sous le régime de la Loi sur les pensions pour dispenser de services consultatifs à l'intention des requérants en vue de les aider à préparer et à présenter leurs demandes à la Commission des pensions. La seule critique d'ordre général que formule Comité vient de ce que le Bureau soit tenu de présenter *tous* les renseignements qu'il a en main, en admettant même qu'ils soient défavorables au requérant, lorsqu'il s'agit de constituer le dossier (précis des éléments de preuve) qui est à la base de l'appel. La Légion a laissé entendre au Comité qu'en agissant ainsi, le Bureau trahissait la confiance à laquelle un client est en droit de s'attendre de son avocat.

Pour remédier à cet état de choses, le Comité recommande que le Bureau soit établi en vertu d'une loi distincte, qu'il relève directement du Ministre et qu'il ait seul la responsabilité d'aider les requérants aux termes de la Loi sur les pensions. Ce qui permettrait au Bureau de fonctionner sur la base des relations client-avocat et de n'être nullement astreint à divulguer des renseignements qui pourraient aller à l'encontre des intérêts du requérant.

Nous nous réjouissons d'apprendre que l'autorité du Bureau sera établie sous une partie distincte de la Loi et qu'il relèvera directement du ministre des Affaires des anciens combattants. Nous croyons, néanmoins, qu'il serait encore plus autonome s'il était établi en vertu d'une loi distincte comme le recommande le juge Woods et ses collaborateurs.

En outre, nous demandons instamment qu'en fonction des recommandations du Comité, le Bureau des vétérans soit déchargé de la responsabilité de préparer les exposés des affaires et qu'il ne soit plus tenu de donner des renseignements au cabinet du Ministre sur les cas individuels.

Décisions courantes - (Vol. I, ch. 11, pp. 466 à 501—Recommandations n^{os} 48 à 60)

Dans ces recommandations, le Comité passe en revue cinquante secteurs où il importerait d'apporter des améliorations aux décisions courantes; par exemple, à propos de l'attribution des «pensions partagées», des pensions supplémentaires versées aux enfants, aux conjointes qui vivent séparées, aux parents, aux veuves, etc. Certaines responsabilités échoiraient aux médecins-examinateurs principaux des pensions dans les bureaux de district, tandis que la Direction des réclama-

[*Text*]

ty on other matters. This would, in the view of the Woods Committee, free Commissioners to devote more time to entitlement and Section 7(3) hearings and overcome the delay in adjudicating upon routine claims. Veterans and their dependents would be assured of the right to appeal unfavourable decisions by Pension Medical Examiners and the Claims and Review Branch to the new independent Pension Appeal Board.

We note in the White Paper that the government has rejected "several recommendations proposing the delegation of various other authorities to the Senior Pension Medical Examiners who are located in the District Offices across Canada". However, in his testimony the Chief Pensions Advocate stated that these recommendations, 48-52, as well as the following group, 53-60, are under review.

Our Service Bureau is constantly receiving complaints with respect to delays in adjudication, difficulties in obtaining permission to appear before an Appeal Board under the provisions of Section 7(3) and benefits available under the discretionary sections of the Act. It would seem that such complaints could be substantially reduced and perhaps even eliminated by adopting all of the Woods Committee recommendations. This, we believe, would result in Commissioners dealing with the more important aspects of the legislation and trained Departmental staff being responsible for routine decisions.

Regular Force Cases—V.II, Ch. 12, pp. 435-474. Recommendations 61 and 62—

The Woods Committee recommended creation of a separate section of the Pension Act to provide entitlement for personnel of regular force and the militia. As noted, the restrictive nature of Section 13(2) in the present legislation provides that entitlement be conceded only where death or disability "arose out of or was directly connected with such military service". The Committee foresaw the need to spell out the circumstances under which the Pension Commission should consider that entitlement to pension must be granted on the basis of a claim being deemed "related to service".

[*Interpretation*]

tions et de la révision des pensions de la Commission serait habilitée à s'occuper d'autres questions. Selon le Comité, cela libérerait les commissaires qui pourraient consacrer plus de temps aux auditions d'admissibilité et aux comparutions personnelles aux termes de l'article 7(3), d'où élimination de la lenteur du processus d'attribution qui s'attache à l'examen des demandes de nature courante. Les vétérans et leurs ayants droit seraient assurés du droit d'en appeler auprès du Bureau d'appel des pensions indépendant des décisions défavorables rendues par les médecins-examinateurs et la Direction des réclamations et de la revision.

Nous notons dans le Livre blanc que le gouvernement a rejeté «plusieurs recommandations proposant la délégation de divers autres pouvoirs aux médecins-examinateurs principaux des pensions dans les bureaux de district de tout le pays». Néanmoins, dans sa déposition, l'avocat en chef des pensions a déclaré que lesdites recommandations allant du n° 48 au n° 52, ainsi que le groupe de 53 à 60 étaient à l'étude.

Nos services ne cessent de recevoir des doléances en ce qui concerne les délais d'attribution, les sinécures pour obtenir la permission de comparaître devant un Bureau d'appel aux termes du paragraphe 3 de l'article 7 et aux avantages disponibles en vertu des articles de la Loi qui confèrent des pouvoirs discrétionnaires. Il semblerait qu'on pourrait réduire considérablement le volume de ces réclamations et peut-être même les éliminer en adoptant toutes les recommandations du comité Woods. Cela, nous en sommes convaincus, permettrait aux commissaires de s'occuper des aspects plus importants de la Loi et le personnel compétent du Ministère pourrait se charger des décisions d'ordre courant.

Cas des forces armées régulières—(VII, chap. 12, pp. 435-474)—Recommandations 61 et 62

Le Comité Woods a recommandé la rédaction d'un article distinct de la Loi sur les pensions qui traiterait de l'admissibilité distincte du personnel des forces armées régulières, d'une part, et de la milice, d'autre part. Comme on l'a souligné, le caractère restrictif de l'article 13 (2) de la loi actuelle prévoit que l'admissibilité ne doit être accordée que dans les cas où le décès ou l'incapacité «découlent du service militaire ou s'y rattachent directement». Le Comité a prévu la nécessité d'expliquer en détail les circonstances dans lesquelles la Commission des pensions devrait étudier l'admissibilité à la pension qui doit être accordée aux réclamations qui sont censées «*se rattacher au service*».

[*Texte*]

It was further recommended that the provisions of Section 14 relating to misconduct should not apply to members of the armed forces, but that a separate misconduct principle should be set forth in a separate part.

The Woods Report also proposed the establishment of a Standing Advisory Committee of Pension Commission, regular force and Veterans Bureau personnel to provide co-ordination and liaison on pension matters for members of the Canadian Armed Forces.

The Legion has encountered many difficulties in establishing claims for regular force servicemen. The Pension Commission has interpreted the present legislation to mean that pension may only be granted for disability or death resulting from the serviceman having been on duty and further, as a direct cause of some action required by the serviceman in carrying out that duty.

The recommendations of Justice Woods and his colleagues would ensure that regular force personnel would be placed in a more realistic position regarding claims for disabilities and death being related to service. The amendments would provide a presumption of service relationship and would, in effect, broaden the basis on which entitlement should be granted.

Basic Rate—V.II, Ch. 13, pp. 475-500. Recommendation 63—

The Woods Committee concluded that the basic rate of pension should continue to be based on the earning power of a man in the class of untrained labour as determined by the average wage for this type of employment in the Public Service of Canada.

The recommendation re-endorses the principle established by a Special Committee on Pensions, Soldiers' Insurance and Re-establishment of the House of Commons appointed in 1918. One of the chief questions this Committee had to decide was: "On what basis should pension be paid?" It concluded that the only sensible rationale was to pension a man for the loss of what might be termed his basic abilities. Reduced to its simplest terms, the Committee said that if a man came into the service sound of mind and body, and because of that service he suffered some disability, he was entitled to pension. This was the origin of the unskilled labour formula for determining the basic rate of pension.

[*Interprétation*]

L'on a aussi recommandé que les dispositions de l'article 14 qui ont trait à la mauvaise conduite ne devraient pas s'appliquer aux membres des forces armées, mais qu'un principe distinct de mauvaise conduite soit établi dans une autre partie.

Le Comité Woods a aussi proposé l'établissement d'un Comité consultatif permanent de la Commission des pensions, des forces régulières et du personnel du Bureau des vétérans en vue de la coordination et de la liaison des questions de pensions pour les membres des forces armées canadiennes.

La Légion a dû faire face à de nombreuses difficultés pour établir le bien-fondé des réclamations des membres des forces régulières. La Commission des pensions a interprété la législation actuelle dans le sens que la pension ne peut être accordée que dans les cas où l'incapacité ou le décès découlent du fait que le soldat était en fonction et, de plus, comme cause directe de quelque action exigée du soldat pour remplir cette fonction.

Les recommandations du juge Woods et de ses collègues assureraient que le personnel des forces régulières seraient en une posture plus réaliste relativement aux réclamations d'incapacités ou de décès qui se rattachent au service. Les modifications créeraient une présomption de relations de service et, de fait, elles élargiraient le fondement qui permettrait d'accorder l'admissibilité.

Taux de base—(V.II, chap. 13, pp. 475-500 Recommandation 63)

Le Comité Woods a conclu que le taux de base des pensions devrait continuer à être basé sur la capacité de gain de l'individu non spécialisé, déterminée par le salaire moyen accordé à ce genre d'emploi dans la Fonction publique du Canada. La recommandation réapprouve de nouveau le principe établi par le «Comité spécial des pensions, de l'assurance et du rétablissement des soldats», que la Chambre des communes avait créé, en 1918. L'une des principales questions que ce Comité eut à décider était la suivante: Sur quelle base les pensions doivent-elles être payées? Le Comité en vint à la conclusion que le seul critère logique était d'accorder une pension à une personne d'après la perte de ce qu'on pourrait appeler ses aptitudes fondamentales. En termes les plus simples, le Comité dit que si une personne était entrée dans le service saine de corps et d'esprit, et, qu'à la suite de ce service, elle avait subi quelque incapacité, elle avait droit à la pension. Ce fut l'origine de la formule du travail non spécialisé utilisée pour déterminer le taux de base des pensions.

[*Text*]

• 1450

The former Minister of Veterans Affairs announced in May of 1966, that the government was searching for a new "yardstick" on which to base pensions. In the absence of any statement to the contrary, we can only assume that the government is still looking. The Legion's view is that the unskilled labour market formula is as valid now as ever. Admittedly, Canada is now a highly industrialized nation, but to suggest that because of this the unskilled labour market formula is out of date, is to miss the point at issue. To abandon this principle more than 50 years after its acceptance by the government, would, in our opinion, be unjust.

Multiple Disabilities—(V.II, Ch.14, pp.501-579 Recommendations 64 and 65)

Canada now determines pension up to 100 per cent on the basis of disqualification in the unskilled labour market. The recommendations of the Woods Committee, based on the study of pension law principles throughout the world, were that a person with a multiple disability—the total assessment of which would exceed 100 per cent—should receive the first 100 per cent of his pension for his loss of earnings on the unskilled labour market; where other factors existed to a substantial degree, he should be given additional pension to compensate for them. Some of these "other factors" include anatomical loss, scarring and disfigurement, loss of enjoyment of life, pain and discomfort, and shortening of the life span.

Justice Woods and his colleagues said inadequate compensation for multiple disability casualties was a major flaw in the existing pension system. In proposing that additional pension be paid for multiple disabilities, the Woods Committee has at last brought forth a reasonable solution.

It was recommended that payment of an Attendance Allowance to multiple disability cases must not be considered as additional compensation for the disability itself. Attendance Allowance is paid to assist the pensioner in meeting the additional costs of his disability (e.g., employment of an attendant, transportation, housing modifications for a wheelchair, etc.). In the view of the Woods Committee, the seriously disabled man is

[*Interpretation*]

L'ancien ministre des Affaires des anciens combattants a annoncé, en mai 1966, que le gouvernement cherchait un nouveau critère d'évaluation des pensions. Étant donné qu'il n'y a pas de déclaration contraire, nous supposons que le gouvernement cherche toujours ledit critère. La Légion est d'avis que la formule de la main-d'œuvre non spécialisée est toujours valide. Nous admettons que le Canada est un pays fortement industrialisé, à l'heure actuelle, mais prétendre que, pour cette raison, la formule de la main-d'œuvre non spécialisée est périmée, serait passer à côté de la question controversée. D'après nous, il serait injuste d'abandonner ce principe plus de cinquante ans après son acceptation par le gouvernement.

Incapacités multiples—(V.II, chap. 14, pp. 501-579 Recommandations 64 et 65)

Le Canada détermine maintenant les pensions jusqu'à 100 p. 100, en fonction des disqualifications sur le marché de la main-d'œuvre non spécialisée. Les recommandations du Comité Woods, qui reposent sur l'étude des principes des législations relatives à la pension dans le monde entier, suggéraient qu'une personne qui a de multiples incapacités—dont le total dépasserait 100 p. 100—devrait recevoir les premiers 100 p. 100 de sa pension pour sa perte à gagner sur le marché de la main-d'œuvre non spécialisée; dans les cas où d'autres facteurs existent, à un degré élevé, elle devrait recevoir une pension supplémentaire en compensation de ces facteurs. Certains de ces «autres facteurs» comprennent la perte anatomique, les balafres et l'enlaidissement, la privation de la jouissance normale de la vie, les douleurs et malaises et la réduction sensible de la longévité.

Le juge Woods et ses collègues ont dit qu'une compensation insuffisante pour les cas d'incapacités multiples constituait une grave lacune du régime actuel de pensions. En proposant des pensions supplémentaires en faveur des cas d'incapacités multiples, le Comité Woods a enfin mis de l'avant une solution raisonnable.

Il a été recommandé que le versement d'une allocation de soins aux personnes qui souffrent d'incapacités multiples ne soit pas considéré comme une compensation supplémentaire pour l'incapacité elle-même. L'allocation de soins est payée pour aider le pensionné à faire face aux frais supplémentaires occasionnés par son incapacité (par exemple, l'emploi d'un aide, le transport, réparations à la maison pour y faire circuler une chaise

[*Texte*]

entitled to both full assessment and the Attendance Allowance.

The White Paper proposes to solve the problems of certain multiple disability pensioners by granting them a "bonus", apparently based on a "needs" test. However, the Legion believes this is only a "stop-gap" effort and the need of the multiple disability casualty will not be wholly resolved until such time as the recommendations of the Woods Committee are fully implemented.

It is important that the solution to this serious problem ensures that the amount of money provided is adequate and that it is paid as of right.

Attendance Allowance—(V.II, Ch. 17, pp. 636-674 Recommendations 80-87)

The Woods Committee made several recommendations to improve the legislation under which Attendance Allowance is paid. The Government acknowledged in the White Paper the need for changes by proposing certain amendments in the Pension Act.

The Legion noted with satisfaction the proposal that Attendance Allowance should not form part of pension paid for any disability.

We are also happy with the Government's rejection of the recommendation that would have restricted the payment of Attendance Allowance to pensioners only if their need of attendance was conditional, wholly or in part, upon a pensionable disability.

Apparently the Government does not intend to accept the complete recommendations of the Woods Committee concerning, (a) continuing Attendance Allowance while the pensioner is in hospital, (b) increasing the rate for the totally blind to $3,000 per annum, and (c) increasing the allowance for certain amputees.

The Woods Committee noted that there was a provision in the Pension Act for continuation of Attendance Allowance for the duration of Departmental medical treatment for blinded pensioners, while paraplegics were covered for only two months under the Veterans Treatment Regulations. There is no provision to continue Attendance Allowance for amputees or other classes.

The Legion supports the recommendation of the Committee that the Act be amended to extend to pensioners in receipt of the max-

[*Interprétation*]

roulante, etc). D'après le Comité Woods, l'individu atteint d'une grave incapacité a droit à la fois à l'évaluation complète et à l'allocation de soins.

Le Livre blanc propose de résoudre les problèmes de certains pensionnés à incapacités multiples en leur accordant un «boni» basé apparemment sur l'examen des ressources. La Légion estime, toutefois, qu'il ne s'agit là que d'un «bouche-trou» et que les besoins de ceux qui souffrent d'incapacités multiples ne seront complètement satisfaits que le jour où les recommandations du Comité Woods seront complètement appliquées.

Il est important que la solution de ce grave problème assure que le montant d'argent fourni est suffisant et qu'il soit versé comme un droit.

Allocation de soins—(V. II, chap. 17, pp. 636-674 Recommandations 80-87).

Le Comité Woods a fait plusieurs recommandations pour améliorer la législation en vertu de laquelle des paiements d'allocations de soins sont versés. Le gouvernement a reconnu dans le Livre blanc la nécessité d'apporter des modifications en en proposant quelques-unes à la Loi sur les pensions.

La légion a noté avec satisfaction la proposition voulant que les allocations de soins ne fassent pas partie des pensions versées pour quelque incapacité que ce soit.

Nous sommes aussi heureux que le gouvernement ait rejeté la recommandation qui aurait limité le versement de l'allocation de soins aux pensionnés seulement si leur besoin de soins dépendait, en tout ou en partie, d'une incapacité admissible à la pension.

Il semble que le gouvernement n'a pas l'intention d'accepter au complet les recommandations du Comité Woods relatives à (a) la continuation de l'allocation de soins durant le séjour à l'hôpital du pensionné, (b) l'augmentation du taux de pensions de ceux qui sont frappés de cécité totale à $3,000 par année, et (c) l'augmentation de l'allocation en faveur de certains amputés. Le Comité Woods fait observer que la Loi sur les pensions ne prévoit pas la continuation de l'allocation de soins pendant toute la durée des traitements médicaux du ministère à l'égard des pensionnés aveugles, alors que les paraplégiques ne sont protégés que durant deux mois en vertu des Règlements de soins aux anciens combattants. Rien ne prévoit la continuation de l'allocation de soins à l'égard des amputés ou des autres catégories.

La Légion appuie la recommandation du Comité voulant que la Loi soit modifiée pour étendre aux pensionnés qui reçoivent l'alloca-

[*Text*]

imum Allowance the same provisions which now apply to the war blinded.

We also endorse the recommendation that all other recipients of the Allowance continue to receive their awards for two months when they are in hospital under treatment or care from the Department.

Mr. Peters: Is that word "allowance" correct or did you mean maximum pensions?

Mr. Kohaly: I may have mounthed it wrongly, Mr. Peters. Aid and Attendance Allowance, sir.

Mr. Peters: Thank you.

Mr. Kohaly: Fifteen, Mr. Chairman?

The Chairman: Yes.

Post-Discharge Consequential Disabilities—(V.II, Ch. 16, pp. 610-635. Recommendations 75-79)

The members of the Woods Committee said there was no specific legislative authority for the granting of pension for consequential disabilities. However, the Pension Commission had adopted a policy which accepted the premise that such disabilities might be the direct result of a pensioned condition. Hence, the Commission did grant pension for a consequential disability, either for the full extent of the disability or, where it was decided that the pensioned condition was only partly the cause, on a fractional basis.

Consequential disabilities were dealt with in the Woods Report under two categories; namely, Physical Injury and Medical Development. The first category arises from an injury suffered as a result of a post-discharge accident which is claimed to be caused by a pensioned condition. The latter classification is when a disabling condition develops post-discharge and cannot be ruled as having been incurred or aggravated during service, but which development might be related to a condition for which pension entitlement has been granted. It was quite evident from the many cases the Woods Committee studied that definite authority in regard to consequential conditions should exist in the Pension Act.

The concern of the Woods Committee about consequential disabilities was recognized by the Government's reference to the subject in the White Paper. The Legion trusts all four recommendations relating to this type of disa-

[*Interpretation*]

tion maximale les mêmes dispositions que celles qui s'appliquent actuellement aux aveugles de guerre.

Nous appuyons aussi la recommandation selon laquelle tous les autres bénéficiaires de l'allocation devraient continuer à recevoir leurs indemnités durant deux mois lorsqu'ils sont hospitalisés et reçoivent des traitements ou des soins aux frais du ministère.

M. Peters: Est-ce que l'emploi du terme «allocations» est juste? Ne voulez-vous pas dire pensions maximums?

M. Kohaly: Il se peut que je me sois mal exprimé, M. Peters. Allocations d'aide et de soins, monsieur.

M. Peters: Merci.

M. Kohaly: Quinze, monsieur le président.

Le président: D'accord.

Infirmités secondaires survenues après le licenciement—(Vol. II, chap. 16, pp. 610-635. Recommandations 75-79).

Les membres du Comité Woods ont dit qu'aucune disposition particulière de la Loi ne donnait droit à une pension pour infirmités secondaires. Toutefois, la Commission des pensions a adopté une politique reconnaissant le principe qu'une telle infirmité pouvait être directement causée par une infirmité donnant lieu à pension. Par conséquent, la Commission a accordé une pension pour infirmité secondaire, soit pour infirmité totale ou, lorsqu'il fut décidé que l'affection ouvrant droit à pension ne constituait qu'une cause partielle, pour infirmité partielle.

Le Rapport Woods a classifié les infirmités secondaires en deux catégories, savoir l'infirmité physique et la complication médicale. La première catégorie comprend une blessure causée par un accident postérieur au licenciement et que l'on prétend avoir été causé par une affection ouvrant droit à pension. La deuxième catégorie est constituée par les cas où une infirmité survient après le licenciement et qu'on ne peut considérer comme ayant été causée ou aggravée au cours de la période de service, mais qui peut être reliée à une affection pour laquelle l'admissibilité à la pension a été accordée. Il était manifeste, d'après les nombreux cas étudiés par le Comité Woods, que la loi sur les pensions devrait jouir d'une autorité effective à l'égard des infirmités secondaires.

Le gouvernement a reconnu le souci du Comité Woods à l'égard des infirmités secondaires en mentionnant ce sujet dans le Livre blanc. La Légion espère que les quatre recommandations relatives aux infirmités secondai-

[*Texte*]

bling condition will be accepted without change and incoporated in the legislation. To amend the Act, merely to authorize the Commission to continue to make awards for consequential disabilities would not, in our opinion, be carrying out the full intent of the Woods Committee recommendations.

Automatic Age Increase—(V.II, Ch. 18, pp. 675-696 Recommendations 88 and 89)

The Pension Commission recognizes the progressive deterioration of amputations and gunshot wounds through what is known as the "automatic age increase" policy. The 50 per cent pensioner is increased to 60 per cent at age fifty-five, to 70 per cent at age fifty-seven, and to 80 per cent at age fifty-nine. The 60 per cent pensioner is increased to 70 per cent at age fifty-five and to 80 per cent at age fifty-seven. The 70 per cent pensioner is increased to 80 per cent at age fifty-five. The Woods Committee considered this provision to be in keeping with good pension principles, but said that it did not go far enough.

It was recommended that the automatic age increase apply for the 80 per cent and 90 per cent pensioners, to bring their assessments to 100 per cent.

Justice Woods and his colleagues recommended that increases apply to *all* fixed disabilities resulting from injuries or wounds, thus eliminating the existing discrimination against those whose injuries or wounds were not incurred in direct action with the enemy.

It has often been stated that the purpose of the automatic age increase was to allow the 50 per cent pensioner to reach 80 per cent at a time when pension would carry on for a widow only if the pension was in payment at this 80 per cent rate (unless, of course, death was attributable to the pensionable condition). The Woods Committee noted two compelling reasons for automatic age increases and the Legion fully endorses these. They are:

(1) to recognize the injuries which are result of direct enemy action compared with those resulting from disease; and

[*Interpértation*]

res seront agréées sans modifications et incorporées dans la loi. Une modification de la loi qui ne ferait qu'autoriser la Commission à continuer tout simplement d'accorder une admissibilité pour infirmités secondaires ne constituerait pas, à notre avis, une mise en pratique des recommandations du Comité Woods.

Augmentation automatique en raison de l'âge—(Vol. II, chap. 18, pp. 675-696 Recommandations 88 et 89)

La Commission des pensions reconnaît qu'il se produit une détérioration progressive des amputations et des blessures causées par les armes à feu, en appliquant ce que l'on appelle des «dispositions relatives aux augmentations automatiques en raison de l'âge». Celui qui est pensionné au taux de 50 p. 100 voit sa pension portée à 60 p. 100 lorsqu'il atteint 55 ans, à 70 p. 100 lorsqu'il atteint 57 ans, et à 80 p. 100 lorsqu'il atteint 59 ans. Celui qui est pensionné au taux de 60 p. 100 voit ce taux porté à 70 p. 100 lorsqu'il atteint 55 ans, et à 80 p. 100 lorsqu'il atteint 57 ans. Celui qui bénéfie d'une pension au taux de 70 p. 100 voit celle-ci portée à 80 p. 100 lorsqu'il atteint 55 ans. Le Comité Woods a jugé que cette disposition était conforme au principe d'une pension équitable, mais a reconnu qu'elle n'était pas suffisante.

On a recommandé que l'augmentation automatique en raison de l'âge s'applique à ceux qui sont pensionnés au taux de 80 p. 100 et de 90 p. 100 de façon à porter l'évaluation de leur infirmité à 100 p. 100.

Le juge Woods et ses collègues ont recommandé que bénéficient des augmentations *tous* ceux qui sont frappés d'une infirmité causée par des blessures ou des traumatismes, ce qui ferait disparaître la discrimination actuelle dont sont victimes ceux dont les blessures ou traumatismes n'ont pas été subis au cours d'un engagement militaire avec l'ennemi.

On a souvent dit que le but de l'augmentation automatique en raison de l'âge était de permettre au bénéficiaire d'une pension au taux de 50 p. 100 de voir ce taux porté à 80 p. 100, au moment où cette pension serait maintenue en faveur d'une veuve seulement si la pension était versée au taux de 80 p. 100 (à moins, bien sûr, que la mort soit attribuable à une affection donnant droit à pension). Le Comité Woods a signalé deux raisons qui rendent obligatoire l'augmentation automatique en raison de l'âge, et la Légion les reconnaît entièrement. Ce sont:

(1) la distinction entre les blessures qui ont été causées directement par l'action ennemie, par opposition à celles qui l'ont été par une maladie, et

[*Text*]

(2) to provide more adequately for pensioners who have suffered severe wounds, particularly in respect of increasing handicaps with their advancing years.

It seems obvious that the essential reason for the automatic age increase provision was to recognize, through an automatic raise of pension, the fact that certain permanent disabilities worsen with advancing years. The adoption of the Committee recommendations in regard to automatic age increase would give full effect to the intent to make automatic provision for an increased pension as the pensioner's condition deteriorates with age.

Awards of Legal Damages and Workmen's Compensation—(V II, Ch. 19, pp. 697-763 Recommendations 90 and 91)

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Sections 20 and 21 of the Pension Act provide that where legal damages or Workmen's Compensation is paid as a result of the circumstances which caused death or disability, where, in addition, there may be a requirement to pay pension under the Pension Act, the amount of such legal damages or Workmen's Compensation shall result wither in a reduction of pension, or alternatively, the damages or Workmen's Compensation shall be paid to the Federal Government. The recovery procedures are covered in Section 22.

The Woods Committee recommended the deletion of these sections of the Act, and their replacement by a new section which would prohibit a person from receiving both an award of pension under the Pension Act and an award under Government Employees Compensation Act or similar Federal legislation.

These sections of the Pension Act have caused very severe criticism from veterans for many years. The number of cases is not large but where the provisions of these sections are applied, the effect is to deprive a widow or a pensioner of a rightful pension, or alternatively, to require payment to the Crown of moneys paid from another source because of some tragic death or injury.

[*Interpretation*]

(2) la nécessité d'accorder une pension plus adéquate aux pensionnés qui ont subi des blessures graves, particulièrement dans les cas où l'infirmité s'accroît avec l'âge.

Il semble évident que la principale raison qui a motivé l'adoption des dispositions relatives à l'augmentation automatique de la pension en raison de l'âge était le souci de reconnaître, au moyen de cette augmentation, le fait que certaines infirmités permanentes s'aggravent avec l'âge. L'adoption des recommandations du Comité relatives à l'augmentation automatique en raison de l'âge réaliserait pleinement la volonté de prévoir une disposition visant à assurer automatiquement l'augmentation de la pension au fur et à mesure que l'infirmité du pensionné s'aggrave avec l'âge.

Indemnisation des dommages légaux et des accidents de travail—(Vol. II, chap. 19, pp. 697-763 Recommandations 90 et 91)—

Les articles 20 et 21 de la loi des pensions prévoient que, si des indemnités sont versées pour dommages légaux ou des accidents de travail à cause de circonstances qui ont entraîné la mort ou quelque infirmité, et qu'en outre il soit exigé qu'une pension soit versée aux termes de la loi des pensions, le montant de l'indemnité pour dommages légaux ou l'indemnité versée en vertu de la loi d'indemnisation des accidents de travail entraînera une réduction de la pension, ou les indemnités versées aux termes de la loi d'indemnisation des accidents de travail seront versées au gouvernement fédéral. Les modalités de redressement sont traitées au chapitre 22.

Le Comité Woods a recommandé que ces articles de la Loi soient supprimés et que leur soit substitué un nouvel article qui interdirait à tout particulier de toucher à la fois une pension versée en vertu de la Loi sur les pensions et des indemnités versées aux termes de la Loi sur l'indemnisation des employés de l'État ou de toute autre loi fédérale analogue.

Ces articles de la Loi sur les pensions font depuis nombre d'années l'objet de critiques très acerbes de la part des anciens combattants. Le nombre des cas n'est pas très élevé, mais l'application des dispositions de ces articles a pour effet de priver une veuve ou un pensionné d'une pension équitable, ou encore d'obliger à verser à la Couronne des sommes provenant d'autres sources, par suite d'un décès ou d'une blessure tragiques.

[*Texte*]

The Legion desires to highlight two observations made by the Woods Committee. The first concerns the circumstance where a widow, within a few weeks following the death of her husband, may be compelled by the Pension Commission to institute legal proceedings against a third party if grounds exist for recovery of legal damages. This places a widow, still in mourning, in a most difficult position and with no prospect of financial gain from the action.

A second observation noted that widow's pension is not "inordinately large" under any circumstances. It seems obvious that in most cases a combination of pension and either legal damages or Workmen's Compensation would not provide an income comparable to that of the husband.

The Legion has long felt that these sections of the Act cost more to administer than is obtained in recoveries by the Crown. At the same time, because of their iniquitous nature, they are a source of irritation to pensioners, far out of proportion to their importance. The Legion heartily endorses the recommendation that these sections be removed from the Act.

Retroactive Awards—(V.III, Ch. 30, pp. 946-983 Recommendations 116-122 Woods Report)

The existing Act provides that, in an entitlement award, retroactive pension may be granted twelve months prior to the date of the decision. In addition, a further six months retroactivation may be granted in the case of hardship and an additional eighteen months where there has been administrative delay due to loss of documents, et cetera.

The Woods Committee criticized the whole principle of limitation to any specified period. That Committee saw validity only in the premise that under normal circumstances, pension should be payable from the date of the application, suggesting a limitation of five years, but permitting retroactivation beyond this period if there has been an error in administration or procedure by the pension adjudicators.

That is to say, the Woods Committee proposed deletion of the existing provisions for retroactivation, recommending that where the Commission did grant entitlement, the applicant was entitled to pension from the date of his application. The Committee saw little justification for these retroactivation provisions and found that they were unnecessarily complicated.

[*Interprétation*]

La Légion désire faire ressortir deux observations qui ont été faites par le Comité Woods. La première a trait au cas où une veuve, au cours des quelques semaines qui suivent la mort de son mari, peut être forcée par la Commission des pensions d'entamer des poursuites judiciaires contre une tierce partie, s'il existe un motif d'exiger une indemnité. Cela met la veuve, qui est encore en deuil, dans la plus pénible des situations, et ne lui laisse aucun espoir de retirer un avantage financier quelconque de ces poursuites.

Une deuxième observation, c'est que la pension de la veuve n'est en aucun cas «déraisonnablement élevée». Il semble évident que dans la plupart des cas une combinaison de la pension et d'une indemnité légale ou de l'indemnité des accidents de travail ne représenterait pas un revenu comparable à celui que touchait le mari.

La Légion est d'avis depuis longtemps que l'application de ces articles de la loi entraîne une dépense plus élevée que les sommes recouvrées par la Couronne. De plus, ces articles, en raison de leur caractère inique, sont pour les pensionnés une cause de mécontentement qui est hors de toute proportion avec leur importance. La Légion approuve chaleureusement la recommandation portant que ces articles soient retranchés de la loi.

Attributions rétroactives—(V.III, ch. 50, pp. 946-983) Recommandations 116-122)

Selon la loi actuelle, dans le cas d'une décision d'admissibilité, une pension rétroactive peut être accordée à dater de douze mois avant la décision. En outre, la rétroactivité peut couvrir six autres mois dans le cas de privations et dix-huit autres mois en cas de retards administratifs dus à la perte de documents, etc.

Le Comité Woods a critiqué le principe même de la limitation à une période déterminée. De l'avis du Comité, n'était valable que le postulat selon lequel la pension, dans le cours normal des choses, devrait être exigible à compter de la date de la demande. Il proposait une limitation de cinq ans, mais permettait une rétroactivité plus étendue s'il y a eu erreur d'administration ou de procédure de la part de la Commission.

En somme, le Comité Woods a proposé de supprimer les dispositions relatives à la rétroactivité et a recommandé que le requérant, si la Commission le reconnaît admissible, ait droit à une pension à compter de la date de sa demande. Le Comité ne voyait guère de justification à ces dispositions de rétroactivité et a constaté qu'elles étaient inutilement compliquées.

[*Text*]

In endorsing the recommendation, the Legion noted particularly the observation of the Woods Committee to the effect that in most jurisdictions, a benefit, if approved, commences from the date of the application. It seems strange, therefore, to find that under the Pension Act, entitlement can go back only 12 months. On special consideration, there is provision for a further 6 months and an additional 18 months retroactivation.

The Legion feels that if there is an assessable degree of disability, or if the veteran has died, pension should be paid from the date of the first application. Also, it is important to emphasize that this provision should apply not only to entitlement, but to all other benefits under the Pension Act.

Stabilization of Pensions—(V.III, Ch. 31, pp. 984-1001 Recommendations 123 and 124)

In 1936 the Pension Commission implemented a stabilization policy for World War I pensioners, which provides that where a pension has been stationary for three years or more, and where the condition resulting in disability is permanent in character, the assessment will not be reduced.

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No official stabilization policy has been adopted for World War II pensioners—even though 25 years have elapsed since the end of that war. The Woods Committee considered that World War II pensions should be subject to stabilization. It was recommended that disability pensions arising out of Regular Force Service after World War II should also be stabilized when pension has been in effect for more than 3 years, but not within 10 years of the termination of the pensioner's service.

The Legion concurs with the proposition that stabilization is an essentially sound principle of pension administration. A pensioner whose award has been at a certain level for three years should not have to live with the fear that his pension could be cut. Another significant factor is that a pensioner may be reluctant to ask for a reboard (even if his condition worsens) for fear of a decrease.

The Legion agrees with the Woods Report comment that experience in pension administration following World War I is still a grave cause of anxiety for many pensioners. It is known that there was a period, in the administration of the old Board of Pension Commissioners, and even its successor, the

[*Interpretation*]

La Légion a approuvé la recommandation et a noté en particulier l'observation formulée par le Comité selon laquelle la prestation, si elle est accordée, commence dans la plupart des pays dès la date de la demande. Il semble donc étrange que l'admissibilité ne puisse remonter, selon la Loi sur les pensions, qu'à douze mois. Une rétroactivité de six mois de plus et encore de dix-huit mois supplémentaires est autorisée pour des considérations spéciales.

De l'avis de la Légion, la pension devrait se servir dès la date de la demande s'il existe une invalidité appréciable ou si l'ancien combattant est décédé. Il importe, en outre, de souligner que cette disposition devrait s'appliquer non seulement à l'admissibilité, mais aussi à toutes les autres prestations prévues par la Loi sur les pensions.

Stabilisation des pensions—(V.III, chap. 31, pp. 984-1001 Recommandations 123 et 124)

En 1936, la Commission des pensions a établi une politique de stabilisation au bénéfice des pensionnés de la Première Guerre mondiale, l'évaluation n'est pas réduite si une pension est stationnaire depuis trois ans et plus et si l'affection qui est cause de l'invalidité revêt un caractère permanent.

Il n'a pas été adopté de politique de stabilisation officielle au bénéfice des pensionnés de la Deuxième Guerre mondiale, même s'il s'est écoulé 25 ans depuis la fin de la guerre. Le Comité a estimé que les pensions de la Deuxième Guerre mondiale devaient être stabilisées. Il a proposé que les pensions d'invalidité découlant du service dans les Forces régulières après la Deuxième Guerre mondiale soient aussi stabilisées lorsqu'elles se servent depuis plus de trois ans, mais non pas dans les dix ans de la fin du service du pensionné.

La Légion souscrit à la proposition selon laquelle la stabilisation constitue un principe essentiellement judicieux de l'administration des pensions. Le pensionné dont la pension est à un certain niveau depuis trois ans ne doit pas vivre dans la crainte que sa pension soit réduite. Un autre facteur important consiste dans ce que le pensionné hésitera peut-être à demander une revision (même si son affection empire) de peur que sa pension ne soit diminuée.

La Légion est d'accord avec l'observation du Rapport Woods selon laquelle l'expérience de l'administration des pensions après la première guerre mondiale continue à inquiéter grandement beaucoup de pensionnés. On sait qu'il y a eu une période, dans l'administration assurée par l'ancienne Commission des pen-

[*Texte*]

Canadian Pension Commission, wherein there was a tendency to reduce pensions. Fear of such action is no doubt responsible for a feeling of insecurity among World War II pensioners. The only fair and equitable answer to this problem is to grant the pensioner stabilization after the award has been in payment for three years or more. Surely this provides a sufficient period of time during which the Commission can make certain that the disability is of a permanent nature.

Improper Conduct—(V.III, Ch. 33, pp. 1023-1058, Recommendations 127 and 128 Woods Report)

The chief complaints set out in the Woods Committee Report on the Commission's policy in regard to "improper conduct", as provided in Section 14 of the Pension Act, were:

(1) although Workmen's Compensation all provinces in Canada now provides that awards will be made for total disablement regardless of any suggestion of improper conduct, the Pension Act permits awards in such circumstances only if the member had died. This was cited as an instance where the Pension Act was too restrictive;

(2) the Pension Act does not provide for recognition of disabilities arising out of venereal disease.

In its recommendations the Woods Committee proposed that pension be paid for total disablement, even though misconduct was involved; and that disabilities resulting from venereal disease be pensionable under the Act.

The provisions of the Pension Act concerning improper conduct have been the cause of a great deal of concern over the years. Whereas the Legion supports the contention that payment of pension should be restricted where improper conduct has been involved, difficulty arises in the interpretation of what constitutes improper conduct.

Conditions under which personnel serving during time of war can create circumstances which are far different from those which obtain in civilian life. The Armed Services during wartime established a code of behaviour based on military requirements including the punishment of offenders.

The Legion fully supports the suggestion in the Woods Report, which would serve to separate military discipline from the adjudication of pensions so as to ensure that the former does not affect the latter.

[*Interprétation*]

sions et même celle qui lui a succédé, où la tendance était à la réduction des pensions. La crainte de voir réduire leur pension explique sans doute pourquoi les pensionnés de la Deuxième Guerre mondiale éprouvent un sentiment d'insécurité. La seule solution juste et équitable au problème est de stabiliser la pension servie depuis trois ans et plus. C'est assurément un délai assez long pour que la Commission puisse s'assurer que l'invalidité est de nature permanente.

Mauvaise conduite — (V. III, chap. 33, pp. 1023-1058, Recommandations 126 et 128)

Les principaux griefs énoncés dans le Rapport Woods au sujet de la politique de la Commission touchant la «mauvaise conduite», qui fait l'objet de l'article 14 de la Loi sur les pensions, sont les suivants:

(1) même si la Réparation des accidents du travail, dans toutes les provinces, porte que l'invalidité totale doit bénéficier d'une pension indépendamment de toute question de mauvaise conduite, la Loi sur les pensions ne le permet en pareil cas que si l'intéressé est mort. Le Rapport y voyait un cas où la loi est trop restrictive;

(2) la loi ne prévoit pas la reconnaissance des invalidités découlant des maladies vénériennes.

Dans ses propositions, le Comité Woods proposait que la pension soit servie dans le cas d'invalidité totale, même s'il y avait eu mauvaise conduite, et que les invalidités dues aux maladies vénériennes ouvrent droit à pension aux termes de la loi.

Les dispositions de la Loi sur les pensions en ce qui concerne la mauvaise conduite ont été cause, au fil des années, de beaucoup de préoccupations. Même si la Légion appuie la thèse selon laquelle le service de la pension doit être restreint lorsqu'il y a eu mauvaise conduite, l'interprétation de ce qui constitue une mauvaise conduite suscite des difficultés.

Les conditions dans lesquelles les militaires ont servi durant le temps de guerre peuvent créer des circonstances fort différentes de celles qui règnent dans la vie civile. Les Services armés ont établi en temps de guerre un code de conduite fondé sur les exigences militaires, y compris le châtiment des délinquants.

La Légion appuie pleinement la proposition formulée par le Rapport Woods, proposition tendant à séparer la discipline militaire de l'attribution des pensions et à assurer que la première n'influe pas sur l'autre.

[*Text*]

Divided Pension—(C. III, Ch. 32, pp. 1002-1022 Recommendation 125)

The term "divided pension" refers to the circumstances where the pensioner and his wife are living apart and the Commission rules to pay part of the pension to the wife, often without the pensioner's approval.

The main complaint placed before the Woods Committee was that the Commission can and does sometimes award part of a pension to a separated wife, even though her right to be maintained has not been established in a court. Also, the Commission will not grant additional pension to a dependent unless the pensioner is contributing personally towards the maintenance of his wife or dependents.

Justice Woods and his colleagues felt that the rights to pension necessarily flow from the pensioner's service and the requirements of the pensioner must take precedence, even though some sympathy was indicated for the situation of a wife residing apart from the pensioner.

The Legion agrees with the suggestion in the Report that the Commission's handling of this provision of the Act was inconsistent, and that a dependent's right to be maintained should be established by mutual agreement or by Court Order, before the Commission pays any part of the pensioner's pension to her.

[*Interpretation*]

Pension répartie—(Recommandation nº 125, tome III, chap 32, pp. 1002-1022)

L'expression «pension répartie» est un rappel des circonstances où le pensionné et son épouse vivent séparés et où la Commission décide de verser une partie de la pension à la femme, souvent sans le consentement du pensionné.

La principale plainte formulée au Comité Woods, c'est que la Commission est autorisée à accorder, et parfois accorde en fait, une pension à l'épouse séparée sans que le droit de celle-ci à une pension alimentaire ait été établi par une ordonnance de la cour. De plus, la Commission n'accorde pas de supplément de pension à une personne à charge, à moins que le pensionné ne contribue personnellement à l'entretien de sa femme ou des personnes à sa charge.

Le juge Woods et ses collègues sont d'avis que le droit à la pension repose nécessairement sur les services rendus par le pensionné dont les besoins doivent passer en premier, même si l'épouse qui vit séparée du pensionné mérite la sympathie.

La Légion partage l'opinion exprimée dans le rapport, voulant que la Commission ait appliqué cette disposition de la loi de façon incohérente et que le droit d'une personne à charge à une pension alimentaire doive être établi par entente mutuelle ou par une ordonnance de la cour, avant que la Commission ne verse à cette personne toute partie de la pension du pensionné.

• 1510

Duties of Chairman and Responsibilities of Commissioners — (V. III, Ch. 35, pp. 1079-1094 Recommendations 132-137)

These recommendations deal with the relationship between the powers of the Commission Chairman and the operation of the Commission itself. They include that:

(1) consideration be given in appointments to the Commission to persons who represent the "interests of veterans and members and ex-members of the Armed Forces";

(2) Commissioners be appointed by Governor in Council but only on recommendation of the Chairman of the Commission;

(3) the Commission Chairman develop and operate "quality control" systems which would ensure more standard adjudication;

Fonctions du président et des commissaires—(Recommandations 132-137, Tome III, chap. 35, pp. 1079-1094)

Ces recommandations, relatives à l'interdépendance des pouvoirs du président et du fonctionnement de la Commission elle-même, renferment les propositions suivantes:

1) qu'on songe à nommer commissaires des personnes qui pourraient représenter les «intérêts des anciens combattants et ceux des membres et anciens membres des Forces armées»;

2) que les commissaires soient nommés par le gouverneur en conseil, mais seulement sur la recommandation du président de la Commission;

3) que le président de la Commission mette en place et en oeuvre des méthodes de «contrôle de la qualité» pour assurer l'uniformité dans l'attribution des demandes;

[*Texte*]

(4) the appointment of Commissioners be made on at lifetime basis until age seventy.

It seems essential that veterans and their dependents should have the fullest possible confidence in the Canadian Pension Commission. It is the view of the Legion that, unfortunately, this is not always the case. Therefore, the suggestion that a fair percentage of Commissioners should be persons who represent the interests of veterans and members and ex-members of the Armed Forces, is most welcome.

The proposal which suggests that appointments to the Commission be made only on recommendation of the Commission Chairman would, in the opinion of the Legion, go a very long way in ensuring that career personnel with specialized qualifications, are appointed.

A third recommendation would enable the Commission Chairman to advise and perhaps discipline Commissioners whose work was not up to standard. Under the existing situation, the Chairman has no direct control in the matter of adjudication. Neither can he, in actual fact, exercise much influence in respect of policies and interpretations of the Canadian Pension Commission. This is a situation which needs correcting.

We agree with the Woods Committee proposal that Commissioners should not have to be re-appointed every ten years. If implemented, the Woods recommendation would make for a more independent Pension Commission.

Continuation of Pension on Death of Pensioner — Recommendations 109 and 110

Under the current provisions of the Pension Act, entitlement for a widow and dependents ceases on the first day of the month following the pensioner's death. Where that pension was in payment at 48 per cent or more, or where the death was attributable to service, the pension is replaced by a widow's pension.

Veterans organizations were unanimous in citing, before the Woods Committee, the need to continue the pension at married rates for a year, where such pension would be greater than the widow's pension.

The Legion reiterates its strong conviction that the Pension Act should be amended to provide continuing payment following the death of a pensioner. A reasonable period for this adjustment is thought to be one year; hence the Legion fully supports the recom-

[*Interprétation*]

4) que les commissaires soient nommés à vie avec retraite à soixante-dix ans.

Il semble indispensable que les anciens combattants et les personnes à leur charge aient la plus grande confiance dans la Commission canadienne des pensions. Cependant, de l'avis de la Légion, tel n'est malheureusement pas toujours le cas. La Légion a donc accueilli d'emblée la suggestion de choisir bon nombre de commissaires parmi les personnes susceptibles de représenter les intérêts des anciens combattants et ceux des membres et anciens membres des Forces armées.

De l'avis de la Légion, la proposition de ne faire la nomination des commissaires que sur la recommandation du président de la Commission assurerait, dans une large mesure, la nomination d'un personnel de carrière spécialisé.

Une troisième mesure proposée permettrait au président de la Commission de conseiller et peut-être de ramener à la raison les commissaires dont le travail laisserait à désirer. Dans l'état actuel des choses, le président n'a pas d'autorité directe en matière d'attribution. Il ne peut non plus dans la pratique exercer une grande influence en matière de principes directeurs et d'interprétation de la Loi canadienne sur les pensions. C'est une situation qui appelle un redressement.

Nous appuyons la proposition du Comité Woods qu'il ne devrait pas être nécessaire de réengager les commissaires tous les dix ans. La mise en application de cette recommandation garantirait à la Commission canadienne des pensions d'une plus grande indépendance.

Prolongation de la pension après le décès du pensionné—(Recommandations 109 et 110)

En vertu des dispositions de la loi actuelle, le droit qu'ont à la pension la veuve et les personnes à charge prend fin le premier jour du mois qui suit le décès du pensionné. Dans les cas où la pension s'élève à 48 p. cent ou davantage ou que le décès est attribuable au service militaire, la pension est remplacée par une pension de veuve.

Les associations d'anciens combattants ont été unanimes à souligner devant le Comité Woods la nécessité de maintenir la pension au taux des personnes mariées pendant un an, dans les cas où une telle pension est supérieure à la pension de veuve.

La Légion exprime de nouveau sa conviction profonde de la nécessité d'amender la Loi sur les pensions pour permettre le maintien des versements après la mort du pensionné. Une année semble une période convenable d'adaptation; la Légion appuie donc la recom-

[*Text*]

mendation that pension carry on at the full rate, where such is in excess of widow's pension, for 12 months following the death of the pensioner, in order to allow the widow to make the necessary financial adjustment.

Disclosure of Information from Pensioner's File — Recommendation 142.

The Woods Committee noted that information contained in veterans' files could be made available to persons outside the Department of Veterans Affairs and the Canadian Pension Commission; that is, the Public Service Commission and life insurance companies. It was noted also that the Public Service Commission could obtain this information without a veteran's consent, so long as it could be shown that disclosure of the information would be in the public interest.

The Woods Committee recommended that these disclosures cease. The Committee felt that even under the circumstances where a veteran was required to give his consent the practice could not be supported. If he withholds his consent he is in an invidious position, for the person seeking the information might conclude that he has something to hide. On the other hand, if permission were given, the veteran is acting in the dark as he does not know the contents of his file.

The Legion agrees with the Woods Committee in this respect. There is no justification for a policy which permits disclosures from a veteran's file, bearing in mind that the individual has limited knowledge of the contents of his file. The information should be used only for Department of Veterans Affairs and the Canadian Pension Commission.

Reduction of Pension in Hospital — Recommendations 144 and 145

Two recommendations were made by the Woods Committee one recommending deletion of subsections (1) and (2) of Section 33 of the Pension Act, as these are no longer operative, the second that a pensioner undergoing treatment for his pensionable condition receive the equivalent of 100 per cent pension.

In support of its first recommendation, the Woods Committee noted that Veterans Treatment Regulations had been amended in 1955 to provide that where a pension was in payment at a rate in excess of the treatment

[*Interpretation*]

mandation de verser la pension dans son entier (là où elle est supérieure à la pension de veuve) pendant les douze mois qui suivent le décès du pensionné, en vue de donner le temps à la veuve de réorganiser sa vie en tenant compte de la diminution de son revenu.

Révélation de renseignements tirés du dossier du pensionné—(Recommandation 142)

Le Comité Woods a observé que des renseignements tirés des dossiers d'anciens combattants pouvaient être mis à la disposition de personnes autres que le ministère des Anciens combattants et la Commission canadienne des pensions, par exemple, la Commission de la Fonction publique et les compagnies d'assurances. Le Comité a aussi remarqué que la Commission de la Fonction publique allait jusqu'à obtenir ces renseignements sans le consentement de l'intéressé, en faisant valoir qu'il y allait de l'intérêt public.

Le Comité Woods a recommandé qu'on mette fin à ces divulgations. Il est d'avis que cette pratique ne doit pas être tolérée même lorsqu'on obtient au préalable le consentement de l'ancien combattant. En effet, si l'intéressé refuse son consentement, il se trouve dans une situation préjudiciable, car la personne réclamant les renseignements peut en déduire qu'il a intérêt à dissimuler. D'autre part, s'il donne son consentement, ce n'est que les yeux bandés, puisqu'il ignore le contenu du dossier.

La Légion partage l'avis du Comité Woods en l'occurrence. Rien ne justifie une politique qui sanctionne la divulgation de renseignements tirés du dossier d'un ancien combattant, quand l'intéressé lui-même n'a qu'une vague idée du contenu de son dossier. L'usage de ces renseignements doit être limité strictement au ministère des Anciens combattants et à la Commission canadienne des pensions.

Réduction de la pension pendant l'hospitalisation—(Recommandations 144 et 145)

Le Comité Woods a fait deux recommandations, la première demandant la suppression des paragraphes (1) et (2) de l'article 33 de la loi sur les pensions, vu qu'ils n'ont plus aucun effet, et la seconde, qu'un pensionné suivant un traitement pour une affection ouvrant droit à pension reçoive l'équivalent d'une pension de 100 p. 100.

A l'appui de sa première recommandation, le Comité Woods fait remarquer qu'une modification au Règlement sur le traitement des anciens combattants en 1955 prévoyait que toute pension versée à un taux dépassant

[*Texte*]

• 1515

allowance such pension would not be reduced while the pensioner was in hospital.

With respect to the second recommendation, the Woods Committee observed that its adoption would extend the 1955 principle enunciated in the Treatment Regulations to all pensioners. The present situation is that all disability pensioners receiving less than 93 per cent awards have a deduction of $15 per month made from their allowance. The Woods Committee felt that such a principle was unjustifiable in view of the fact that the basic rate of pension is based on the loss of earning capacity in the unskilled labour market. Where a pensioner is in hospital to receive treatment for his pensionable disability, the extent of his disqualification in the unskilled labour market, by reason of that disability, is 100 per cent. In other words, he cannot engage in gainful employment while undergoing hospitalization.

We would observe, gentlemen, that the government proposes to adopt one of the two recommendations of the Woods Report; that is, that which is a matter of tidying up the legislation but offering no actual benefit to pensioners, while discarding the recommendation which would result in disability pensioners having an additional $15 per month when receiving treatment for disabilities related to their war service. We solicit your earnest support for this, the more important of these two recommendations.

Income Tax Exemption—Recommendation 143

The Royal Commission on Taxation, the Carter Commission in its report of December 22, 1966, recommended that:

> The comprehensive tax base we recommend should encompass all forms of income, and therefore in principle all exclusions and exemptions should be terminated.

In commenting on this recommendation, the Woods Committee said:

> Taking into consideration all aspects of the Pension Act, it would not appear that monies paid in the form of pension under this Act could properly be considered as one of the "forms of income" for the purpose of taxation.

Justice Woods and his colleagues recommended:

[*Interprétation*]

celui de l'allocation de traitement ne doit pas être réduite du fait de l'hospitalisation du bénéficiaire.

Au sujet de sa deuxième recommandation, le Comité Woods fait observer que son adoption étendrait à tous les pensionnés le principe reconnu en 1955 dans le Règlement sur le traitement des anciens combattants. A l'heure actuelle, l'allocation de tous les pensionnés pour invalidité à moins de 93 p. 100 est réduite de $15 par mois. Le Comité Woods est d'avis que ce principe est injustifiable, étant donné que le taux de base de la pension est fondé sur le manque à gagner sur le marché du travail non spécialisé. Lorsqu'un pensionné est hospitalisé pour subir un traitement pour son invalidité lui ouvrant droit à pension, son manque à gagner sur le marché du travail non spécialisé, à cause de son invalidité, est total. Autrement dit, son hospitalisation lui interdit tout emploi rémunérateur.

Nous vous ferions remarquer, Messieurs, que le gouvernement a l'intention d'adopter une des deux recommandations du Rapport Woods, c'est-à-dire celle qui revient à mettre un peu d'ordre dans la législation, mais qui ne signifie aucun avantage réel pour les pensionnés. Il rejette par ailleurs la recommandation selon laquelle les pensionnés pour invalidité recevraient $15 de plus par mois pendant leur traitement pour invalidités découlant de leur service de guerre. Nous vous prions d'appuyer sans réserve cette recommandation, la plus importante des deux.

Exemption d'impôt sur le revenu—(Recommendation 143)

Dans son rapport du 22 décembre 1966, la Commission royale d'enquête sur la fiscalité (Commission Carter) recommande que:

> L'assiette compréhensive que nous recommandons inclurait toutes les formes de revenus et, par conséquent, toutes les exclusions et exemptions devraient en principe être abolies.

Cette recommandation a amené le Comité Woods à dire:

> Compte tenu de tous les aspects de la loi sur les pensions, il ne semblerait pas que l'argent payé sous forme de pensions conformément à cette loi puisse, à proprement parler, être considéré comme «une forme de revenu» aux fins de l'impôt sur le revenu.

M. le juge Woods et ses collègues recommandent:

[*Text*]

That the statutory exemption from income tax for payments made under the Pension Act be continued.

We are pleased to learn that the government has agreed with the Woods Committee, accepted their recommendation and rejected that of the Carter Commission which would have the effect of taxing pensions awarded for disabilities and death resulting from war service.

CONCLUSION

Once again we wish to express our appreciation to this Committee for the opportunity to present these views. Members of all political persuasions have shown a sincere interest in the welfare of the veteran during these hearings. We appreciate that this has meant an infringement on personal time and a personal sacrifice in many cases. Therefore, we are indeed gratified to find that a body exists which still has the welfare of veterans at heart.

We hope that for Canada this point in time proves to be the twilight of the veteran. If this should mean no more wars, all veterans would be happy to simply fade away with a sense of pride and gratitude; pride at having served in time of need; gratitude in knowing that future generations will not be called upon to endure the brutality of past generations.

But between twilight and midnight there is a long evening, a long period for concern. Last year Canadians observed the fiftieth anniversary of the end of World War I. The need for service to these veterans is still very great. By projecting the same period from the end of World War II, one sees an obvious need for veterans legislation well into the twenty-first century. This is the long evening which we must not lose sight of.

Yet in spite of this continuing need, we all know the climate is changing.

After the recommendations of this Committee become law, it is highly unlikely that another searching look will be taken at pension legislation for many years.

The decisions of this Committee, therefore, will have a direct bearing on the final days of many veterans. Over one hundred thousand veterans will probably not live to see any

[*Interpretation*]

Que l'exemption statutaire de l'impôt sur le revenu en faveur des paiements faits en vertu de la loi sur les pensions soit maintenue.

Nous sommes heureux d'apprendre que le gouvernement partage l'avis du Comité Woods, qu'il a accepté sa recommandation et rejeté celle de la Commission Carter, qui aurait pour effet de frapper d'impôt les pensions pour invalidités ou décès découlant du service de guerre.

CONCLUSION

Encore une fois, nous désirons remercier le Comité de nous avoir donné l'occasion de présenter notre point de vue. Pendant ces audiences, les députés de toutes affiliations politiques ont fait preuve d'un souci sincère pour le bien-être de l'ancien combattant. Nous savons qu'ils ont dû pour cela, dans bien des cas, sacrifier de leur temps et de leurs occupations personnelles. Nous sommes donc heureux de constater qu'il existe encore un organisme qui prend à coeur le bien-être des anciens combattants.

Nous espérons pour le Canada que nous en soyons aujourd'hui au crépuscule de l'ancien combattant. Si cela devait signifier la fin de toutes les guerres, tous les anciens combattants seraient heureux de disparaître peu à peu remplis de fierté et de bonheur; de fierté d'avoir servi en temps de besoin; de bonheur de savoir que les générations à venir n'auront pas à subir les brutalités qu'ont connues celles du passé.

Mais du crépuscule au milieu de la nuit, le soir est long, c'est une longue période d'inquiétude. L'an dernier les Canadiens ont commémoré le cinquantième anniversaire de la fin de la Première Guerre mondiale. Les anciens combattants de cette guerre ont encore grand besoin de services. Si l'on projette la même période à compter de la fin de la Seconde Guerre mondiale, on voit tout de suite que la législation sur les anciens combattants aura encore toute sa raison d'être pour une bonne part du XXI[e] siècle. Telle est la longue soirée qu'il ne faut pas perdre de vue.

Pourtant, malgré ce besoin toujours présent, nous savons tous que le climat est au changement.

Une fois que les recommandations de votre Comité seront loi, il est très improbable qu'on procède avant de nombreuses années à une réévaluation en profondeur de la législation sur les pensions.

Ainsi les décisions du Comité auront une portée directe sur les derniers jours de bien des anciens combattants. Plus de 100,000 d'entre eux ne vivront probablement pas assez

[*Texte*]

other revisions of this Act. Therefore, it would be highly unrealistic to think that at some future date, effective changes could be made in time to be of any benefit to these people. For this reason, the Legion stresses the danger of accepting what may appear to be painless or economical remedies.

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We feel that it would be a tragedy if this Committee, in good faith, failed to resolve, to the advantage of the veteran, such issues as: the basic rate; multiple disabilities; an independent appeal board; benefit of the doubt; presumption of fitness on enlistment; effective date of awards (retroactive pension); attendance allowance; stabilization of World War II pensions and the other points dealt with in this submission.

If this is indeed the twilight of the veteran we would like to remind you of the words Sir Robert Borden spoke at the dawn. On the eve of the Battle of Vimy, he told weary Canadian troops:

> "The government and the country will consider it their first duty to see that a proper appreciation of your effort and of your courage is brought to the notice of the people at home...and that no man, whether he goes back or whether he remains in Flanders, will have just cause to reproach the government for having broken faith with the men who won and the men who died".

Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Kohaly. What procedure do you want to follow at this point?

Mr. Kohaly: We hope you will permit us to go back to the first white page and then turn to the blue ones. Mr. Don Thompson and his staff are very qualified, Mr. Chairman,to go through those—the white pages included—and to answer questions. I suggest that if you want straight and immediate answers you should really go to the staff and not to the elected officials. In my case that is the truth, although in yours I am sure it is not. In this case it is wise to go directly to the staff, who are very knowledgeable on this subject. I would be pleased to answer any question of policy that might be involved. However, they also know the policy of the Legion. It is enunciated in these white pages. We would appreciate it if you would permit our staff to answer these questions. They will answer them more quickly and more accurately.

[*Interprétation*]

longtemps pour voir une autre révision de la loi. Il serait donc très irréaliste de croire qu'on pourra ultérieurement apporter des modifications efficaces à temps pour aider ces gens-là. Pour cette raison, la Légion insiste sur le danger de solutions qui semblent faciles ou peu coûteuses.

Selon nous, il serait déplorable que le Comité, malgré sa bonne foi, ne parvienne pas à résoudre, au profit de l'ancien combattant, des questions comme: le taux de base; les invalidités multiples; une Commission d'appel indépendante; le bénéfice du doute; la présomption de capacité lors de l'enrôlement; la date d'entrée en vigueur des pensions (pensions rétroactives); l'allocation de soins; la stabilisation des pensions des anciens combattants de la Seconde Guerre mondiale et les autres points traités dans notre mémoire.

Si notre époque est bien le crépuscule de l'ancien combattant, nous aimerions vous rappeler les paroles que sir Robert Borden a prononcées au matin. La veille de la bataille de Vimy, il déclarait à nos troupes épuisées:

> «Le gouvernement et le pays se donneront comme première obligation de voir à ce que les gens de chez nous apprécient à leur juste valeur vos efforts et votre courage...et que pas un seul homme, qu'il revienne au pays ou qu'il reste en Flandre, n'ait à reprocher au gouvernement d'avoir trompé la foi des hommes sortis victorieux et de ceux qui auront donné leur vie.»

Merci, monsieur le président.

Le président: Merci, monsieur Kohaly. Quelle marche voulez-vous suivre?

M. Kohaly: Je voudrais revenir à la première page blanche et ensuite aux pages bleues. M. Thompson et son personnel sont très qualifiés, très compétents et pourront répondre à vos questions sur les pages du mémoire, y compris les pages blanches. Si vous voulez des réponses précises, vous devriez poser des questions à notre personnel plutôt qu'aux membres élus. Il n'est pas nécessaire de poser des questions à moi-même; le personnel que j'ai amené avec moi est très compétent et pourra répondre d'une façon rapide et précise.

[*Text*]

The Chairman: Mr. Kohaly, you may designate whoever you feel should answer. The procedure will be quite informal in that respect. I do not think any member of your delegation need feel inhibited about speaking to any points that are raised.

At various stages a number of the members of the Committee indicated they wanted to open the questioning. I presume you are going to begin with point number 1, Mr. Thompson. Is that right?

Mr. D. M. Thompson (Secretary General, The Royal Canadian Legion): Yes, if that is agreeable.

The Chairman: All right. Do you want to take it from here or do you want to invite...

Mr. Thompson: All right. What I might do now, Mr. Chairman, is go back and refer to the supplementary pages, which give a bit of detail behind the stated policy. In some cases these pages contain an elaboration of this policy and our reasoning behind it.

In connection with point number one, Interpretation, the Woods Committee recommended that:

(a) final powers of interpreation be vested in the Pension Appeal Board;

(b) the Pension Commission be required to decide interpretations in the first instance;

(c) a procedure be instituted under which any Commissioner may request an interpretation of any claim from the Commission;

(d) a procedure be instituted under which the Pension Commission, the Chief Pensions Advocate or a recognized veterans organization may request an interpretation from the Pension Appeal Board;

(e) interpretations be published as pension law directives.

The Woods Committee suggested that the vital requirement of independence of the Pension Commission from political influence could be retained, while removing criticism that the Commission interprets its own Act, if the final powers of interpretation were given to a Pension Appeal Board. The interpretation would then rest outside of the Pension Commission, but would still be in the hands of those charged with responsibility for administration of the Act.

Another important proposal is that the Pension Commission, the Veterans Bureau or vet-

[*Interpretation*]

Le président: Vous voudrez bien, monsieur Kohaly, désigner les personnes qui répondront aux questions. La procédure sera assez irrégulière. Sentez-vous bien à l'aise.

Les membres du Comité ont indiqué, à différents moments, qu'ils voulaient poser des questions. Je crois que nous allons commencer nos délibérations par le point n° 1, si vous le voulez bien, monsieur Thompson.

M. D. M. Thompson (secrétaire général de la Légion royale canadienne): Si cela vous convient.

Le président: Très bien. Voulez-vous commencer tout de suite ou préférez-vous...

M. Thompson: Ce que je pourrais faire, c'est de revenir aux pages supplémentaires qui renferment le détail de notre politique. Il y a des renseignements sur les différentes questions. Pour ce qui est du point n° 1, Interprétation, le Comité Woods recommande que:

a) Que la détermination définitive de l'interprétation relève du Bureau d'appel des pensions;

b) Qu'on charge la Commission des pensions de décider de l'interprétation en première instance;

c) Qu'on institue une procédure selon laquelle tout commissaire pourra demander l'interprétation de toute réclamation auprès de la Commission;

d) Qu'on institue une procédure selon laquelle la Commission des pensions, l'avocat en chef des pensions ou une association reconnue d'anciens combattants pourra réclamer une interprétation auprès du Bureau d'appel des pensions;

e) Que les interprétations fournies soient publiées à titre de directives relatives à la Loi sur les pensions.

Le Comité Woods estimait qu'en conférant l'autorité finale en matière d'interprétation à un Bureau d'appel des pensions, le principe fondamental de l'autonomie serait préservé tout en éliminant toutes critiques de ce que la Commission interprète sa propre Loi. L'interprétation se ferait alors en dehors de la Commission des pensions, tout en demeurant entre les mains de ceux qui sont chargés d'administrer la Loi.

Une autre proposition importante est que la Commission des pensions, le bureau des

[*Texte*]

erans organizations could have direct access to the Pension Appeal Board with an opportunity to submit and argue questions of interpretation.

The real importance of this, Mr. Chairman, is tied up in the question of being able to get an interpretation from a body other than the people who normally administer the Act on a day-to-day basis and who normally make the decisions. We feel it is important that this sytem of interpretation be established. Of course, this sytem is tied up with the Woods recommendation for an independent appeal board and the system they outline for adjudication and the handling of claims by the Commission and the appeal board.

The Chairman: Mr. MacRae and Mr. Peters.

• 1525

Mr. MacRae: By way of a very brief comment before I mention my point, may I say to Mr. Kohaly, who has been a longtime personal friend, that this is a magnificent brief and of course very well written indeed. Mr. Thompson or Mr. MacFarlane and his officials have attended practically every session this Committee has sat, and I would like to say to Mr. Kohaly that almost without exception the submissions you have made in this respect reflect the very, very strong feelings of every delegation that has appeared before us. If this Committee is going to have any weight with the government of this country today, then it would seem to me that we should have a reasonably good chance of getting this independent appeal board that you people feel so strongly about. That is all I wanted to say.

The Chairman: Mr. Kohaly.

Mr. Kohaly: First of all, Mr. Chairman, may I apologize to the Committee. I scheduled the time I could spend here. I arrived late last night but I realize you were busy with other matters and could not hear me. Because of Air Canada's problem, which they designate as bad weather in Ontario at the moment, I have to go east in order to get to Vancouver, where I have an appointment. It is not more important than this one but it is an appointment which, if not kept, would create serious problems for me. I have served my purpose and contributed the best I could. It is in much better hands than mine from this point forward, and Air Canada says if I do not make it right now they are not going to take me. I hope you will let me go and, without any disrespect to the Committee, I think you all understand because you have been up against

[*Interprétation*]

vétérans ou les organisations des anciens combattants pourraient alors s'adresser directement au Bureau d'appel des pensions et auraient aussi l'occasion de présenter et de discuter des questions d'interprétation.

L'importance de ceci, monsieur le président, c'est de nous permettre d'obtenir une interprétation d'un organisme autre qu'un organisme réunissant les personnes qui sont chargées de l'application quotidienne de la loi et de prendre les décisions. D'après nous, il est très important que ce système d'interprétation soit établi.

Ce système cadre bien avec la recommandation du rapport Woods sur un tribunal d'appel et tous les systèmes qu'il préconise, en plus de l'adjudication des demandes par la Commission et le tribunal d'appel.

Le président: Monsieur MacRae et monsieur Peters.

M. MacRae: Un commentaire très bref. Puis-je dire à M. Kohaly, qui est un de mes grands amis, qu'il s'agit là d'un mémoire extraordinaire et qu'il a été véritablement bien rédigé. M. Thompson, ou M. MacFarlane, et d'autres administrateurs sont venus ici à presque chacune des séances du Comité, et je dois dire à M. Kohaly que, presque sans exception, les représentations que vous avez faites reflètent les sentiments manifestés par les autres délégations qui vous ont précédés.

Si le Comité peut influencer les décisions du gouvernement, je crois que vous aurez de bonnes chances d'obtenir le tribunal d'appel indépendant que vous recommandez si fortement. C'est tout ce que je voulais dire.

Le président: Monsieur Kohaly.

M. Kohaly: Puis-je m'excuser auprès du Comité. J'avais prévu un horaire précis. Je suis arrivé hier soir, je croyais comparaître ce matin, mais à cause des problèmes d'Air Canada par suite du mauvais temps en Ontario, je dois m'en aller vers l'Est pour filer ensuite vers Vancouver, où j'ai rendez-vous. Il est moins important que celui-ci mais, si je ne m'y rendais pas, j'aurais de graves ennuis. Je crois qu'à partir de ce moment-ci, vous êtes en excellentes mains avec nos administrateurs. Si je ne puis pas partir dès maintenant, Air Canada ne peut pas me garantir que je pourrai me rendre à Vancouver. Je crois que vous comprenez mon problème et que vous ferez preuve d'indulgence. Nos administrateurs sont plus compétents que moi et, de plus, le vice-président sera ici. Veuillez m'excuser, messieurs.

[*Text*]

this before. Our senior Staff are much more capable than I and they are here and the vice president will also be here. I apologize for this, gentlemen.

The Chairman: We certainly understand. Believe me, people in public life understand these things very well, Mr. Kohaly. We thank you for your presentation.

Would you like to continue, Mr. Thompson?

Mr. Thompson: On page 2, Mr. Chairman, we deal with personal appearance.

The Chairman: Just a moment. I am sorry, but I think Mr. Peters had a question. I did not intend to cut him off.

Mr. Peters: If the application of the White Paper in the structuring of the appeal entitlement boards within the Department was the end result of legislation, would this type of interpretation be operative within that structure?

Mr. Thompson: As I understand it, Mr. Chairman, from the information that I have gathered over the last few days, the indication is that the appeal board as proposed in the White Paper would handle this question of interpretation. However, in our view this would still not give an independent interpretation. It would remain within the same group with whom it now rests. It is our understanding that the appeal board as proposed in the White Paper would be the group that would handle interpretation.

Mr. Peters: Further, the interpretation of the Act that has been done in the past, which I presume relates mainly to the development of regulations concerning various sections of the Pension Act, has this been a public knowledge interpretation or is it interpretation that really only shows itself in the regulations? I am wondering how we have done the interpretation in the past, because the Commission has been responsible for interpretation for a considerable length of time.

Mr. Thompson: Mr. Chairman, our understanding of the interpretation is that the Commission—and it is given these powers under Section 5 of the Act—gives its interpretation and this is reflected in policy statements, but over a long period of years these statements were not available, although in recent years the Commission has made these policy statements available. We have never been in a position where we had them from No. 1 to No. 200 and knew that all 200 were

[*Interpretation*]

Le président: Oui. Nous comprenons votre situation et nous vous remercions de vous être déplacé, monsieur Kohaly.

Voudriez-vous continuer, monsieur Thompson?

M. Thompson: Nous en sommes rendus à la page 2, qui traite des comparutions en personne.

Le président: Excusez-moi, mais je crois qu'il y a une autre question. Monsieur Peters.

M. Peters: Si ce qui est proposé dans le Livre blanc devait devenir loi, est-ce que ce genre d'interprétation se situerait à l'intérieur de la nouvelle structure?

M. Thompson: Monsieur le président, si je comprends bien d'après tous les renseignements que j'ai pu recueillir au cours des derniers jours, nous avons lieu de croire que le tribunal d'appel tel que proposé dans le Livre blanc s'occuperait de cette question de l'interprétation. Toutefois, nous croyons que ce tribunal ne donnerait pas une interprétation indépendante, puisqu'il serait encore au sein du même groupe. Nous croyons que le tribunal d'appel, tel que proposé dans le Livre blanc, serait le groupe chargé de l'interprétation.

M. Peters: Puis-je poser une autre question? L'interprétation de la loi qui a été faite dans le passé et qui avait trait surtout à l'élaboration de règlements concernant les différents articles de la Loi sur les pensions est-elle celle du public ou celle qui ressort des règlements mêmes? Je me demandais comment on avait fait l'interprétation dans le passé, étant donné que la Commission en a été responsable pendant tellement longtemps.

M. Thompson: Eh bien, monsieur le président, l'interprétation donnée par la Commission, qui a le droit de le faire en vertu de l'article 5 de la Loi, se reflète dans les déclarations de principes qui, pendant un grand nombre d'années, n'ont pas été rendues publiques. La Commission, depuis quelques années, les rend publiques, mais nous n'avons jamais réussi à les recevoir toutes. La Commission avait l'autorité nécessaire pour faire son interprétation de la loi, et elle l'a faite.

[*Texte*]

there. In recent years the Commission has been cooperative and has made them available.

• 1530

The Commission has had the power to make interpretations and has made such interpretations.

Mr. Peters: But these are not readily available. They are certainly not available to claimants, I presume.

Mr. Thompson: No, they are not, except that today they are available to a degree to a claimant's advocate but, we do not know to what extent.

The Chairman: Mr. Thompson, I do not know if this is the point at which to ask this question, but what is the view of your organization of the proposal in the White Paper that the first stage of adjudication be separated from the Pension Commission?

Mr. Thompson: Mr. Chairman, we have given this some thought. You may recall that we were a little indecisive about this when we were here in connection with the joint veterans group.

The Chairman: Yes. This is why I am asking now.

Mr. Thompson: It was a little soon after hearing about it, but we have given it a lot of thought, a lot of study and a lot of argument internally within our own organization and with the other groups and we feel that this is putting a different juridiction at the wrong end. We have been critical of the Canadian Pension Commission. We do not think this is an unhealthy thing. We know that they are men trying honestly to do a job, and we feel that in a democracy such as we live in that one has to criticize back and forth for things to grow and develop. I think our criticism has always been accepted in the manner in which it was meant. We have never suggested that the Canadian Pension Commission were a group of ogres from whom these adjudication matters should be removed. We therefore feel that you have in the Commission the nucleus and the organization and that by following the Woods Committee recommendations, with very little disturbance, you could streamline these decisions and have the operation move along with the least disruption, the least delay and the fewest bottlenecks. As I say, we did not have a firm opinion when we were before you last month, but we have given it a lot of thought and I must admit that when reading the White Paper we sort of said, "Well, you know, maybe that is an idea."

[*Interprétation*]

M. Peters: Mais elles ne sont pas disponibles, du moins certainement pas pour les requérants, je crois.

M. Thompson: Non, elles ne le sont pas, mais je crois qu'elles le sont pour les avocats des requérants; jusqu'à quel point, je ne le sais pas.

Le président: Je ne sais pas s'il s'agit d'un point à soulever ici, mais quelle est l'opinion de votre organisation concernant la proposition du Livre blanc visant à ce que la première étape de l'adjudication soit distincte de la Commission des pensions?

M. Thompson: Nous y avons pensé. Vous vous souviendrez que nous étions un peu indécis lorsque nous étions venus avec l'autre groupe d'anciens combattants.

Le président: Je m'en souviens et c'est pourquoi je posais la question.

M. Thompson: Nous n'avions pas eu assez de temps pour y penser, mais nous avons examiné ce point à fond et il y a eu beaucoup de délibérations à ce sujet entre nous, à l'intérieur de notre organisation et avec d'autres groupes. Nous estimons que c'est mettre une juridiction différente entre de mauvaises mains. Nous avons critiqué la Commission des pensions parce que nous croyions que cela est salutaire.

Nous savons qu'elle tente honnêtement de faire son travail et nous croyons que dans notre société, c'est bon d'émettre des opinions pour faire avancer les choses. Je crois que nos critiques ont été reçues comme elles auraient dû l'être. Nous n'avons jamais prétendu que la Commission canadienne était une bande d'ogres à qui on devrait retirer ces décisions d'adjudication. Nous croyons que la Commission constitue le noyau et l'organisation nécessaires et que, tout en suivant les recommandations du rapport Woods et sans trop de remaniements, vous pourriez orienter ces décisions et accélérer le processus, sans retards et sans embouteillages. Comme je l'ai dit, nous n'avions pas d'idée précise le mois dernier, mais nous avons toutefois étudié la question et je dois admettre qu'après avoir lu le Livre blanc, nous nous sommes dit que c'était peut-être une bonne idée.

[*Text*]

But as we examined it and applied certain pieces of procedure to it we honestly did not feel that anything was going to be gained. And, on top of that, you were going to take matters out of the hands of people who for years had been dealing with them as of right and you were going to put them in a different concept. We do not believe that this is right. As I say, we have our differences of opinion, honest differences, and I think the veterans organizations respect the Pension Commission. It would not, in our opinion, be a progressive step to take these duties away from the Commission. We believe the answer by and large, is there in stream-lining the recommendations of the Woods Committee Report in such a way as would enable certain decisions to be made in the field by the PME's and certain others by the claims and review branch. We honestly believe that a better answer exists in the Woods Committee proposal than in the White Paper proposal.

The Chairman: Thank you, Mr. Thompson. I was very anxious to get your views on this because, as you can imagine, this is one of the points I am sure the Committee will be looking at carefully.

Mr. Peters: Mr. Chairman, I have a general question I would like to ask. To what degree could interpretations by the Commission implement many of the terms of the Woods Committee Report without involving actual legislative change? I know we can rewrite the Pension Act and we can put in all the ifs, ands and buts, but how much of it could have been changed by interpretation previously?

Mr. Thompson: Mr. Chairman, if I understand Mr. Peters' question correctly what he is really trying to.....

The Chairman: I have a little trouble with it myself.

Mr. Thompson: ...say is: Would it be possible to make fewer changes in the Pension Act and allow the Commission to settle more things by interpretation instead of having to change the Act.

The Chairman: Is that right, Mr. Peters?

Mr. Peters: Yes. Over a period of time we obviously have built up a number of decisions within the Commission that have been regulatory in nature, they are amended the first time by interpretation and then it is interpreted over and over again and eventually, like a lot of other things, they get a long way from the Pension Act itself. If interpretation had been applied in a different way how

[*Interpretation*]

Nous l'avons étudié plus profondément et nous avons regardé comment fonctionneraient différentes mesures de procédure. Nous ne voyons pas qu'est-ce que nous y gagnerions. Vous enlèveriez les décisions de mains de personnes qui s'occupent de ces questions depuis de nombreuses années et de droit pour les remettre à d'autres personnes qui auraient une conception différente. Et, d'après nous, cela n'est pas bon. Nous avons des divergences d'opinions, mais je crois que ces gens sont quand même des gens honnêtes et que les associations d'anciens combattants respectent les membres de la Commission. On ne devrait pas, d'après nous, leur enlever cette charge, cette responsabilité. La solution, selon nous, serait qu'ils s'occupent eux-mêmes de ce qui est recommandé par la Commission Woods à l'intérieur d'un cadre restructuré. Nous croyons sincèrement que la solution proposée par le Comité Woods est meilleure que celle qui figure au Livre blanc.

Le président: Merci, monsieur Thompson. Nous avions hâte d'entendre votre opinion sur ce sujet, parce que c'est un point qui sera étudié de près par ce Comité.

M. Peters: J'aurais une question générale à poser. Jusqu'à quel point l'interprétation de la Commission pourrait-elle correspondre à ce qui est recommandé dans le rapport Woods, sans que cela exige des modifications de mesures législatives? Qu'est-ce qui peut être changé par une interprétation différente?

M. Thompson: Monsieur le président, si je comprends bien la question de monsieur Peters...

Le président: Je suis également un peu embêté.

M. Thompson: Serait-il possible de faire moins de changements dans la loi et de permettre une plus large interprétation de la part de la Commission?

Le président: Est-ce votre question, monsieur Peters?

M. Peters: Oui. Depuis un certain nombre d'années, nous avons pris des décisions à la Commission qui ont eu un effet régulateur. Il y a eu une première interprétation puis on s'est fondé sur cette interprétation pour avoir une autre interprétention et on s'est habitué à une forme d'interprétation qui découlait de la Loi sur les pensions elle-même, mais qui s'en éloignait. Si l'interprétation avait été dif-

[*Texte*]

much of the criticism of the Woods Committee Report would have been necessary?

• 1535

Mr. Thompson: Mr. Chairman, I think the answer to Mr. Peters' questions really is that it is very hard to turn back the clock. Now if one went back 20 or 25 years and if a different interpretation had been taken, for example if in the early days the Commission had said that you could go above 100 per cent in assessment, that there is not a 100 per cent ceiling and you have to take the pension in accordance with the degree of disability and you assess it and it comes to 150 per cent, then we would not have been faced with this "in excess of 100 per cent".

I am not suggesting that the people that made that interpretation did it with any ill will, that was the way the people of that day saw it and succeeding people down through the years are, if it is not the wrong word, saddled with the decision of those earlier people. I think we have now reached the point where it would be asking too much of human nature to expect that you could erase the slate and thereby remedy these things.

Mr. Peters: I asked the question, Mr. Chairman, because, to my mind, the ability to interpret will certainly have some effect on my decision as to how extensive this power of interpretation should be and who should exercise it. It seems to me that the case you mentioned was a matter of interpretation rather than legislation.

The Chairman: I think Mr. Thompson's point is that having settled legislative correction now is the only feasible means. I think that is what he thinks.

Mr. Thompson: I firmly believe that, Mr. Chairman.

Mr. Peters: But, Mr. Chairman, we do not want to develop a situation either that will not allow continued flexibility to correct changes that are not of a legislative nature and which should be kept up to date through interpretation.

Mr. Thompson: But we would hope that when the legislative changes are made you would not only create the legislative background but the atmosphere that would permit a new approach in many respects thereby unfettering the Commission and the appeal board from much of the past history which in its day appeared to the legislators of the day to be sound advice.

[*Interprétation*]

férente ou appliquée d'une façon différente, jusqu'à quel point les critiques que vous adressez à la Commission auraient été nécessaires?

M. Thompson: Il est difficile de revenir en arrière. Si nous pouvions reculer de 20 ou 25 ans et que nous puissions donner une interprétation différente, si, au début, la Commission avait dit qu'on pouvait dépasser l'évaluation de 100 p. 100, qu'il n'y avait pas de plafond de 100 p. 100, que la pension devait être proportionnelle au degré d'invalidité et que son évaluation pouvait dépasser 100 p. 100, alors nous ne parlerions pas de ce plafond de 100 p. 100.

Je ne dis pas que les gens ont fait cette interprétation par mauvaise volonté; cette décision avait été prise, et les gens qui sont venus ensuite y étaient liés. Nous en sommes finalement arrivés au point où nous en demandons trop à la nature humaine, nous ne pouvons quand même pas nous attendre que les gens effacent le passé et recommencent tout à nouveau.

M. Peters: Monsieur le président, j'ai posé la question parce que la possibilité de faire des interprétations aura un certain effet sur ma décision, quant à savoir jusqu'à quel point on doit permettre l'interprétation et qui doit la faire. Je crois que, dans le cas que vous avez mentionné, il s'agissait d'une interprétation plutôt que d'une mesure législative.

Le président: Je crois que ce que M. Thompson veut dire, c'est que la seule façon de régler le problème actuellement c'est de modifier la Loi.

M. Thompson: Je le crois, monsieur le président.

M. Peters: Oui, nous ne voulons pas voir s'établir une situation où il y aura un manque de souplesse qui ne permettrait pas d'apporter des corrections de nature non législative et qui serait maintenue à jour grâce à l'interprétation.

M. Thompson: Nous espérons que les modifications législatives créeront non seulement une nouvelle loi, mais aussi l'atmosphère qui permettra d'avoir une nouvelle façon d'aborder le problème à la Commission et au tribunal d'appel. Nous espérons que cette façon sera différente de celle qui existe depuis un certain nombre d'années.

[*Text*]

Mr. Peters: And this matter of interpretation will be important to maintaining that.

Mr. Thompson: We believe it is very important.

The Chairman: I think this would be a convenient time to break for 10 minutes.

• 1540

(Coffee break)

• 1556

(After recess)

The Chairman: Now, may we resume? I think we had not finished questioning on the first point on page 1A. Are there other questions?

Mr. Guay (St. Boniface): I was away, Mr. Chairman, and I do not know what took place after I left. Unfortunately I had to leave for a few moments. However, a question has come up several times in the various briefs we have received pertaining to certain objections to the appeal. It appears that the objections to the Directorate of Pensions within the two division in the Canadian Pension Commission is that it does not provide for an appeal to a really independent body. Would this objection by The Royal Canadian Legion, for example, be eliminated if the Entitlement Hearing Division were made part of the Directorate of Pensions?

The Chairman: In other words, if I understand it, Mr. Guay, the Commission itself would be just an appeal body.....

Mr. Guay (St. Boniface): Right.

The Chairman: ...and within the Department there would be the first two stages, adjudication and then the entitlement.

Mr. Guay (St. Boniface): Yes.

The Chairman: That is another combination. Have you thought of that, Mr. Thompson?

Mr. Thompson: We did give that some thought in our discussions. We looked at that as another possibility but we see it as even a worsening of the first suggestion. You would have a kind of a creeping thing, would you not? You are going to take away not only the preliminary stage but the intermediate stage from the Commissioners and under the proposal you are going to put these under a directorate which, as has been mentioned in this Committee before, would be a part of the Department of Veterans Affairs, would answer to the Deputy Minister and I think it

[*Interpretation*]

M. Peters: Cette question de l'interprétation sera importante.

M. Thompson: Oui, c'est très important.

Le président: Je crois qu'il serait temps de s'arrêter pour 10 minutes.

(*Pause café*)

(*Reprise*)

Le président: Pouvons-nous reprendre le travail? Nous n'avions pas fini de poser des questions sur le premier point, à la page 1-A, je crois. Y a-t-il d'autres questions?

M. Guay (Saint-Boniface): J'ai dû m'absenter quelques instants et je ne sais pas ce qui s'est passé pendant mon absence. Toutefois, j'ai remarqué qu'une question avait été soulevée plusieurs fois dans les divers mémoires, au sujet de certaines objections à l'appel. Il appert que les objections dirigées contre la Direction des pensions, dans les deux divisions de la Commission canadienne de pensions se résument à dire que l'appel n'est pas assuré par un organisme indépendant. Est-ce que cette objection de la Légion, par exemple, serait éliminée si la Division de l'admissibilité était partie intégrante de la Direction des pensions?

Le président: Si je comprends votre question, monsieur Guay, la Commission serait uniquement une commission d'appel...

M. Guay (Saint-Boniface): C'est cela.

Le président:...et dans le Ministère, il y aurait les deux premiers niveaux, l'arbitrage et ensuite l'admissibilité.

M. Guay: Oui.

Le président: Voilà une autre combinaisson. Qu'en pensez-vous, monsieur Thompson?

M. Thompson: Nous avons étudié cette possibilité au cours de nos discussions, mais nous avons constaté que cela serait loin d'améliorer la situation. Ce serait inefficace. Vous enlevez non seulement le premier stage, mais le stage intermédiaire des Commissaires et cette proposition donnerait à une direction qu'on a indiqué dans ce Comité comme une partie du ministère des Affaires des anciens combattants et serait comptable auprès du sous-ministre. Cela causerait des maux de tête à tous les députés.

[*Texte*]

would be a headache to all members of Parliament.

The first proposal in the White paper in our opinion is bad enough, but if you go a step further I think you just compound it and increase the difficulty. We honestly believe that it is not a question of digging our heels in on something; it is a question of our being as sincerely interested as you in what is a sound proposal and we do not think that putting any of this under the Department of Veterans Affairs and reporting to the Deputy Minister of Veterans Affairs is a sound proposal. We do not believe that this will improve the situation. We believe the thing to do is to strengthen the Pension Commission, streamline it and have a separate appeal body.

Mr. Guay (St. Boniface): I just wanted your opinion on the matter.

The Chairman: I think it is worth exploring to be sure that we understand what Mr. Thompson is saying. I think his testimony is quite clear. Are there any other questions at this stage that anyone wants to ask? Would you continue, Mr. Thompson?

• 1600

Mr. Thompson: Mr. Chairman, I know that you gentlemen have been sitting for a long time and I will try to streamline our approach to this brief. I propose to highlight some of the information on the blue pages and this will give you an opportunity for questions and discussion if that is agreeable, Mr. Chairman.

The Chairman: By all means.

Mr. Thompson: The next point to be dealt with, gentlemen, is the question of 7 (3) hearings, Personal Appearance and we outline on 2A the recommendations.

The Woods Committee was critical of the Canadian Pension Commission's restrictive use of Section 7(3) of the Pension Act, both concerning the number of personal appearances allowed and the purposes of such appearances.

The chief recommendations of the Woods Committee are that:

(a) the responsibility of granting authority for personal hearings remain that of the Commission Chairman;

(b) personal hearings be granted on a more liberal basis;

[*Interprétation*]

A notre avis, la première proposition qui figure au Livre blanc est déjà mauvaise, mais si vous allez plus loin, vous multipliez les difficultés. Nous croyons qu'il ne s'agit pas de s'assurer de quelque chose, mais de s'intéresser autant que vous à la formulation d'une proposition sensée et nous ne pensons pas que le remettre au ministère des Affaires des anciens combattants, et d'être comptable auprès du sous-ministre le soit. A notre avis, cela n'améliore pas la situation, car il faut renforcer les pouvoirs de la Commission des pensions, lui donner une forme et en faire un organisme distinct pour les appels.

M. Guay (Saint-Boniface): Je ne voulais que votre opinion dans ce domaine.

Le président: Cela vaut la peine de l'explorer pour bien comprendre ce que monsieur Thompson veut dire. Je crois que son témoignage est assez clair. Y a-t-il d'autres questions? Monsieur Thompson?

M. Thompson: Je sais que la réunion se poursuit depuis longtemps. J'essaierai donc de préciser la façon dont nous abordons le présent mémoire. Je me propose de souligner certains renseignements fournis dans les pages bleues, ce qui vous donnera l'occasion de poser des questions et d'en discuter à loisir.

Le président: Je vous en prie.

M. Thompson: Nous voulons parler des audiences en vertu de l'article 7 (3)—comparution en personnes et souligner les recommandations en 2A.

Le comité Woods a critiqué l'usage restrictif que la Commission canadienne des pensions a fait de l'article 7(3) de la Loi sur les pensions à la fois pour restreindre le nombre de comparutions en personne et le but de ces comparutions. Voici les principales recommandations du comité Woods:

a) La responsabilité d'accorder l'*autorité* de tenir des *auditions* personnelles demeurera celle du président de la Commission;

b) Les auditions personnelles seront accordées suivant des principes plus larges;

[*Text*]

(c) the procedure be as simple as possible and evidence be taken under oath and a record be kept;

(d) frequent use be made of the authority to conduct these hearings by one Commissioner with the decision to be made by the Commission on the basis of a written report;

(e) an individual who appears under the authority of Section 7(3) of the Pension Act be reimbursed for expenses incurred in connection with the personal appearance.

The Chairman of the Pension Commission must exercise his discretion in allowing appearances under the provisions of this Section of the Pension Act. His decision may be tempered by the recommendation of his medical advisers and colleagues.

We believe that all veterans should have equal opportunity to appear under the provisions of Section 7(3) of the Pension Act, regardless of their economic or geographic position.

Though the Chief Pensions Advocate, when he appeared before your Committee, expressed the fear that a pensioner with a frivolous claim might request an appearance merely to get an expense-paid trip to a city, we would observe that there is a built-in safeguard against such an occurrence.

Mr. Badanai: What page?

Mr. Thompson: On page 2A, sir, of the blue pages. One thing that concerns us is the right of the individual to appear under Section 7 (3) of the Pension Act and to have his expenses reimbursed.

My understanding was not acceptable, and my recollection of the explanation was that this would, in effect, provide a free trip to the city for anyone who was dissatisfied with his pension.

We feel very deeply about this, Mr. Chairman, because, as it now stands, if a person has a complaint, even under the narrow use of 7 (3), and lives in Penticton instead of Vancouver, he is faced with a very real problem. If he lives in Vancouver it costs him only a bus fare to go and be heard on a 7 (3). If he lives in Penticton, or somewhere else farther away—Prince George, or northern Ontario, or what have you—he has to gamble his transportation costs because he will not be reimbursed if his claim is not successful.

[*Interpretation*]

c) La procédure sera aussi simple que possible; tous les témoignages devront être recueillis sous serment et un procès-verbal en sera conservé;

d) On aura souvent recours à la disposition autorisant la tenue de ces auditions par un commissaire agissant seul, et la Commission devra alors rendre sa décision en se fondant sur un rapport écrit;

e) Que les dépenses qu'entraîne la comparution personnelle de toute personne en vertu de l'article 7(3) de la Loi sur les pensions soient remboursées.

Le président de la Commission des pensions doit exercer sa discrétion avant d'autoriser la comparution en vertu des dispositions de cet article de la Loi sur les pensions. Sa décision peut être influencée par la recommandation de ses conseillers médicaux et de ses collègues.

Nous estimons qu'il faut offrir à tous les anciens combattants les mêmes possibilités de comparaître en vertu des dispositions de l'article 7(3), quelle que soit leur situation économique ou géographique.

Bien que l'avocat en chef des pensions ait exprimé la crainte, lorsqu'il a comparu devant le Comité, qu'un pensionné dont la demande n'est pas du tout fondée puisse réclamer une comparution simplement pour qu'on lui paie un voyage à la ville, nous vous faisons remarquer que l'article renferme déjà une sauvegarde contre de tels abus.

M. Badanai: A quelle page?

M. Thompson: A la page 2A sur les feuilles bleues. Nous nous intéressons au droit des personnes de témoigner en vertu de paragraphe (3) de l'article 7 de la Loi sur les pensions et au remboursement de leurs dépenses.

Cela n'était pas acceptable et si je me souviens bien de l'explication fournie, cela paierait à la personne qui n'est pas satisfaite de sa pension, un voyage gratuit à la ville.

Nous le ressentons profondément, monsieur le président, car actuellement, si une personne présente une plainte, même aux termes étroits de l'article 7(3), et si elle demeure à Penticton au lieu de Vancouver, elle doit faire face à un problème véritable. Si elle demeure à Vancouver, il ne lui en coûte qu'un billet d'autobus pour aller témoigner, mais si elle habite Penticton, Prince George, le nord de l'Ontario, ou ailleurs, elle peut payer son passage en vain car elle ne sera pas remboursée si elle perd sa cause.

[*Texte*]

We feel that the government did not care where you lived when you enlisted, that it should not care where you live when it comes to giving you an adjustment under the Pension Act, and that it should be just as available to one man as to the other.

There is an added problem in these 7 (3)'s in that he may want to take a witness with him. This is another problem that the examiners' hearing proposed in the Woods report would help get around. Often it is impossible to get a doctor, or an employer, or someone who works with you, to take the time off to travel to the city to appear, and you then end up with a written statement. But the history of the appeal board's decisions over board room decisions will, I think, bear evidence to the added value of those who make adjudication actually seeing and having a chance to examine the witnesses. Therefore, if you have a greater use of 7 (3) and have the reimbursement for expenses to the person no matter where he lives, it puts them on the same basis. We feel that that point should not be lightly turned aside.

We would also point out that in the proposal in the Woods report there is an automatic check on this. The chairman would make the decision on whether or not the person could appear. This would prevent frivolous claims by a man who may have had a hearing last week and decides he wants one again next month. This would be an automatic check, and we do not see that it would be open to abuse. It would, however, ensure justice to the person no matter where he lived.

Mr. Whicher: Mr. Chairman, I think Mr. Thompson has made an excellent point there. Suppose a man appealing lived in Toronto. Would there be any expense in connection with that? Would he be paid anything at all if he lived in Toronto and appeared in that city?

Mr. Thompson: Mr. Whicher, I could not answer that directly. I would assume that probably he would not, because he would have travelled there. But I believe that if he were a type of case that had to be transported by taxi the Commission would be sympathetic if his claim were successful. As it stands now, if his claim is not successful he would not get anything.

Mr. Whicher: In other words, people in the bigger cities, so far as you know, really do not get anything other than a very small amount such as for transportation within the city.

One of the unfortunate things, Mr. Chairman, is that everyone now lives in cities.

[*Interprétation*]

A notre avis, le gouvernement n'a pas tenu compte du lieu de résidence au moment de l'enrôlement et il ne devrait donc pas être arrêté par ce détail quand il s'agit de redresser une pension. Cet homme devrait en bénéficier autant qu'un autre.

En outre, s'il désire se faire accompagner d'un témoin, il y a un autre problème que l'audience de l'examinateur projeté dans le Rapport Woods aiderait à résoudre. Il est souvent impossible de trouver un médecin, un employé ou un compagnon de travail disponible pour aller témoigner en ville et faire ensuite une déclaration écrite. Mais l'histoire des décisions des bureaux d'appel au-dessus des décisions prises en conseil témoigneront en faveur de la formule d'arbitrage par des personnes qui ont l'occasion de voir et d'examiner les témoins. C'est pourquoi, si vous faites utiliser plus l'article 7 (3) et si vous remboursez les dépenses de la personne sans tenir compte de son lieu de résidence, cela la met au même niveau. A notre avis, ce point ne devrait pas être mis de côté avec légèreté.

En outre, dans la proposition du rapport Woods, il y a une vérification automatique à cet effet. Le président déciderait si la personne peut venir témoigner. Cela empêcherait les plaintes frivoles d'un homme qui aurait eu une audience la semaine précédente et qui déciderait d'en avoir une autre le mois suivant. Ce serait une vérification automatique et nous ne voyons pas comment cela pourrait donner lieu à des abus. Cela rendrait justice à une personne indépendamment de son lieu de résidence.

M. Whicher: Monsieur le président, M. Thompson a soulevé un point très intéressant. Mettons qu'un appelant demeure à Toronto. Aurait-il des frais à débourser? Le remboursera-t-on s'il comparaît dans cette ville?

M. Thompson: Je ne saurais répondre à votre question de façon directe. Je ne crois pas parce qu'il y aurait voyagé. Mais s'il doit voyager par taxi, la Commission serait d'accord s'il gagne sa cause. Actuellement, il n'obtiendrait rien si son appel est rejeté.

M. Whicher: En d'autres mots, dans les grandes villes les gens ne reçoivent rien, à moins que ce soit un remboursement infime pour le transport dans la ville, par exemple.

L'un des aspects malheureux de la chose, c'est que tout le monde demeure dans les

[*Text*]

Therefore, I do not see that it would increase the cost to the government of Canada too much to take people from Penticton, or from Wiarton, into London, or Toronto, or Vancouver. If we took the big cities out of Canada, we would have practically no one left. Therefore, I think that is a very good point.

Mr. Thompson: Mr. Chairman, if the person in Toronto could prove loss of wages, I think he would be reimbursed by the Commission. If he had to take a day off work, for which his pay was docked, they would pay him according to a scale laid down for loss of wages.

The Chairman: Mr. Bigg, and then Mr. Guay.

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Mr. Bigg: They pay him car mileage from home and for his meals away from home, as well.

Mr. Thompson: Yes; and if he had a doctor appear as a witness and there was a charge for him that would be taken care of. I was using transportation only as an illustration. If he lived in Toronto and there was a charge for his doctor to appear as a witness, they would reimburse the doctor. He would not have to be out of pocket on that.

Mr. Whicher: What would be the charge for these doctors? I have nothing against the medical profession; I would merely like to know.

Mr. Thompson: Mr. Chairman, I do not have the scale. There is a departmental scale laid down.

Mr. Whicher: Would it be $100 a day? It is $100 a day with the compensation board.

The Chairman: We could find out this information for you, Mr. Whicher.

Mr. Bigg: It varies. For an expert it is $15 a day, or something like that; at least it was.

Mr. Thompson: My impression is that it is $25 a day. But this is something that could be ascertained.

Mr. Bigg: It is rally nominal.

The Chairman: Mr. Guay?

Mr. Guay (St. Boniface): My question, Mr. Chairman, is on a slightly different matter, but I think it has some relevance. We are concerned about those who may have to appear and we are discussing the possibility

[*Interpretation*]

grandes villes maintenant. Alors je ne crois pas que cela représente trop de frais pour le gouvernement canadien de transporter des gens de Penticton, Wiarton à London, Toronto ou Vancouver. Si on enlevait les grandes villes du Canada, il ne resterait presque plus personne. Je pense donc que c'est un point valable.

M. Thompson: Et une personne à Toronto serait remboursée par la Commission pour une perte de salaire. S'il fallait qu'il prenne une journée de congé sans traitement, on le rembourserait d'après une échelle établie pour la perte d'argent.

Le président: Monsieur Bigg et ensuite monsieur Guay.

M. Bigg: Ils remboursent un certain montant pour le nombre de milles parcourus en auto et pour ses repas.

M. Thompson: On lui rembourserait les frais du médecin qui l'accompagne. Je n'utilisais le transport qu'à titre d'exemple. S'il demeure à Toronto, on rembourserait les frais du médecin qui doit venir témoigner. Il ne devrait pas payer cela de sa poche.

M. Whicher: Quels seraient les honoraires du médecin? Je n'ai pas de préjugé à l'égard de la profession médicale, mais je voudrais savoir ce qui en est.

M. Thompson: Je n'ai pas ici le tarif devant moi, mais il y a un barème fixé par le ministère.

M. Whicher: S'agirait-il de $100 par jour? La Commission des accidents de travail accorde $100.

Le président: Nous allons nous procurer ce renseignement, monsieur Whicher.

M. Bigg: Cela dépend. Pour un spécialiste, on accorde $15 par jour ou à peu près.

M. Thompson: A mon avis, il s'agit de $25 par jour, mais il faudra se renseigner.

M. Bigg: C'est pour la forme.

Le président: Monsieur Guay.

M. Guay (Saint-Boniface): Ma question, monsieur le président, diffère un peu des autres mais elle est tout de même pertinente, à mon avis. Nous nous préoccupons de la personne qui doit comparaître et nous analy-

[*Texte*]

of making certain reimbursements, for which I certainly have sympathy. What about the veteran, though, who possibly is not receiving any pension, but who is sick and is a long way, let us say, from Vancouver, in an outlying area, and wants to go in for a medical examination? He also has no assurance that he is going to be reimbursed for his expenses in going for a medical. What system do you have for that particular man?

Mr. Thompson: Mr. Chairman, we assume that he lives in a community where there is a doctor. If we make that assumption, the normal thing is for the doctor to contact the Department of Veterans Affairs. If it is an emergency situation he will do it by telephone and the Department will accept the charges for the call. The doctor would call and they would make arrangements for the person to be flown in, or be brought in by ambulance, or what have you. Therefore, in the case of a treatment, when he needs it, there is no bar here. They will get him to the hospital.

Mr. Guay (St. Boniface): The reason for my asking—and I was using British Columbia as an example—is that in Manitoba there is a veteran who came from Virden to Deer Lodge—and I think I can substantiate this—and they would not pay his expenses. The doctor said that the man in question agreed, when he interviewed him, that everything was all right, but subsequently, on his return home, he wrote to say that he was not happy with the fact that he had not been reimbursed expenses.

Mr. Thompson: I do not know all the facts, but it is possible he did not get authority first; that he came on his own from Virden to Deer Lodge and therefore they felt it was not their responsibility.

Mr. Guay (St. Boniface): I see.

Mr. Thompson: I would not really be able to give you an answer without all the details.

Mr. Guay (St. Boniface): That is fine.

The Chairman: Are there further questions? Would you continue, Mr. Thompson?

Mr. Thompson: Mr. Chairman, the next one relates to the independent appeal board. I would like to vary what I said a moment ago. We believe this to be important and would like to cover this with our views on this independent appeal board.

[*Interprétation*]

sons les possibilités de leur accorder un remboursement et je suis d'accord. Mais que fait-on pour l'ancien combattant qui ne touche pas de pension et qui demeure très loin de l'endroit où siège la Commission, disons Vancouver, et qui veut se soumettre à un examen médical. Il n'a pas l'assurance d'être remboursé. Quel système existe pour ce cas-là?

M. Thompson: Monsieur le président, nous présumons qu'il demeure dans une collectivité où il y a un médecin. En partant de cette hypothèse, le médecin n'a qu'à communiquer avec le ministère des affaires des anciens combattants. S'il s'agit d'un cas d'urgence, il téléphonera et le Ministère accepterait de payer les frais de l'appel à la suite du téléphone du médecin, on prendra des dispositions pour transporter le patient par avion, par ambulance ou autre. S'il s'agit de soins nécessaires, il n'y a pas d'obstacle; on le transportera à l'hôpital.

M. Guay (Saint-Boniface): La raison pour laquelle j'ai posé cette question, et pour laquelle je me suis servi de l'exemple de la Colombie-Britannique c'est qu'au Manitoba, il y a un ancien combattant qui est venu de Virden à Deer Lodge et à qui on a refusé le remboursement de ses dépenses. Le médecin a dit qu'au cours du rendez-vous, la personne avait été d'accord, mais qu'à son retour à la maison, elle avait écrit son mécontentement de voir que les dépenses n'étaient pas remboursées.

M. Thompson: Je ne suis pas au courant de tous les faits, mais il est possible qu'il n'ait pas obtenu l'autorisation requise au préalable et qu'il soit venu de son propre gré de Virden à Deer Lodge et que le Ministère ait conclu que cette responsabilité ne lui incombait pas.

M. Guay: Je vois.

M. Thompson: Je ne pourrais pas vous donner de réponses sans connaître tous les détails de l'affaire

M. Guay: Très bien.

Le président: Y a-t-il d'autres questions? Veuillez continuer monsieur Thompson.

M. Thompson: Monsieur le président la prochaine question a trait au bureau d'appel indépendant. J'aimerais apporter certaines modifications à mes propos précédents. Il s'agit à votre avis d'une question importante à laquelle nous aimerions apporter mes commentaires.

[*Text*]

The Woods Committee recommends the creation of a strong appellate body independent of the Pension Commission, to be known as The Pension Appeal Board. This Board would handle appeals on any matter under the Pension Act, including basic entitlement and supplementary benefits. On entitlement an appeal would be as a matter of right, while on all other matters, only with leave of the Board.

The Appeal Board would consist of at least five members, assisted by medical and legal advisory panels. The members would be appointed for life by Order-in-Council and the senior staff of the Board would be appointed by the Chairman and would not be members of the Public Service of Canada.

Under Recommendation 14(S) Appeal Board members would be appointed in the same way as Pension Commissioners; that is, they would represent not only the professional fields (law and medicine), but also would be drawn from persons who have demonstrated an ability to deal with the problems of veterans, service and ex-service personnel. "Experience in the veterans field, or in a related type of work in the Armed Forces, would provide a useful background for a potential member of the Commission."

Appellants would have the right to make written submissions, assisted by the Veterans Bureau, veterans organizations, or private individuals. The Pension Commission would not be represented at hearings before the Board but would be permitted to file written submissions giving reasons for prior refusal of pension.

An applicant, having exhausted his rights before the Commission, would be free to proceed to the Appeal Board but, if new evidence is brought to light, he would have two alternatives; he could either proceed to the Appeal Board or he could ask for Leave to Reopen before the Pension Commission.

The Pension Appeal Board would also be required to decide questions of interpretation of the Pension Act and such interpretations would become binding upon the Commission. Decisions of the Pension Appeal Board would be final and would be acted upon by the Department of Veterans Affairs and the Comptroller of the Treasury.

The Board normally would hold its meetings in Ottawa and, if required, could meet elsewhere. Not all cases would be disopsed of

[*Interpretation*]

Le comité Woods recommande la création d'un organisme d'appel fort, le Bureau d'appel des pensions, qui serait indépendant de la Commission des pensions. Tous les appels sur les questions qui relèvent de la Loi sur les pensions, y compris l'admissibilité à la base et les indemnités supplémentaires, lui seraient confiés. L'appel serait accordé de plein droit en ce qui a trait à l'admissibilité, mais pour toutes autres questions, il ne le serait accordé qu'avec l'autorisation du Bureau.

Le Bureau d'appel compterait au moins cinq membres, assistés de corps consultatifs sur les questions médicales et juridiques. Les membres seraient nommés à vie par décret en conseil; par contre, les hauts fonctionnaires du Bureau seraient nommés par le président et ne feraient pas partie de la Fonction publique du Canada.

En vertu de la recommandation 14(S), les membres du Bureau d'appel ne seraient pas nommés de la même façon que les commissaires des pensions; c'est-à-dire qu'il ne représenteront pas uniquement les diverses professions, comme celles de juristes et de médecins, mais qu'ils seraient également choisis parmi des personnes qui ont fait preuve de compétence à l'égard des problèmes des anciens combattants et du personnel militaire en service ou démobilisé. «L'expérience sur le sujet des anciens combattants, ou dans un type de travail rattaché aux forces armées, représenterait une connaissance utile pour un commissaire éventuel.» (p. 1242)

Les requérants auraient le droit de présenter des plaidoiries écrites avec l'aide du Bureau des vétérans, des organisations d'anciens combattants, ou de particuliers. La Commission des pensions ne serait pas représentée aux audiences du Bureau mais serait autorisée à présenter un exposé écrit des raisons qui ont motivé leur refus antérieur.

Lorsque le requérant aura usé de tous ses droits auprès de la Commission, il serait libre de s'adresser au Bureau d'appel, mais si de nouvelles preuves sont mises à jour, il pourra, soit s'adresser au Bureau d'appel, soit demander l'autorisation de faire réentendre sa cause devant la Commission des pensions.

Le Bureau d'appel des pensions serait également appelé à se prononcer sur les questions d'interprétation de la Loi sur les pensions et la Commission devrait s'en tenir à cette interprétation par la suite. Les décisions du Bureau d'appel des pensions seraient finales et mises en œuvre par le ministère des affaires des anciens combattants et le Contrôleur du Trésor.

Les réunions du Bureau auraient habituellement lieu à Ottawa, mais il pourrait se réunir ailleurs au besoin. Toutes les causes n'au-

[*Texte*]

by formal hearings. Provision would be made for:

(1) review of the written record;

(2) review of the written record supported by an appearance of those representing the appellant; and

(3) a full-scale hearing at which the Board would hear the appellant and all witnesses.

The Woods Committee considered that, in order to remedy the present situation, it would be necessary to "repose the ultimate authority in a body outside the Pension Commission". To avoid unnecessary disruption of the present system, the existing Appeal Boards would continue to operate as "Entitlement Boards".

It is of interest that the Royal Commission on Government Organization observed that individuals must be protected against administrative arbitrariness which sometimes occurs where there is no appeal from administrative tribunals. The proposed Pension Appeal Board represents a form of appeal which would be a clear application of the "principles of natural justice". The Pension Commission was seen by the Glassco Commission as the type of administrative tribunal from which appeals should be referred to higher authority.

The proposal in the White Paper to establish within the Pension Commission "an Appeal Division" would not provide the remedy envisioned by the Woods Committee in its recommendation that an independent Pension Appeal Board be established. It would not, in our opinion, resolve the difficulties which have been experienced. It provides no appellate jurisdictional body which has not previously been involved with the decision, nor would it overcome the complaints of applicants to the effect that they should have the right to have their applications considered by persons who have had no previous contact with their claims. The only suitable solution is to amend the legislation and establish the Pension Appeal Board recommended by the Woods Committee.

Gentlemen, we have touched on this earlier and it seems to us that the White Paper proposal is really just reshuffling the deck. We think we have reached the point now in pension adjudication where there is need for a body which is separate from the Commission.

[*Interprétation*]

raient pas nécessairement droit à une audience formelle. On procéderait. La Loi prévoirait:

1) un examen du dossier;

2) un examen du dossier avec la comparution des représentants du requérant;

3) une audience formelle au cours de laquelle le Bureau entendrait le requérant et tous les témoins.

Le comité Woods a pensé qu'il serait nécessaire, pour remédier à la situation actuelle, «de confier l'autorité finale à un organisme qui ne relève pas de la Commission des pensions». Afin d'éviter de bouleverser indûment le système actuel, les Bureaux d'appel qui existent déjà continueraient d'exister sous le nom de «Bureaux d'admissibilité.»

Il est intéressant de noter que la Commission royale d'enquête sur l'organisation du gouvernement a fait remarquer qu'il faut protéger les individus contre l'aspect arbitraire de l'administration qui se manifeste parfois lorsqu'il n'y a pas de possibilité d'en appeler des décisions des tribunaux administratifs. Le Bureau d'appel des pensions qu'on se propose de créer représente une forme d'appel qui constituerait une application très nette du «principe de la justice naturelle». La Commission Glassco considérait la Commission des pensions comme le type de tribunal administratif dont les décisions devraient faire l'objet d'un appel à une autorité supérieure.

La proposition du Livre blanc de créer, au sein de la Commission des pensions, une division d'appel, ne constituerait pas un remède aussi efficace que celui qu'envisageait le comité Woods dans sa recommandation de créer un Bureau d'appel des pensions autonome. A notre avis, la proposition du Livre blanc ne résoudrait pas les problèmes qui se sont présentés. Elle ne demande pas de mettre sur pied un organisme compétent en matière d'appel qui n'aurait pas participé à la décision antérieure; elle ne surmonterait pas davantage les griefs des requérants qui réclament le droit de faire examiner leur demande par des personnes qui ne connaissent pas leurs réclamations d'avance. La seule solution valable est d'amender la mesure législative et de créer un Bureau d'appel des pensions comme le recommande le comité Woods.

Messieurs, nous avons parlé auparavant de cette question et à notre avis, il semble que la proposition du Livre blanc ne fait que remanier l'organigramme. Il est maintenant nécessaire qu'au niveau de décision des pensions il y ait un organisme indépendant de la Commission.

[*Text*]

The Chairman: Mr. Lambert, then Mr. Peters.

Mr. Lambert (Edmonton West): Thank you, Mr. Chairman. I am prepared to defer to actual members of the Committee but as you know I have had a fair amount to say about this, and with all due deference to Mr. Thompson, I do not agree with him.

First of all I disagree even more violently with the White Paper because to have a Directorate of Pensions under the Minister of Veterans Affairs puts the Minister in an untenable position where he will become subject to the most violent pressures—partisan pressures.

Members of Parliament will come under it. I speak from experience where, thank goodness, there was no discretion of the Minister to vary, but let me assure you that his daily mail is just full of letters asking that this case or that case be reviewed by the Minister and that he instruct the Pension Commission and all this sort of thing. I do not think—it has not been demonstrated to me by the Woods Report or otherwise—that the setting up of a completely independent Appeal Board, with its whole administrative support and commissioners at a salary somewhat higher than the present commissioners, will in effect improve the situation so much that it will be worth the candle.

It is my view that the question of pensions is no different and is no higher than our courts of law. Here at the Supreme Court level we have one Supreme Court in the Province of Ontario, as we have in all provinces. There is a trial division and an appellate division. They are under one Chief Justice. No one has ever suggested that there is nepotism between the appellate division and the trial division; that decisions are improper because the judges are all at the same level. Incidentally, they are all paid the same. Their

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appointments are for the same period. They are drawn from the same source, although a man who has been on the trial division can go to the appellate division. Admittedly he then can also, if the occasion warrants it, go back and act as a trial judge—but that is the exception—in the same way that for some administrative reason a judge of the trial division can sit as a member of a court of appeal. But that again is not the usual practice. It is a rare one.

It is my view that the present Pension Commission could be re-organized in a section that determines entitlement—the first

[*Interpretation*]

Le président: Monsieur Lambert, suivi de monsieur Peters.

M. Lambert (Edmonton-Ouest): Merci, monsieur le président. Je suis prêt à me soumettre à l'opinion des membres du Comité, mais comme vous le savez, j'ai beaucoup d'expérience dans ce domaine et malgré mon estime pour monsieur Thompson, je ne suis pas de son avis. Je désapprouve par-dessus tout le Livre blanc, parce que la présence d'une Direction des pensions qui relève du ministre des Affaires des anciens combattants place le ministre dans une situation intenable. Il sera ainsi soumis à toutes sortes de pressions, de ses partisans.

Les députés y seront aussi soumis. Je parle en connaissance de cause, car heureusement, le ministre n'a pas le pouvoir de modifier quoi que ce soit, mais croyez-moi, son courrier fourmille de lettres de personnes qui demandent que tel ou tel cas soit examiné par le ministre et qu'il émette instruction à la Commission des pensions, etc., etc. A mon avis, et cela n'a pas été prouvé dans le Rapport Wood ni d'autres manières, que la création d'un Bureau d'appel indépendant avec tout le soutien administratif y afférent et ses commissaires qui recevraient un salaire un peu plus élevé que celui des commissaires actuels, il ne me semble pas en effet, que cela améliore la situation de telle façon qu'il soit valable de le faire.

La question des pensions n'est pas différente, ni plus importante que nos tribunaux. Au palier de la Cour suprême, il y a une Cour suprême dans la province d'Ontario comme dans toutes les autres provinces. Il y a un tribunal de première instance et un tribunal d'appel qui relèvent d'un juge en chef. Personne n'a jamais prétendu qu'il y avait du népotisme exercé entre le tribunal d'appel et le tribunal de première instance et que les décisions sont incorrectes parce que les juges se trouvent tous au même niveau et touchent tous le même salaire. Leur nomination s'étend sur la même période de temps. On les prend tous à la même source, bien qu'un homme qui était au tribunal de première instance puisse siéger au tribunal d'appel. Il peut également revenir et servir de juge au tribunal de première instance, mais, c'est exceptionnel. Pour des raisons administratives, un juge de tribunal de première instance peut siéger à titre de membre d'un tribunal d'appel. Mais là encore, ce n'est pas la règle. Il s'agit d'un cas rare.

A mon avis, la Commission actuelle des pensions pourrait faire l'objet d'une réorganisation en ce qui a trait à l'article qui déter-

[*Texte*]

decision and perhaps the second decision, the review—and an Appeal Division, separate but still under the Commissioner of Pensions. I suggest to you that such a system will cost a little more—not much more—but that it will provide a system that is preferable, at least from the psychological point of view at the present time. I must confess that I have found it rather strange and unfortunate that on many occasions when you had your review, a Commissioner who had been on the original adjudicating body found himself on the review body. This I do not think is acceptable and any fair-minded person will agree that this should not happen but that you should maintain your Pension Commission independent from the Minister of Veterans Affairs.

Does the workload require that you have a continuing number of Commissioners plus the five members of an appeal panel? I doubt it. I doubt it. It is my view—I am subject to correction here—bearing in mind the qualities of the people that you want, and I agree with you, that you would not have to expand the number of Commissioners except perhaps by one. You might want to have a senior commissioner to handle, shall we say the day-to-day administration, to be senior entitlement commissioner. But outside of that, no. I do not think the additional cost and the mechanics and the expenses would justify it.

Parkinson's law is one of the most fruitful ones around here and I do not know who would control empire building. We have seen it over in the Immigration Appeal Board, we have seen it over in the Tax Appeal Board—all the same sort of thing. There is no reason why a ruling of the appeal section of the Commission itself should not be binding on the Entitlement Division, I will agree, in the same way that you have in the courts, but I do not, with the greatest respect, think that there is this completely new, independent body required; but reorganization of the Pension Commission, yes, into the two divisions.

The Chairman: We are very much interested in hearing your comments, Mr. Lambert.

Mr. Thompson: Mr. Chairman, if I might be permitted, there is no question that the system works in our courts, but there certainly was ample evidence presented to the Woods Committee that the present system in the pension set-up was not working. Your points are well taken about the costs. What these costs would be will remain to be seen but certainly there will be a levelling off in the workload at the lower level with the streamlining because it will not take months and in

[*Interprétation*]

mine l'admissibilité, la première décision et une autre peut-être la deuxième, la révision, et une division d'appels, séparée mais toujours sous l'autorité du commissaire des pensions. Ce système coûtera peut-être un peu plus cher, pas beaucoup plus, mais cela nous donnera un système qui, du moins sur le plan psychologique est de beaucoup préférable à l'heure actuelle. J'ai trouvé plutôt curieux et malheureux que dans bon nombre d'occasions, lorsqu'il y a révision, un commissaire qui avait fait partie d'un organisme de première instance, se retrouve au bureau des révisions. C'est inadmissible et toute personne bien pensante sera d'avis que cela ne devrait pas se reproduire et que vous devriez garder la Commission des pensions indépendante du ministre des Affaires des Anciens combattants.

Est-ce que le fardeau de travail exige un nombre de commissaires en plus des cinq membres d'un tribunal d'appel? J'en doute fort. Vous pouvez me corriger, mais je pense qu'en gardant à l'esprit les qualités que vous exigez de ces personnes, je suis d'accord avec vous que vous n'auriez pas besoin d'augmenter le nombre de commissaires ou peut-être faudra-t-il en nommer un autre, un commissaire supérieur s'occuperait de l'administration quotidienne, un commissaire supérieur de l'admissibilité. C'est tout. Je ne crois pas que les frais supplémentaires en justifient l'existence.

La loi de Parkinson est très utilisée et je ne sais pas qui pourrait prévoir l'érection d'empires. La Commission d'appel de l'impôt sur le revenu et la Commission d'appel de l'immigration nous ont donné l'occasion de constater la même chose. Il n'y a pas de raison pour qu'un règlement de la section d'appel de la Commission ne soit pas lié à la division de l'admissibilité, comme dans les tribunaux, mais malgré tout le respect que je vous dois, je ne crois pas qu'il soit nécessaire de créer un nouvel organisme indépendant, mais de remanier plutôt les deux divisions de la Commission canadienne des pensions.

Le président: Vos commentaires nous intéressent beaucoup, monsieur Lambert.

M. Thompson: Monsieur le président, il ne fait aucun doute que ce système fonctionne bien dans nos tribunaux, mais il y a suffisamment de témoignages présentés au Comité Woods à l'effet que le système actuel des pensions ne fonctionne pas. Vous avez raison de soulever la question des frais. Il reste à déterminer quels en seront les frais, mais, il y aura certainement un nivellement du travail au premier palier parce que ça ne prendra pas des mois et dans certains cas des années pour

[*Text*]

some cases years to get decisions. You do have a system now where the medical advisory people are so involved in the structure and the handling of claims and various other administrative things that it takes a long, long time.

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Our concern is that the present system is so deeply involved in the procedures and the policies of the past that in order to have a clear look at the appeals we do need a body that is not a piece of the Commission under a common chairman. I do not dispute the fact that it works in our courts but I suggest to you that we are dealing with a slightly different situation.

Mr. Lambert (Edmonton West): Yes, but surely, Mr. Thompson, you will agree that a man's liberty or the fact that he is guilty or innocent and so forth is equally, if not perhaps a little more, important in the eyes of everybody than the fact that a veteran has a pension entitlement and at what level?

Mr. Thompson: I do not think there is any...

Mr. Lambert (Edmonton West): I do not think we have had any causes for complaint of the other type of system. Now, I am putting it to you as a very serious alternative. I do not know that it has been examined in precisely that fashion but I can assure you that I think a man who has a knowledge of the workings of the supreme courts of the provinces could assist in setting up the Pension Commission under a Chief Commissioner of Pensions that would work.

Mr. Thompson: Well, Mr. Chairman, I would like to point out that certainly the Chairman of the Woods Committee is a member of the court of appeal in his own province, therefore, I would suggest, sir, he certainly has had exposure to the system that works in the courts. I suggest he must have felt that the parallel was not an exact one and that there was room for and need for a different structure and different set up in the case of the pension appeals.

Mr. Bigg: There is some difficulty in attacking the whole problem and making all the changes at once. I like the idea of big changes, big dramatic changes, but I would just like to throw this in for consideration and it has something to do with economy as well. I wonder if we make a proper breakthrough in the principle involving the whole pension approach, like 100 per cent plus and so forth, and the presumption on the medical

[*Interpretation*]

obtenir des décisions. Sous le régime actuel, les conseillers médicaux sont tellement impliqués dans l'étude des demandes, et d'autres activités administratives que cela prend énormément de temps.

Ce qui nous inquiète, c'est que le système actuel est tellement embourbé par des procédures, et des options politiques du passé, que pour bien examiner les appels, il nous faut une administration qui ne soit pas une partie de la Commission et dotée d'un président commun aux deux organismes. La situation diffère un peu de celle que l'on trouve dans les tribunaux.

M. Lambert (Edmonton-Ouest): Vous serez d'accord que le fait d'établir qu'un homme soit coupable ou non est tout aussi important sinon plus important que la question de l'admissibilité et du niveau de la pension d'un ancien combattant.

M. Thompson: Je ne crois pas qu'il y...

M. Lambert (Edmonton-Ouest): Il n'y a pas eu de plaintes au sujet de l'autre système. Je vous propose cela comme une sérieuse solution de rechange. Je ne pense pas qu'on ait examiné la situation de ce point de vue là. Je vous assure qu'un homme qui est au courant du travail qui se fait quand les Cours suprêmes des provinces pourrait vous aider à établir une Commission des pensions sous l'autorité d'un commissaire en chef, qui pourrait réellement fonctionner.

M. Thompson: Je voudrais vous souligner que le président du Comité Woods est un membre de la Cour d'appel de sa province, donc il était certainement au courant du fonctionnement de la division des appels dans sa province. Établir un parallèle n'est peut-être pas très exact, puisqu'il s'agit là d'une structure différente.

M. Bigg: J'ai quelques difficultés à examiner le problème. Moi aussi, j'aime l'idée des grands changements importants. Mais je voudrais que l'on étudie la possibilité d'établir un système en fixant le principe que l'ensemble de la pension puisse dépasser 100 p. 100 basé sur les conditions médicales de l'intéressé. Je me demande si vous auriez besoin d'une commission d'appel puisqu'il me semble personnellement que le principe du double règle-

[*Texte*]

fitness of the members and the benefit of the doubt rule to make it easier for the decisions, whether there would be any great need for appeals of any kind? I personally happen to think these breakthrough changes are more important than administrative changes could I suggest that perhaps we try the present pension setup as it is with very definite guide rules and changes of the wrong rules, if you like. In other words when there is benefit of the doubt, let us have it. When there is a chance to break through beyond the 100 per cent pension, give it, and then many of the grounds for dissatisfaction on the part of the pensioners might disappear. If we change them all at once we will never know whether it was the change of the ground rules or the change of the personnel or the change in the administration which caused it. You might have poor administrators administering a good Act with apparently beneficial results, or you might have good administrators trying to administer a bad Act with certain beneficial results. Do you understand me?

Mr. Thompson: Mr. Chairman, this certainly appears to be a logical proposal until you realize the length of time that it takes to accomplish change and that by the time you finally through evolution have worked out a system that is good, I suggest we would not have that many pensioners to take care of because it takes a long time to change legislation and get it in the House. I could see years going by.

Mr. Bigg: Yes, but by the same token it would take a great many years to undo administrative changes. If we set up a pension appeal board which did not work I presume it would take longer to undo that than to change even a statute. You cannot do that with a stroke of the pen as a general rule; you are upsetting the whole structure of the civil service and the adjudicating procedures and everything; whereas, if we tried, as I said it is a question of economy perhaps, we could go ahead with the personnel we have, over perhaps a limited period of time and see whether our present pension board could not handle the new streamlined procedures and the new amount of money which we vote and everything under the present system. It is a compromise; it is the only one that leaps to my mind. If we cannot have everything put priorities on it and have a good deal where it is going to do the most good and watch the results.

Mr. Thompson: Mr. Chairman, might I say that as far as the veterans organization are concerned they are just as concerned as Mr.

[*Interprétation*]

ment éliminerait les appels. Ces changements sont plus importants que les changements administratifs. Essayons peut-être de laisser le système de pension tel qu'il est, en changeant seulement les principes directeurs qui régissent l'administration des pensions. Ainsi, vous remédierez probablement aux griefs des anciens combattants. En d'autres mots, où il y a doute, accordez le bénéfice du doute et où il y a moyen de dépasser le taux de 100 p. 100, dépassez-le. Vous pourriez avoir de très mauvais administrateurs travaillant au moyen d'une loi excellente, donnant de bons résultats. Ou alors vous pourriez voir d'excellents administrateurs qui essaieraient de mettre en vigueur de mauvaises lois avec succès.

M. Thompson: Cela semble une proposition logique jusqu'au moment où vous constatez combien il s'écoule de temps avant que vous ne puissiez établir un système valable. Et lorsque vous auriez établi le système, vous n'auriez presque plus de pensionnés. Cela prend énormément de temps de faire adopter un changement dans la loi par la Chambre.

M. Bigg: Si nous établissons le genre de commission d'appel dont vous parlez et qui ne fonctionnerait pas, ce serait prendre beaucoup plus longtemps pour corriger les erreurs de la nouvelle Commission que d'essayer de corriger les erreurs qui existent déjà. Si nous essayons à titre de mesure d'économie de continuer avec le personnel que nous avons, on pourrait voir si oui ou non la Commission des pensions est capable d'administrer les fonds que nous voterons. De façon plus rationnelle, ce n'est qu'un compromis, je le constate, mais si nous pouvons placer des priorités, nous attribuer ainsi nos fonds où ils feront le plus grand bien.

M. Thompson: Je voudrais conclure qu'en ce qui concerne les organismes des anciens combattants, ils se préoccupent tout autant

[*Text*]

Bigg and Mr. Lambert. What we want is an efficient system that will work and we have taken what the Minister said and what you gentlemen have said from time to time here as an indication of your flexibility, of your desire to find a solution. Our desire, Mr. Chairman and Mr. Lambert, is just as sincere as yours. What we want is not something that, as somebody has said, we cannot change.

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What we want is something that is going to accomplish something; it is the end result we are concerned with. This is why we take the stand we do but certainly we are as concerned as you are. We do not want something just because it is going to cost a lot of money or because it would be faster. We would like to see evolve from your deliberations a system that will produce the required results; this is our aim.

The Chairman: Fine, Mr Thompson.

Mr. Peters: Could I ask for Mr. Thompson's views on the other two proposals that have been made? We have had some discussion on them previously, the ombudsman suggestion was a minority report in the Woods Committee Report and the other has been made in Parliament on a number of occasions, the suggestion that after it goes to the Commission it be processed through regular court channels.

The Chairman: You mean a final appeal to the courts?

Mr. Peters: That is right.

Mr. Thompson: Veterans would never have enough money to do that.

Mr. Peters: Both of these have been suggested...

The Chairman: I do not think Mr. Thompson will have too much difficulty in answering both of those.

Mr. Thompson: In the case of the minority report, the ombudsman, this has certain appealing features, one is that it is cheap but the fault in that, Mr. Chairman, was that there did not seem to be any real teeth in the proposal; that is, that the ombudsman would review, a complaint could be referred to him, he could try to influence and he could publicly report, but it might be very difficult to arouse any great public interest in a report.

Mr. Peters: Well, let us give him the power of an independent appeal structure...

[*Interpretation*]

que M. Lambert et que M. Bigg de voir instaurer un système valable. Nous avons étudié les déclarations du ministre; nous étudions les procès-verbaux du Comité et notre désir, monsieur le président, est de voir non seulement une déclaration d'intention, mais quelque chose qui donnera un résultat valable. Voilà pourquoi, nous venons discuter de cette question devant le Comité. Notre préoccupation est la même que la vôtre. Nous n'avons pas envie de voir instaurer un système effroyablement coûteux. Nous voulons voir sortir de nos délibérations un organisme produisant les résultats attendus.

Le président: Très bien, monsieur Thompson.

M. Peters: Je voudrais demander à M. Thompson ce qu'il pense au sujet des deux autres propositions qui ont été faites, au sujet de la proposition de l'ombudsman qui se trouve dans le rapport Woods, et de la proposition faite à la Chambre que ces différents soient règlés devant des tribunaux civils.

Le président: Vous parlez de l'appel final devant les tribunaux?

M. Peters: C'est exact.

M. Thompson: Les anciens combattants n'ont pas assez d'argent pour cela.

M. Peters: Les deux propositions ont été formulées...

Le président: Je ne pense pas que M. Thompson ait de la difficulté à vous répondre.

M. Thompson: Dans le cas du rapport minoritaire au sujet de l'ombudsman, ceci naturellement a beaucoup d'attrait. D'abord, c'est peu coûteux. Mais l'erreur qu'on y a décelé, c'est qu'il ne semble pas y avoir de force dans cette proposition. Il n'y avait aucune autorité rattachée au poste. L'ombudsman devrait essayer d'influencer, il pouvait faire rapport. Mais peut-être lui serait-il difficile de susciter beaucoup d'intérêt de la part du public.

M. Peters: Donnons-lui les pouvoirs d'un système d'appel indépendant.

[*Texte*]

An hon. Member: One man?

Mr. Peters: One man.

The Chairman: Then he is not an ombudsman.

Mr. Thompson: He is not in the role of an ombudsman then. He is then a one-man judge.

Mr. Peters: The ombudsman comes from Sweden and this is what he does.

An hon. Member: Oh, no.

Mr. Peters: Oh, yes. He has the right to make the decision and the decision is implemented when he makes the decision.

The Chairman: That is not my understanding.

Mr. Thompson: My understanding is that they do have varying degrees of authority in different situations. In the New Zealand one, for instance, I believe, that he reports to the counterpart of our House; in some of the other countries they can institute legal action against a government employee who has overstepped his authority and so on but we did not see in all that we could read on ombudsmen that this was really going to produce the desired result. If you gave him the authority you then had one man making a decision, not a board, not a body.

The Chairman: What about the other one, what about the court?

Mr. Thompson: Now, as far as the court is concerned, there was a private member's bill before the House a few years ago you may remember. Our organization then gave a lot of study to this and appeared before the Parliamentary committee and voiced strong objection because we felt that it would get out of the field of a special piece of legislation and would get into all the delays and all the costs of a court...

The Chairman: And the adversary system.

Mr. Thompson: Yes, that is right. You would have the adversary system and you would have just as much or more delay. We felt it would be really almost an exercise in frustration to try to deal with it that way as compared with the other system where you deal with it in a specialized way.

Mr. Peters: I wonder if I could ask this. You mentioned the adversary aspects. Is this really a bona fide—I am not arguing, I just ask for an opinion of these two alternatives but I am curious about the adversary? It

[*Interprétation*]

Une voix: A un seul homme?

M. Peters: A un seul homme.

Le président: Alors, ce ne sera plus un ombudsman.

M. Thompson: Alors, il ne se trouve plus dans le poste d'ombudsman. Il devient juge.

M. Peters: Mais cette idée nous vient de la Suède et là-bas l'ombudsman a du pouvoir.

Une voix: Ce n'est pas vrai.

M. Peters: Si. Il peut prendre une décision et la décision doit être mise en vigueur.

Le président: Ce n'est pas ainsi que je le conçois.

M. Thompson: D'après ce que je comprends, ils ont une certaine autorité, suivant les circonstances. Mais en Nouvelle-Zélande, par contre, il fait rapport à la Chambre, n'est-ce pas? Dans d'autres pays, l'ombudsman peut prendre des mesures légales contre un fonctionnaire public qui a outre-passé ses droits. Mais dans tout ce que nous avons lu au sujet de l'ombudsman, nous n'avons pas pensé que ce poste apporterait les résultats voulus.

Le président: Et quant à l'autre proposition?

M. Thompson: En ce qui concerne le tribunal, il y avait un bill privé qui avait été soumis à la Chambre il y a quelques années. Un Comité parlementaire en a fait l'étude et il y a eu des objections parce qu'on a établi qu'il ne s'agirait plus d'une législation spéciale et que l'on allait au devant de tous les délais et les frais d'une Cour ordinaire.

Le président: Et du système des parties...

M. Thompson: Oui. Il y a évidemment le système des parties et il y aurait des délais supplémentaires. Ce serait un exercice de frustration supplémentaire par rapport, à ce que l'on pourrait obtenir avec le système actuel.

M. Peters: Vous venez de mentionner les aspects désavantageux. Je vous demande une opinion quant à l'alternative qui se présente. Il est toujours difficile de représenter les intérêts d'un ancien combattant surtout quand

[*Text*]

seems to me that any time I have had anything to do with representing a veteran it was an adversary situation. You were diametrically opposed to a decision that had already been made and this is an adversary position.

Mr. Thompson: I think, Mr. Chairman, the difference is that it takes two to have an adversary proceeding.

Mr. Peters: Well, we found two of them.

Mr. Thompson: What used to happen years ago in the old appeal court was that the Commission actually was represented by Commission counsel who argued why the man should not have a pension.

Mr. Lambert (Edmonton West): Like the Immigration Appeal Board today.

Mr Bigg: Character, personalities, and all sorts of things.

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Mr. Peters: Will there not, in your opinion, be something of this even in an appeal board as the Woods Commission see it, in that I am sure that the Commission, in some way or other, is going to justify their position or try to justify it.

I think we would be very foolish to assume that the Commission would allow this appeal board to make an independent decision at that level without, at least, what they would consier to be the benefit of the information they had and on which they based their decision. There would not, in your opinion be an adversary position—I do not think that is the right word in the context of interrelations in the veteran's problems anyway—so would you not think that even in the appeal procedure the Commission is going to have to make the best representation possible in order to justify their position before the appeal board as well with the result that there will be the Commission report on one side, the hearing of the veteran and his representatives on the other, in any case?

Mr. Thompson: In the Woods recommendation, of course, the proposal—and they used the word "adversary" because it does describe...

Mr. Peters: I see.

Mr. Thompson: ...a given suitation—was that the Commission would file a document which would give the reason for their previous decision...

[*Interpretation*]

vous êtes diamétralement opposé à une décision qui est déjà prise.

M. Thompson: Écoutez, il faut être deux à ce jeu-là quand même.

M. Peters: Ainsi nous pouvons créer les parties.

M. Thompson: C'est ce que vous aviez dans l'ancienne structure d'appel, la Commission était représentée par un avocat qui plaidait afin que l'ancien combattant n'obtienne pas de pension.

M. Lambert (Edmonton-Ouest): Comme on le fait aujourd'hui à la Commission d'appel de l'immigration.

M. Bigg: On analyse le caractère, la personnalité, et tout le reste...

M. Peters: Est-ce qu'il n'y aurait pas quelque chose de semblable à cela qui pourrait se produire dans le Bureau d'appel que la Commission Woods recommande? La Commission doit justifier sa position ou tenter de le faire.

Je crois qu'il serait assez stupide d'essayer de présumer que la Commission permettra à un tel bureau d'appel de prendre une décision indépendante à ce niveau, sans au moins tenir compte des renseignements qu'elle possède. Cela nous placera dans la position de la partie adverse. Je ne sais pas si l'expression est juste en ce qui concerne l'inter-action des problèmes des anciens combattants. A défaut d'un meilleur mot, je ne sais pas quoi dire. La Commission aura donc à exposer le cas de la meilleure façon pour justifier sa position devant le bureau d'appel, ce qui aura pour résultat d'avoir d'un côté le point de vue de la Commission et de l'autre le témoignage de l'ancien combattant.

M. Thompson: Dans le Rapport Woods, les membres du Comité ont recommandé une Commission qui présenterait un document, qui donnerait un aperçu des raisons qui avaient motivé la décision précédente.

M. Peters: Je vois.

M. Thompson: Je ne crois pas que la Commission tenterait de justifier sa décision...

[*Texte*]

Mr. Peters: It is the same thing, really.

Mr. Thompson: ...but that they would not appear and argue before the appeal board.

The Chairman: I take it you do not approve of this alternative—the court as an alternative?

Mr. Thompson: No, as I said, we did take a strong stand when the bill was before the House—before the Parliamentary Committee a few years ago—and at that time we did make our stand very clear that we did not feel an appeal to the courts was an answer in pension claims

The Chairman: I wonder if this is a good point for us to adjourn?

Mr. Bigg: There are several members present who were on the Committee at that time. I think it was turned down almost unanimously for very—it would take along time to explain all the...

Mr. Peters: I was there; I know the arguments and I was not in favour of it. I just wanted to know the Legion's position in relation to this as an alternative.

The Chairman: I think Mr. Thompson has answered you.

Mr. Peters: That is right.

The Chairman: Can we adjourn until 7 o'clock?

Mr. Lambert (Edmonton West): Could I presume upon the good graces of the Committee because I have got another involvement for this evening? I would like to ask the following question for clarification, Mr. Thompson. The Woods Committee Report recommends that the Commission or the Entitlement Division of the Commission submit a written submission of the case and that the veteran, either directly or through someone else would do the same

I wonder frankly, if that would do justice to either side, in that the Commissioners by questioning and by examining an argument—because on appeal, there is no question that it presupposes a confrontation, that is an opposing of one decision and somebody says: "No, I think the decision is wrong"—could do better justice to it than by simply putting it down on paper. The coldness of an argument on paper frankly just leaves me absolutely helpless. I would feel terribly frustrated if this were all I could do after they had told me that this was going to be my entitlement—

[*Interprétation*]

M. Peters: Au fond c'est la même chose.

M. Thompson: Je ne crois pas que la Commission des pensions plaiderait devant ce bureau d'appel.

Le président: Donc, je dois comprendre que vous ne voulez pas d'un recours aux tribunaux?

M. Thompson: Non, comme je l'ai déjà dit il y a deja eu un projet de loi présenté à la Chambre il y a quelques années et à ce moment-là, nous nous sommes opposés fortement à une telle chose. Nous ne croyons pas que l'appel doit être laissé à des tribunaux ordinaires.

Le président: Je me demande s'il ne serait pas temps d'ajourner notre séance?

M. Bigg: J'aimerais soulever un point, monsieur le président. Il y a plusieurs députés qui siégeaient au Comité dans ce temps-là. Et à l'époque, nous avons fait connaître clairement que nous n'étions pas en faveur d'un recours devant les tribunaux.

M. Peters: J'étais membre du Comité; je me rappelle des arguments. Je n'étais pas en faveur, mais je voulais connaître l'opinion de la Légion à ce sujet.

Le président: Je crois qu'on vous a donné une réponse satisfaisante.

M. Peters: C'est exact.

Le président: Peut-on ajourner jusqu'à 7 heures?

M. Lambert (Edmonton-Ouest): Puis-je m'excuser auprès du Comité, mais j'ai un engagement pour ce soir. J'aimerais juste poser une question pour obtenir des éclaircissements. Le Comité Woods, dans son rapport a recommandé que la Division de l'admissibilité ou la Commission des pensions présente un rapport écrit de la cause en litige.

Je me demande si franchement on peut espérer ainsi rendre justice à l'une ou l'autre des parties? Les commissaires, en questionnant et en contre-interrogeant et en étudiant les arguments des témoins se demanderont quelle décision rendre. Il y a toujours un appel et une confrontation et il y a une opposition entre la décision, l'opinion de la personne qui soutient que cette opinion n'est pas bonne. Grâce à des questions posées aux témoins ou par l'étude du dossier, est-ce qu'on peut prendre une meilleure décision que simplement en lisant des documents? Vous savez

[*Text*]

that they gave me the right of appeal, but I could submit only a written appeal. Remember that unless you exchange your submissions and unless you have a rebuttal to the submissions, how do you know what kind of a case you are meeting on an appeal? This is

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why I feel you should have the right of representation, either personally, by an advocate, the pensions advocate, or through a representative of the Legion or some other body, in order to have this exchange of views and the arguments pro and con in the case before the appeal section, whatever you want to call it.

Mr. Thompson: But, Mr. Chairman, this is exactly what the Woods Committee proposed. It proposed that the appeal board could decide to have a review of the written record supported by an appearance of those representing the appellant or a full-scale hearing at which the board would hear the appellant and all witnesses so that you would have room for the very things, sir, that have been pointed out as essential.

Mr. Lambert (Edmonton West): Even to the point of having, what you would call, a hearing *de novo*.

Mr. Thompson: Yes, that is right. There are, Mr. Chairman, many points that could be settled by an examination of the veteran's record. For instance, the question of medical opinions—there are a number of these—that when they are examined it would be obvious the qualifications of Doctor X who says such and such, and Doctor Y who says such and such are superior to the qualifications and experience of the man who said this. There are many that could be settled by reading his record, but there are many, as Mr. Lambert said where they should see the man, they should hear the man and they should hear his witnesses.

Mr. Lambert (Edmonton West): Thank you for the clarification because it was implicit, I thought, in your last reply to, I think, Mr. Peters, that there merely would be written submissions on behalf of both and it would be limited to that.

Mr. Thompson: No, I am sorry if I misled you.

[*Interpretation*]

ce qu'il y a sur le papier, cela nous laisse vraiment sans défense, et c'est terriblement frustrant. Si on vous dit: «Vous avez le droit à un appel; tout ce que vous avez à faire, c'est de présenter par écrit votre position.» A moins que vous ne puissiez échanger vos déclarations, que vous puissiez répondre à ce qui a été avancé par l'adversaire, comment voulez-vous vous défendre et comment voulez-vous exposer justement votre cas? N'oubliez pas que nous parlons d'un appel, c'est pourquoi j'exige que l'ancien combattant ait le droit d'être représenté par un avocat, par l'avocat des pensions ou par un organisme comme la Légion devant le bureau d'appel. Il faut qu'il y ait cet échange de points de vue; il faut qu'il y ait discussions, délibérations devant le bureau d'appel, quelque soit le nom que vous lui donniez.

M. Thompson: C'est justement ce à quoi je veux en venir. Selon le Rapport Woods, le dossier écrit n'est pas suffisant. Il pourrait y avoir la présence du requérant. Vous avez la possibilité d'obtenir une audience au cours de laquelle le Bureau d'appel entendra le requérant et tous les témoins. Ainsi vous touchez la véritable question du problème.

M. Lambert (Edmonton-Ouest): Est-ce que vous pourriez même avoir une audience totalement nouvelle?

M. Thompson: Oui. Il y a plusieurs points, monsieur le président, qui pourraient être étudiés par l'examen du dossier. Par exemple, la question de l'opinion médicale. Une fois qu'on a examiné les dossiers des médecins, on voit ce que dit le médecin X et le médecin Y; on peut prendre une décision parfois meilleure qu'au moyen des témoignages que l'on peut entendre mais si l'on croit que cela est nécessaire, on peut faire comparaître la personne.

M. Lambert (Edmonton-Ouest): Merci beaucoup pour l'éclaircissement. Je croyais qu'on avait laissé entendre qu'il n'y aurait que des arguments présentés par écrit de la part de chacune des parties.

M. Thompson: Non. Je suis désolé de vous avoir induit en erreur.

[*Texte*]

The Chairman: We will adjourn until 7 o'clock this evening. You can leave your documents here as the room will be locked.

[*Interprétation*]

Le président: Alors, nous ajournons jusqu'à 19 heures. Vous pouvez laisser vos documents ici, la porte sera fermée à clé. Merci beaucoup.

EVENING SITTING

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The Chairman: I call the Committee to order. Mr. Thompson, I think, would like to resume where he left off this afternoon.

Mr. Thompson: Mr. Chairman and gentlemen, we do appreciate your coming back for this evening session and we also realize that you have had many days of long sessions, so we will try to be as brief as we can.

The recommendations provide that the existing Appeal Boards be replaced by "Entitlement Boards". This system would provide hearings in basic entitlement cases before:

(1) an Entitlement Board consisting of three Members of the Commission; or

(2) an "Examiner's Hearing" to be conducted by one Member of the Commission or, upon occasion, by a person specially delegated to conduct these hearings.

In addition, the recommendations have some interesting and acceptable proposals for the conduct of these Entitlement Boards. These include that:

(1) upon receipt of a notification that an applicant wishes to appeal, the Commission would prepare a statement of case summarizing previous evidence, Commission decisions, and other pertinent details;

(2) should the applicant decide to proceed he would file a "Request for Entitlement Board Decision", following which the Pension Commission would submit to those representing the applicant a docket consisting of the statement of case and a precis of medical opinions;

(3) the Commission Chairman would then arrange either an Entitlement Board hearing or an "Examiner's Hearing" at a location convenient to the applicant.

Also, the Woods Report proposes certain rules of practice to govern Entitlement Boards. They are that:

(1) Commissioners acting on Entitlement Boards would be required to study the case in advance, including submissions prepared by those representing the applicant;

SÉANCE DU SOIR

Le président: La séance est ouverte. Je crois que M. Thomson veut bien continuer son exposé de cet après-midi.

M. Thompson: Monsieur le président, messieurs, nous sommes heureux de votre présence. Nous n'ignorons pas que les séances ont été longues et nombreuses. Nous nous efforcerons d'être aussi brefs que possible.

Les recommandations stipulent que les Bureaux d'appel existants soient remplacés par des «Bureaux d'admissibilité». Ce système permettrait de procéder à des auditions dans des cas fondamentaux d'admissibilité devant:

1) un Bureau d'admissibilité composé de trois membres de la Commission; ou

2) une «Audience d'examinateur» serait faite par un membre de la Commission ou à l'occasion par une personne spécialement désignée pour procéder à cette audition.

De plus, les recommandations comportent quelques propositions intéressantes et acceptables relativement au fonctionnement de ces Bureaux d'admissibilité. Ainsi:

1) Au reçu d'un avis qu'un requérant demande un appel, la Commission préparerait un exposé du cas, résumant les dépositions antérieures, les décisions de la Commission et autres détails pertinents;

2) si le requérant décide de procéder, il remplit une «Demande de décision du Bureau d'admissibilité» à la suite de quoi la Commission des pensions soumettrait à ceux qui représentent le requérant un dossier consistant en un exposé du cas et un précis des opinions médicales;

3) le président de la Commission organiserait ensuite une audience au Bureau d'admissibilité ou une Audience d'examinateur à l'endroit qui conviendrait au requérant.

Aussi le rapport Woods propose certains règlements qui régiraient les Bureaux d'admissibilité. Ces règlements porteraient que:

1) Les commissaires qui feraient partie des Bureaux d'admissibilité devraient étudier le cas d'avance, y compris les exposés soumis par les représentants du requérant;

[*Text*]

(2) all discussion at these hearings would be recorded and, where requested, a transcript prepared;

(3) the expenses of the applicant and witnesses would be paid by the Crown;

(4) the person conducting an "Examiner's Hearing" would forward a report and recommendation to an Entitlement Board in Ottawa for decision;

(5) an Entitlement Board, when concerning a claim made either before an "Examiner's Hearing" or before a full Board, should reach its decision on the basis of discussion among the Members, and the Commission file should be reviewed to determine interpretation and policy;

(6) the decisions of the Entitlement Board would be prepared in sufficient detail to outline all issues, contentions, evidence, presumptions, findings of fact and conclusions of law;

(7) the Commission Chairman would institute quality control procedure designed to review and evaluate the quality aspects of decisions handled through the Entitlement Board process.

In commenting upon its recommendations in this area, the Woods Committee considered that the procedures now followed by Appeal Boards were out-dated and lacked standardization. There was, in the view of the Woods Committee, avery real need to modernize these procedures, and to lay down specific guidelines so that the proposed Entitlement Boards could operate in an informal but effective manner. Despite the observations of the Chief Pensions Advocate, we believe there is merit in Recommendation 19, requiring delivery of the "docket" to those involved with an application, two weeks in advance of an examination or hearing.

In this next item, which deals with Entitlement Boards, the one point that stands out as a different approach is the bringing in of an Examiner's Hearing.

(2) ... to be conducted by one Member of the Commission or, upon occasion, by a person specially delegated to conduct these hearings.

One reason we feel that this is a good suggestion is because it would certainly help to break down some of the delay caused by people having to wait for hearings before the present system of Appeal Board and it would ensure that the person living in the remote area would have the benefit of a Commission-

[*Interpretation*]

2) toutes les discussions au cours des auditions seraient enregistrées et, au besoin, on en ferait la transcription;

3) les dépenses du requérant et des témoins seraient payées par la Couronne;

4) la personne qui procéderait à l'Audience d'examinateur soumettrait un rapport et une recommandation au Bureau d'admissibilité à Ottawa pour décision;

5) le Bureau d'admissibilité, lorsqu'une demande serait faite par une Audience d'examinateur ou devant un Bureau complet, rendrait sa décision en se fondant sur la discussion des membres et le dossier de la Commission serait revu pour déterminer l'interprétation et les lignes de conduite;

6) les décisions du Bureau d'admissibilité seraient établies de façon assez détaillée pour décrire toutes les possibilités, les discussions, les preuves, les présomptions, les faits et les conclusions d'ordre juridique;

7) le président de la Commission instituerait des procédures de contrôle de la qualité destinées à la révision et à l'évaluation des aspects qualitatifs des décisions prises par l'entremise du Bureau d'admissibilité.

Au sujet de ces recommandations, le Comité Woods a fait observer que les procédures actuelles des Bureaux d'appel sont périmées et manquent de normalisation. Il y a, selon le Comité Woods, un très réel besoin de moderniser ces procédures et d'établir des lignes de conduite spécifiques pour que les Bureaux d'admissibilité proposés puissent fonctionner de façon simple, mais efficace. En dépit des observations de l'avocat en chef des pensions, nous pensons qu'il y a du bon dans la recommandation 19 qui veut que l'on soumette le dossier à ceux qui sont en cause dans une demande deux semaines avant un examen ou une audition.

Le point suivant qui porte sur les Bureaux d'admissibilité, le point qui se détache d'une manière particulière, est que l'Audience d'examinateur

2) . . . sera faite par un membre de la Commission ou à l'occasion par une personne spécialement désignée pour procéder à cette audition.

Une raison qui nous fait dire que c'est là une bonne suggestion, c'est que cet organisme éliminerait les délais causés par les personnes qui doivent attendre la tenue des auditions dans le cadre du régime actuel de Bureau d'appel et permettrait aux résidents des régions éloignées de bénéficier des services

[*Texte*]

er or, in exceptional cases if a Commissioner were not available, some other competent person appointed to go to hear his witnesses and hear the applicant.

This is often very important in the case of doctors. We mentioned earlier the difficulty of doctors taking the time off to travel great distances to give evidence—or sometimes the employer or a neighbour—that has a bearing on the man's condition or his degree of disability. We feel that this is a very sound suggestion which certainly would streamline the work of the Commission.

The Woods Committee put it that in their view there is a very real need to modernize the procedures and to lay down specific guidelines so that the proposed Entitlement Boards could operate in an informal but effective way:

> Despite the observations of the Chief Pensions Advocate, we believe there is merit in Recommendation 19, requiring delivery of the "docket" to those involved with an application, two weeks in advance of an examination or hearing.

We understand the objection to this was that it would make it difficult to substitute cases—I believe I am right in my recollection of this as the reason given. From my own experience and observation I believe that the applicant would be better served if the Commissioners, in fact had the docket in advance and studied it because many times we have seen the applicant being brought in before the Appeal Board and the Appeal Board telling him, "This is the first time we have seen your case." Perhaps to some extent this makes the man happy in that he feels this is a fresh look, but in actual fact the Commissioners then have to sit there and assimilate the evidence and the information that is given without background knowledge.

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Some people say that to review it in advance might cause a prejudging situation. We believe there is more good than danger in this suggestion. If the Commissioners heard the evidence against the background of knowledge of what was in the docket, we feel it would expedite the hearings and that there would be better opportunity for the kind of question that would be helpful, on the assumption that the Commissioners are, in fact, anxious to bring out the kind of evidence that will help the claim.

[*Interprétation*]

d'un commissaire ou, dans les cas exceptionnels où un commissaire ne serait pas disponible, d'une autre personne compétente désignée pour entendre les témoins et le requérant.

En ce qui a trait aux médecins, la chose est des plus importante. Nous avons déjà indiqué les difficultés que présente pour certains médecins l'obligation de se déplacer sur de longues distances pour aller témoigner; il en est de même pour l'employeur ou un voisin qui peuvent avoir à témoigner sur la condition ou sur le degré d'invalidité du requérant. C'est là une bonne suggestion qui simplifiera le travail de la Commission.

Le Comité Woods a souligné qu'il y a lieu de moderniser les procédures et d'établir certaines directives spéciales visant à permettre aux Bureaux d'admissibilité d'accomplir sans formalité un bon travail.

> En dépit des observations de l'avocat en chef des pensions, nous pensons qu'il y a du bon dans la Recommandation 19 qui veut que l'on soumette le dossier à ceux qui sont en cause dans une demande, deux semaines avant un examen ou une audition.

Nous comprenons que la raison qui motive l'opposition à cette clause est qu'il serait difficile de substituer les cas. Je crois que c'est là la raison qu'on a invoquée. Si je fais appel à mon expérience et à mon savoir, je crois que le requérant obtiendrait un meilleur service si la Commission pouvait étudier d'avance les documents versés au dossier, car il arrive souvent que le requérant se présente devant le Bureau d'appel et qu'on lui dise: «C'est la première fois que votre cas est porté à notre connaissance.» La chose pourra peut-être plaire au requérant, mais il ne faut pas oublier que les commissaires doivent entendre les témoignages et recueillir les informations sans avoir été mis au courant de l'histoire de l'intéressé.

Certaines gens diront que l'examen préalable du dossier peut nuire au requérant. La suggestion offerte présente, à mon sens, plus de bons côtés que de mauvais. Si les commissaires qui entendent les témoignages connaissent déjà l'histoire de la personne en cause, cela accélère la marche de l'audition et les commissaires en profiteront pour poser des questions opportunes de nature à résoudre la demande.

[*Text*]

We do feel that this recommendation for Entitlement Boards and Recommendation No. 19 dealing with the docket being provided two weeks in advance of the examination of hearing certainly have merit, and we would like to see them reconsidered.

The Chairman: Are there any questions or comments?

Mr. MacRae: It sounds very reasonable, Mr. Chairman.

The Chairman: Mr. Thompson?

Mr. Thompson: The next one, Mr. Chairman, deals with "Leave to Reopen".

The Woods Committee recommended that:

(1) where an Appeal Board had previously ruled in regard to an entitlement claim and an applicant developed a new medical condition, the Commission should entertain an application without Leave to Reopen;

(2) the existing provision which provides for consideration of Leave to Reopen based on error by reason of evidence not having been presented or otherwise be clarified so that leave could be granted where:

(i) new evidence exists, or

(ii) there is apparent error in procedure, or in fact, or in law;

(3) the procedures for Leave to Reopen be streamlined, and that such applications could be heard by one Commissioner on the basis of written submissions

(4) applications for Leave to Reopen could be based on any sound reason and the Board should be given wide discretion so that it could refuse Leave to Reopen, remit the application to the Commission for initial review, or grant the entitlement or other benefit.

In commenting on its recommendations, the Woods Committee suggested the necessity of removing the present restrictions, or that, insofar as it was consistent with good administration, a veteran could obtain Leave to Reopen wherever he could produce reasonable evidence which would justify the Commission having a second look at his case. It is important also that the Committee's proposals to streamline adjudication at the Leave to Reopen stage of Commission proceedings would reduce the present work-load of Commissioners, permitting them to devote more

[*Interpretation*]

Nous estimons que la présente recommandation relative aux Bureaux d'admissibilité et la Recommandation 19 portant sur la déposition des dossiers deux semaines avant la tenue de l'audition ont du bon et nous aimerions qu'elles soient étudiées de nouveau.

Le président: Des questions? Des commentaires?

M. McRae: Cela me semble bien, monsieur le président.

Le président: M. Thomson?

M. Thompson: Nous nous pencherons maintenant sur le point suivant: «L'autorisation de reprendre une demande».

b) Le Comité Woods recommande:

1) que lorsqu'un Bureau d'appel a antérieurement rendu une décision au sujet d'une demande d'admissiblité et que l'état d'un requérant du point de vue médical présente de nouveaux développements, la Commission puisse entreprendre l'étude du cas sans autorisation de reprise;

2) que la disposition actuelle qui permet la reprise pour cause d'erreur occasionnée par défaut de preuves, ou autrement, soit clarifiée pour que l'autorisation puisse être accordée quand: i) de nouvelles preuves existent ou ii) il y a erreur apparente de procédure, ou de fait ou juridique;

3) que les procédures relatives à l'autorisation de reprise soient normalisées et que les demandes soient entendues par un commissaire d'après les présentations écrites;

4) que les demandes d'autorisation de reprise puissent être fondées sur n'importe quelle raison acceptable et que le Bureau reçoive toute l'autorité nécessaire pour refuser la reprise, remettre la demande à la Commission pour revision initiale ou accorder l'admissibilité ou autre avantage.

Au sujet de ces recommandations, le Comité Woods soutient qu'il est nécessaire de supprimer les présentes restrictions pour que, en autant que cela ne nuise pas à une saine administration, un ancien combattant puisse obtenir une autorisation de reprise s'il peut produire des preuves raisonnables qui justifieraient la Commission de réétudier son cas. Il est à remarquer aussi que les propositions du Comité de normaliser l'adjudication à l'étape de l'autorisation de reprise dans la procédure de la Commission réduiraient la tâche actuelle des commissaires leur permettant de

[*Texte*]

time to Entitlement Board proceedings and personal appearances under Section 7(3) of the Act.

We welcome the indication given by the Chief Pensions Advocate that the Pension Commission is prepared to implement the recommendation pertaining to new conditions. This is certainly a forward step and should benefit those applicants who are claiming on conditions not previously considered by the Pension Commission.

It is the feeling of the Legion that the other recommendations must also be adopted if the benefits of the principles expounded by the Woods Committee are to be passed on to veterans and their dependents. We believe there will be a saving not only of time, but also of money, if applications for Leave to Reopen may be considered by one Commissioner based on a written submission rather than following the present procedure of having an applicant's advocate present a formal application to a three-man Appeal Board.

Here again we have additional delay when the Commission has to arrange a convenient time to get three Commissioners together to have a hearing and then the Advocate appears in person and presents the case. We believe that this Woods proposal would speed things up a great deal.

For instance, if you have three men sitting in three different rooms, it is quite reasonable to assume that they could do considerably more work than the three of them sitting together. We feel that this is a good suggestion.

It has been said by the Chief Pensions Advocate that the Recommendation 20(c) would not be advantageous.

He was of the opinion that an application should be considered just once so that the applicant, if unsuccessful, would know immediately of that decision and not have his case protracted. He made no reference to the fact that even when an application for Leave to Reopen has been turned down by an Appeal Board, the man is always free to ask his advocate to make another such "formal" application.

We do not see that the disadvantage brought out is a real one nor any different than it is today. The man can apply for Leave

[*Interprétation*]

consacrer plus de temps aux travaux du Bureau d'admissibilité et aux présences en personne en vertu de l'article 7(3) de la loi.

Nous sommes heureux que l'avocat en chef des pensions nous ait laissé entendre que la Commission des pensions est prête à mettre en vigueur la recommandation relative aux nouvelles conditions. C'est sûrement un pas en avant et ce sera à l'avantage des requérants qui présentent des conditions que la Commission des pensions n'a pas étudiées antérieurement.

La Légion est d'avis que les autres recommandations doivent aussi être adoptées si l'on veut que les avantages des principes exposés par le Comité Woods reviennent aux anciens combattants et aux personnes qui sont à leur charge. Il y aura non seulement économie de temps, mais aussi d'argent si les demandes d'autorisation de reprise sont étudiées par un commissaire d'après une présentation écrite plutôt que selon la procédure actuelle où l'avocat du requérant présente une demande formelle à un Bureau d'appel composé de trois personnes.

Ici encore peut survenir un autre délai quand la Commission doit attendre le jour où elle peut réunir les trois Commissaires pour la tenue de l'audition et permettre à l'avocat de présenter la cause. Nous sommes d'avis que cette proposition du Rapport Woods accélérera grandement les choses. Ainsi, si trois personnes siègent dans trois endroits différents, il est tout à fait raisonnable de penser qu'elles accompliront plus de travail que si les trois siègent ensemble. C'est là, croyons-nous, une bonne suggestion.

L'avocat en chef des pensions a dit que la Recommandation 20 *c*) ne serait pas avantageuse.

L'avocat en chef des pensions a déclaré que cette recommandation 20(c) ne serait pas avantageuse. Il soutenait qu'une demande ne devrait être étudiée qu'une fois de sorte que, si le requérant était débouté de son appel, il serait mis immédiatement au courant de cette décision et l'étude de son cas ne serait pas prolongée. Il n'a rien dit du fait que, même si une demande d'autorisation de reprise avait été refusée par un Bureau d'appel, le requérant est toujours libre de demander à son avocat de présenter une autre demande formelle.

Nous ne voyons pas qu'il y ait vraiment un désavantage et que les choses soient différentes de ce qu'elles sont présentement. Le requé-

[*Text*]

to Reopen this week; his case is heard and it is turned down; leave is not granted, but there is not a thing in the world to prevent the Advocate coming back with a new argument or additional evidence and trying again. We feel that this would be an improvement and we do not see any danger in it.

Delays do occur in the preparation of the applications and making arrangements for the special sitting, and we believe that it would be simpler to submit some of these claims in the first instance under the new procedure recommended by the Woods Committee.

We would like to see this one reconsidered by the Committee and by the government because it is not really a question of costs; it is a question of expediting the work of the Commission and speeding up notification of the decision to the applicant.

The Chairman: Are there any questions or comments? We are doing very well here, Mr. Thompson.

Mr. Thompson: I do not see any point, Mr. Chairman, in labouring things that are clear and I am trying to elaborate where I think it will help. I realize that the supper break has caused a certain loss in continuity of recollection.

The Chairman: No.

Mr. Whicher: We lost a few yackers, too.

The Chairman: I can assure you that if members of the Committee have any questions they will ask them.

Mr. Thompson: The next item, Mr. Chairman, deals with "Pre-enlistment Disabilities", page 6 and the supporting pages.

The recommendations of the Woods Committee were that:

> (1) (a) a presumption be provided to the effect that a medical condition of a member of the Forces be that as indicated on his documents at the date of enlistment, but that such presumption could be rebutted by:
>
> (i) any condition diagnosed within three months of the date of enlistment;
>
> (ii) production of a record of medical examination prior to enlistment;
>
> (iii) the condition having been obvious at time of enlistment;

[*Interpretation*]

rant peut demander l'autorisation de reprendre la demande une semaine donnée. Sa cause est entendue et il est débouté de son appel. Si l'autorisation d'en appeler lui est refusée, rien n'empêche l'avocat de revenir à la charge et de présenter de nouveau la cause avec d'autres arguments ou témoignages. Il s'agit ici d'une amélioration. Nous n'y voyons aucun danger.

Des délais se produisent dans la rédaction des demandes et dans les mesures qui s'imposent relativement à la tenue d'une audition spéciale. Nous croyons qu'il sera plus simple de soumettre quelques-unes de ces demandes en première instance dans le cadre de la nouvelle procédure préconisée par le Comité Woods.

Nous aimerions que le Comité et le Gouvernement étudient de nouveau cette proposition, parce qu'il ne s'agit pas vraiment d'une question de dépenses. Il s'agit d'expédier le travail de la Commission et d'accélérer l'avis de décision au requérant.

Le président: Des questions ou des observations? Les choses vont bien, M. Thomson.

M. Thompson: Il ne vaut pas la peine de s'attarder sur les points qui sont clairs. Il ne faut s'arrêter que là où la chose peut être utile. Je me rends compte que la pause du dîner nous a fait perdre une certaine continuité.

Le président: Non.

M. Whicher: Nous avons aussi perdu quelques grands parleurs.

Le président: Je puis vous assurer que les membres du Comité pourront poser les questions qu'ils désirent.

M. Thompson: Le point suivant, monsieur le président, porte sur les «Invalidités antérieures à l'enrôlement», page 6 des feuilles documentaires.

Le Comité Woods recommande:

> 1) *a*) que l'on présume que le dossier médical d'un membre des forces soit comme indiqué sur les documents à la date de l'enrôlement, mais que cette présomption puisse être rejetée:
>
> i) si une affection a été diagnostiquée dans les trois mois qui ont suivi la date de l'enrôlement;
>
> ii) si l'on produit le dossier d'un examen médical antérieur à l'enrôlement;
>
> iii) si l'affection était évidente au moment de l'enrôlement;
>
> iv) si l'on apporte une preuve médicale

[*Texte*]

(iv) medical evidence supported by opinions from practitioners not in the employ of the Pension Commission;

(b) the words "obvious" and "recorded" should be more clearly defined;

(2) certain practices be instituted in the administration of the Pension Act relating to pre-enlistment conditions;

(3) the proposals be retroactive and the Veterans Bureau be required to review the files of all persons who had been refused pension on the grounds of pre-enlistment disability, in order to determine whether or not a new application should be submitted.

Under present practice, the Pension Commission has refused to accept records on enlistment as being conclusive of a veteran's medical condition. In many cases when a pensioner is discharged with a disability and there was no reference to it on enlistment, the Pension Commission has concluded that the disability was pre-enlistment in nature and was not aggravated during service, or was aggravated to a small extent only. The Pension Act does provide for the man who served in a theatre of actual war, in that full entitlement will be granted if the Commission admits aggravation and does not produce a "record" of its existence prior to enlistment. The Pension Commission interprets an affirmative answer on enlistment regarding disabilities existing prior thereto as being a (medical) "record" of that disability, even though no symptoms were noted by the medical examiner.

The Woods Committee proposal to provide a presumption is based on the supposition that at the time of enlistment the State properly assessed the medical condition. The serviceman had no control over the type of medical examination, the methods used, or access to his records.

The adoption of this recommendation would not necessarily change the grounds upon which entitlement could be granted. It would, however, clarify the rules under which an application is considered. The applicant would be entitled to a presumption that his condition was as shown on his enlistment documents and his presumption would have to be rebutted on good and sufficient evidence before pension could be refused.

The Chief Pensions Advocate, when he appeared before the Parliamentary Committee, indicated there would be some modifica-

[*Interprétation*]

provenant de médecins ne relevant pas de la Commission des pensions;

b) que les mots «évident» et «consigné» soient plus clairement définis;

2) que certaines procédures soient établies dans l'administration de la loi sur les pensions relativement aux affections antérieures à l'enrôlement;

3) que les propositions soient rétroactives et que l'on demande au Bureau des anciens combattants de reviser les dossiers de tous ceux à qui on a refusé la pension pour cause d'invalidité antérieure à l'enrôlement afin de déterminer s'il est approprié ou non de soumettre une nouvelle demande.

Selon les procédures actuelles, la Commission des pensions refuse d'accepter les dossiers au moment de l'enrôlement comme étant des documents conclusifs de l'état de santé de l'ancien combattant. Dans plusieurs cas, lorsqu'un pensionné a été licencié avec une invalidité dont il n'est pas fait mention lors de l'enrôlement, la Commission des pensions conclut que l'invalidité était de nature antérieure à l'enrôlement et n'a pas été aggravée au cours du service ou n'a été aggravée que dans une mesure peu importante. La loi sur les Pensions prévoit qu'un homme qui a servi au front aura pleinement droit à l'admissibilité si la Commission admet l'aggravation et n'exige pas la consignation de l'existence de l'invalidité antérieure à l'enrôlement. La Commission des pensions interprète une réponse affirmative, lors de l'enrôlement, au sujet d'invalidités antérieures à cet enrôlement comme étant une consignation médicale de l'invalidité, même si à l'examen médical aucun symptôme n'a été remarqué.

La proposition du Comité Woods d'accorder une présomption est fondée sur la supposition qu'au moment de l'enrôlement l'État procède à une évaluation sérieuse de l'état de santé. Le conscrit n'avait aucun contrôle sur le genre d'examen médical, sur les méthodes utilisées et n'avait pas accès à ses dossiers.

L'adoption de cette recommandation ne modifierait pas nécessairement les conditions requises pour l'admissibilité. Elle permettrait cependant de clarifier les règles relatives à l'étude d'une demande. Le requérant aurait droit à la présomption que son état de santé était celui qui paraît sur les documents d'enrôlement et cette présomption ne devrait être abandonnée que sur des preuves suffisantes pour qu'on puisse lui refuser la pension.

L'avocat en chef des pensions, lorsqu'il a témoigné devant le Comité parlementaire, a mentionné qu'il y aurait quelques modifica-

[*Text*]

tion of Recommendation 23. He said the time limit of "three months" to establish a diagnosis after enlistment was rather short and so this was to be modified to the extent of making it "six months". The Legion does not agree with the suggested change as we believe three months is ample time for a condition to become apparent.

This Departmental Official said also there would be a slight modification to Recommendation 23(a) (iv). He said the use of the words, "practitioners not in the employ of the Canadian Pension Commission" was somewhat restrictive because it would rule out specialists employed by the Department of National Health and Welfare. The Legion suggests the intent of the Woods Committee recommendation be adhered to as there does not appear to be any sound basis to secure opinions from doctors who are full-time employees of the Federal Government.

This has proven to be a very serious problem over the years because, under present practice, the Commission has often refused to accept records on enlistment as being conclusive of a veteran's medical condition. In many cases when a pensioner is discharged with a disability and there was no reference to it on enlistment, the Pension Commission has concluded that the disability was pre-enlistment in nature and was not aggravated during service, or was aggravated to a small extent only. The Pension Act does provide that for the man who served in a theatre of actual war, full entitlement will be granted if the Commission admits aggravation and does not produce a "record" of its existence prior to enlistment.

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One of the problems is that the Pension Commission interprets an affirmative answer on enlistment regarding disabilities existing prior thereto as being a medical record even though no symptoms were noted by the medical examiner.

I remember one case of a man who had appendicitis and was operated on for it in the army. Subsequently, after discharge, he developed massive adhesions on the site of the appendectomy and the Commission ruled that because he had said on enlistment that he had had trouble—if I remember correctly—when he ate meat, this was an indication that he had chronic appendicitis and that really the appendix that caused the trouble during ser-

[*Interpretation*]

tions à la Recommandation 23. Il a dit que la limite de trois mois pour l'établissement d'un diagnostic après enrôlement était plutôt courte et qu'elle serait portée à six mois. La Légion n'accepte pas cette modification, parce que nous pensons que trois mois sont suffisants pour qu'une affection devienne apparente.

Le même fonctionnaire a aussi déclaré que l'on apporterait une légère modification à la Recommandation 23(a) (iv). Il a dit que l'utilisation des mots «médecins ne relevant pas de la Commission canadienne des pensions» était un peu restrictive parce que se trouveraient exclus les spécialistes à l'emploi du ministère de la Santé nationale et du Bien-être social. La Légion propose que l'on s'en tienne à l'esprit de la recommandation du Comité Woods puisqu'il ne semble pas exister de raisons valables de chercher à obtenir l'opinion de médecins qui sont à l'emploi du gouvernement fédéral.

La chose s'est révélé un grave problème dans le passé, parce que, selon les procédures actuelles, la Commission des pensions refuse d'accepter les dossiers au moment de l'enrôlement comme étant des documents conclusifs de l'état de santé de l'ancien combattant. Dans plusieurs cas, lorsqu'un pensionné a été licencié avec une invalidité dont il n'est pas fait mention lors de l'enrôlement, la Commission des pensions conclut que l'invalidité était de nature antérieure à l'enrôlement et n'a pas été aggravée au cours du service ou n'a été aggravée que dans une mesure peu importante. La Loi sur les pensions prévoit qu'un homme qui a servi au front aura pleinement droit à l'admissibilité si la Commission admet l'aggravation et n'exige pas la consignation de l'existence de l'invalidité antérieure à l'enrôlement.

Un des problèmes qui se pose, c'est que la Commission des pensions interprète une réponse affirmative lors de l'enrôlement au sujet d'invalidités antérieures à cet enrôlement comme étant une consignation médicale de l'invalidité même si à l'examen médical aucun symptôme n'a été remarqué.

Je me rappelle le cas d'un homme qui avait été opéré de l'appendicite pendant qu'il était de service dans l'armée. Après son licenciement, des adhésions massives s'étaient développées à l'appendicectomie. La Commission a alors décidé, étant donné qu'il avait déclaré, lors de son enrôlement, ressentir des malaises quand il mangeait de la viande, que c'était là un indice qu'il souffrait d'appendicite chronique et que les malaises qu'il ressentait durant

[*Texte*]

vice was a chronic condition. They said that this answer was pre-enlistment evidence.

This is one of the problems and one of the things that we think would make it clear for the Commission. It would help to clear the air for them if the presumption recommended by the Woods Committee were clearly spelled out in the legislation. The proposal in the Woods Report was that a presumption be based on the supposition that at the time of enlistment the state properly assessed the medical condition—because, after all, the serviceman had no control over the type of medical examination, the methods used, nor does he have access to his records of that time. When the Chief Pensions Advocate appeared before the Committee he indicated that there would be some modification of recommendation 23. He said that as the time limit of three months to establish a diagnosis after enlistment was rather short this would be modified by making it six months.

We do not agree with this suggested change because we honestly believe that three months is ample time. There are ulcer and other conditions that can develop even within three months and we believe that to stretch this to six months is putting the man at a disadvantage. There are too many things that can happen from a health point of view and the Pension Act already recognizes the validity of three months in Section 28(3)(e). This section deals particularly with tuberculosis cases and says that certain provisions of the section will not apply if the disease manifested itself within a period of three months after enlistment. So you do have a case here of three months being recognized for many years as a reasonable time for the showing up of a condition. We realize you could debate three months and six months for a long time, but it does seem to us that the three months is fair and reasonable both ways.

Mr. Bigg: I went on record some time ago saying that I did not like these arbitrary decisions of three months or six months. I would much prefer to leave it open to a fair assessment or else resolve it strictly in the spirit of Section 70—in other words in favour of the veteran. No matter what the time limit is, I like the presumption that the man was in good health, unless there is pretty solid evidence to the contrary, when he joined up. At the time I mentioned malaria, which can show up in a very short time. I am so afraid that if you put this three, six, or any other time limit on it as a criterion alone it might very well go against the veteran as well as for him. What do you think of that?

[*Interprétation*]

son service étaient le fait d'une condition chronique. On a déclaré que cette réponse constituait une preuve de condition antérieure à l'enrôlement.

Il s'agit là d'une des questions qui aideraient la Commission. La situation serait plus claire si la recommandation du Comité Woods était clairement stipulée dans la loi. Cette recommandation propose que l'on prenne pour acquis que l'examen médical effectué au moment de l'enrôlement ait été fait de façon efficace, car l'ancien combattant ne peut contrôler cet examen d'aucune façon et n'a pas non plus accès à ses anciens dossiers. Lorsque l'avocat en chef des pensions s'est présenté devant le Comité il a déclaré que la recommandation 23 serait modifiée. Il a dit que vu que la période de trois mois après l'enrôlement pour établir un diagnostic était trop brève, elle serait prolongée à six mois.

Nous ne sommes pas d'accord avec cette modification car nous soutenons que trois mois est amplement suffisant. Il y a les ulcères et certains autres troubles qui se manifestent en moins de trois mois et nous sommes d'avis que d'étendre la période à six mois serait au détriment de l'ancien combattant. Il y a bien des complications médicales qui peuvent se présenter dans une période de trois mois et la Loi sur les pensions reconnaît la validité de cette période au sous-alinéa e) du paragraphe 3 de l'article 28.

Cet article traite principalement des cas de tuberculose et stipule que certaines dispositions ne s'appliqueront pas si la maladie se manifeste dans les trois mois qui suivent l'enrôlement. Voici un cas où la période de trois mois est suffisante pour déterminer un trouble. Il nous semble que trois mois soit une période juste et raisonnable dans tous les cas.

M. Bigg: J'ai déclaré officiellement, il y a quelque temps, que je n'étais pas en faveur de ces périodes de trois et six mois. Je préfère une évaluation juste ou qu'on s'en tienne à la lettre de l'article 70. Soit à l'avantage de l'ancien combattant. Je préfère que l'on présume que le sujet était en bonne santé au moment de l'enrôlement à moins qu'il y ait des preuves du contraire. J'ai parlé de la malaria qui se manifeste très rapidement. Je crains qu'une limite de temps ne joue au détriment du sujet. Qu'en pensez-vous?

[*Text*]

Mr. Thompson: Mr. Chairman, we see the point but, on the other hand, we do see the need. If you are going to put in this presumption then it seems reasonable that there have to be some built-in safeguards. You see, if you look at the whole recommendation, the presumption would be that what was record-

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ed on the enlistment documents was a true reflection of the state of health at the time of enlistment, except if any condition was diagnosed within three months of the date of enlistment. There was a delay in reading chest X-rays, for instance. When people enlisted early in the war there was a backlog of reading enlistment X-rays. That is what this three months in part refers to in the Pension Act. So that there was this proviso. Then another proviso was that this would not apply, that what was on these enlistment records would not be the state of the man's health on enlistment if the Commission could produce a record of medical examination prior to enlistment that clearly showed that that condition existed. If a man had been in hospital or had been treated by his own doctor a year or two months before he enlisted, then that would be accepted as a clear record that it was pre-enlistment; or the condition having been obvious at time of enlistment, which applies to such things as...

Mr. Bigg: A broken leg.

Mr. Thompson: Yes, all things that are clear to the eye and so on of the unskilled observer. We have had discussions over the years with the Commission on such things as whether flat feet, high arches and so on are in fact obvious. One of the rebuttals, as it were, to the presumption would be that if it was not written down but obvious common sense says that it was that way.

Next is medical evidence supported by opinions from practitioners not in the employ of the Pension Commission. We feel it important that if this presumption is going to be rebutted it should be by people independent of the Commission or the Department. They should not be people whose employer is the body making the adjudication. We feel that they should go outside, which was the Woods recommendation. We believe that if this presumption is put in then these checks against the presumption are fair and reasonable. So while we do appreciate your point about eliminating the three months altogether, we are willing to live with the three months as being fair and reasonable but we think to extend it to six months is unfair.

Mr. Bigg: It is a compromise then?

[*Interpretation*]

M. Thompson: M. le président, nous sommes d'accord là-dessus mais d'un autre côté nous voyons aussi la nécessité d'avoir des garanties. D'après la recommandation, on suppose que ce qui est inscrit sur les dossiers au moment de l'enrôlement indique le réel état de santé de la personne à ce moment-là sauf si un trouble a été diagnostiqué dans les trois mois qui ont suivi l'enrôlement. Au début de la guerre, la lecture des rayons-X s'est accumulée et voilà pourquoi on a établi cette clause conditionnelle de trois mois dans la loi. Par la suite on a inséré une autre clause stipulant que la première ne s'appliquerait pas si l'on pouvait produire un document prouvant que ce trouble existait avant l'enrôlement. Par exemple, si le sujet avait été hospitalisé ou traité par un médecin avant son enrôlement, ou si la chose avait été diagnostiquée au moment de l'enrôlement,...

M. Bigg: Une jambe fracturée.

M. Thompson: Oui, toutes sortes de choses qui sont évidentes aux yeux des profanes. Nous avons discuté pendant des années avec la Commission afin de savoir si des pieds plats et des hanches élevées étaient vraiment des défauts évidents. L'une des réfutations à la présomption c'est que si ce n'est pas consigné mais que ce soit évident, le bon sens dit qu'il en est ainsi.

Nous passons à la preuve médicale appuyée de l'opinion de médecins qui ne sont pas au service de la Commission des pensions. Nous estimons que si cette présomption doit être rejetée, elle doit l'être par des gens qui n'ont rien à voir avec la Commission ou le Ministère, comme le recommande le Comité Woods. Par conséquent, même si nous estimons votre point de vue, nous sommes prêts à entériner les trois mois comme une mesure juste et raisonnable, mais nous croyons qu'il serait injuste de le prolonger jusqu'à six mois.

M. Bigg: Alors, c'est un compromis?

[*Texte*]

Mr. Thompson: Yes, it is a compromise and a way of getting the best out of the problem. It is facing the real problems of medical examination and yet it is giving the veteran a fair break.

The Chairman: Is this an issue very frequently?

Mr. Thompson: Yes, Mr. Chairman, pre-enlistment conditions have been over the years a real problem.

The Chairman: I would think that this would be sort of dying out now. The lapse of time should have had some impact.

Mr. Thompson: As was mentioned earlier, a number of these keep coming up. In so many of these the question of pre-enlistment comes up and you get a ruling "pre-enlistment not aggravated". "Pre-enlistment not aggravated" is really one of the biggest problems from the point of view of the Commission and the advocates. There are many, many such cases. In our evidence to the Woods Committee we gave a number of cases where we felt that the Commission had been wrong. But we also realize that part of the wrong is the way the legislation is written, as we said in our earlier remarks. We think that if the legislation is spelled out this way it will put the Commission in a position where they can make a right decision which will be supported by the legislation and there will not be so much left entirely to discretion. But the question of pre-enlistment, not aggravated, is a very serious problem.

Mr. Bigg: I understand this is more serious where the person was not an active service soldier. They tell me there is a difference in the way the criteria are applied depending on whether you are an active service soldier or did not leave Canada and that sort of thing. Is that correct?

Mr. Thompson: Yes, Mr. Chairman, if a man serves in a theatre of actual war he has the protection of Section 13(1)(c) which says in effect that the Commission cannot make any deduction in the amount of disability for anything that is pre-enlistment except that which was obvious or recorded on enlistment. But under this proposal that protection would not be lost.

Mr. Bigg: This protection is extended to all members of the forces.

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Mr. Thompson: Except that this would not be rebuttable in the same way in the case of the overseas serviceman. In other words, he

[*Interprétation*]

M. Thompson: Oui, c'est la meilleure façon de résoudre les problèmes de l'examen médical tout en donnant justice à l'ancien combattant.

Le président: Est-ce que cela présente souvent des problèmes?

M. Thompson: Oui, M. le président, cela nous cause des difficultés depuis nombre d'années.

Le président: Je présume que cela va aller en diminuant à présent? Le prolongement de la période de temps devrait y contribuer.

M. Thompson: Ces cas se présentent tellement souvent qu'il y a une décision: «état avant l'enrôlement non aggravé.» Voilà le plus grave problème auquel la Commission et les avocats ont à faire face. Dans notre déposition devant le Comité Woods nous avons cité un certain nombre de cas où la Commismission avait fait une erreur. Nous nous rendons compte que la façon dont la loi est rédigée peut porter à confusion. Nous sommes d'avis que si la loi peut être modifiée de cette façon, la Commission pourra prendre une juste décision qui sera sanctionnée par la loi et le pouvoir discrétionnaire en sera diminué d'autant. Il s'agit d'un problème très grave.

M. Bigg: Si je comprends bien, le règlement ne s'applique pas de la même façon pour un soldat qui a fait du service outremer que pour celui qui n'a pas quitté le Canada. Est-ce exact?

M. Thompson: Oui, M. le président, si un homme a servi au champ d'action, il est protégé par l'alinéa c) du paragraphe 1 de l'article 13 qui stipule que la Commission ne peut tenir compte d'aucune incapacité qui existait avant l'enrôlement sauf celle qui était évidente ou qui a été consignée au dossier au moment de l'enrôlement. Cette protection sera toujours valable en vertu de la présente proposition.

M. Bigg: Cette protection s'applique à tous les membres des forces armées.

M. Thompson: Sauf que celui qui a servi outre-mer ne perdrait rien de la protection dont il jouit actuellement.

[*Text*]

would not lose out on the protection that he now has.

Mr. Bigg: But the ordinary serving soldier would gain.

Mr. Thompson: He would gain, he would be in a better situation. The overseas serviceman would not lose out by it. Section 13(1)(c) would still apply.

The Chairman: Are there any further questions?

Mr. Marshall: Mr. Reynolds, according to our notes Section 25(a) was not accepted by the government. Is that correct?

Mr. Reynolds: My records note that it was accepted with the alterations mentioned by Mr. Thompson, that the three months be changed to six months.

Mr. Marshall: Yes.

Mr. Reynolds: And the term "practitioners" mentioned in paragraph 4 has been changed to include medical people for research, specialists, and so on, who may not be licensed to practise in a province, and who may not, strictly speaking, be practitioners. I can understand that.

The Chairman: Thank you, Mr. Reynolds. Are there any further questions? Mr. Bigg?

Mr. Bigg: I have one small point before we leave that. Might I suggest that it would be all right to have the departmental doctors, providing the advocate and the veteran were satisfied? Surely we do not want to have outside help when there is no objection and the departmental doctors agree that the case has been proved. We are going to get delays again if we propose, whether at the wishes of the veteran or not, to call in outside help, at perhaps $100 a day, when the evidence is pretty clearly established in the majority of cases.

Mr. Thompson: Mr. Chairman, one of the problems in this medical area is that you may come across a case in which you have three outstanding specialists, qualified in the field, who give an opinion that is favourable to the claim, yet you will find that a medical adviser who, with all respect, is only a medical practitioner, without the qualification of any one of these specialists, has an opinion which is unfavourable, and that medical adviser's opinion is given undue weight and is accepted by the Commission. This is why we feel that if this presumption is going to be rebutted then it should be rebutted by outside evi-

[*Interpretation*]

M. Bigg: Le simple soldat y gagnerait.

M. Thompson: Il y gagnerait tandis que celui qui a servi outre-mer n'y perdrait rien. L'alinéa c) du paragraphe 1 de l'article 13 serait toujours applicable.

Le président: Y a-t-il d'autres questions?

M. Marshall: Est-il exact que le Gouvernement n'a pas accepté l'article 25 a)?

M. Reynolds: D'après mes notes, il l'a accepté avec les modifications qui ont été mentionnées par M. Thompson soit que les trois mois soient prolongés à six mois.

M. Marshall: Oui.

M. Reynolds: Le terme «médecins» mentionné au paragraphe 4 a été changé pour comprendre le personnel médical qui s'adonne à la recherche, les spécialistes ou autres qui n'ont pas de licence pour pratiquer dans une province et qui ne sont pas à proprement parler des médecins. Je comprends cela.

Le président: Merci, monsieur Reynolds. Y a-t-il d'autres questions?

M. Bigg: J'ai encore une petite question à ce sujet. Puis-je faire remarquer qu'il serait correct d'avoir les médecins du Ministère à condition que l'avocat et les anciens combattants en soient satisfaits. Nous ne voulons certainement pas d'aide extérieure lorsqu'il n'y a pas d'objection et que les médecins du Ministère reconnaissent que le cas a été prouvé. Cela causera encore des retards si nous devons, que ce soit à la demande de l'ancien combattant ou non, avoir recours au service d'un médecin de l'extérieur, peut-être au coût de $100 par jour, lorsque la preuve est assez clairement établie.

M. Thompson: Monsieur le président, le problème c'est que vous pouvez avoir l'opinion de trois éminents spécialistes qui donneront une réponse favorable à la demande tandis que l'opinion du conseiller médical, qui n'est qu'un simple médecin sans spécialisation, sera défavorable et sera acceptée par la Commission. Voilà pourquoi nous sommes d'avis que si cette présomption doit être rejetée alors elle devrait l'être pour une preuve provenant de l'extérieur qui n'en sera pas une routine et qui sera peut-être plus impartiale.

[*Texte*]

dence, which is far more liable to be not so routine, if not more impartial.

There are many instances where an opinion may be sound medically, taken in a narrow sense, but when judged against a wide experience in the field of medicine the circumstances will call for a different conclusion. We have found this in our experience. That is why we feel that if this presumption is going to be rebutted by medical evidence then it should be from an independent medical person.

The Chairman: Mr. Saltsman?

Mr. Saltsman: Mr. Chairman, in support of the position advocated in the brief, this is what the Workmen's Compensation Board in Ontario now does. I have been on cases before the Workmen's Compensation Board in which there is a question of medical opinion—and everything seems to hinge on the medical opinion—and they have offered the person making the claim an opportunity to call in one of a number of specialists. He is given a list and asked to pick a specialist to examine him. This seems to be a very satisfactory arrangement. The claimant then feels that he has been examined by someone outside of the Department, and that every opportunity has been given to him. I think veterans should have the same benefit.

The Chairman: Are there any further comments or questions? Would you continue, Mr. Thompson.

Explanatory Notes and Comment

The recommendation states briefly that the Benefit of the Doubt clause be made to apply specifically to the question of adjudication in regard to entitlement as well as all other matters under the Pension Act, including assessments, degree of aggravation and retroactivation, and on appeals therefrom.

The Woods Committee visualizes the following principles being applied to adjudication:

(1) Onus—the applicant's onus is to make application supported by evidence which, if uncontradicted, should entitle him to succeed;

(2) Inferences—All reasonable inferences are to be drawn in the applicant's favour at all stages of adjudication;

(3) Preponderance—When the evidence has been considered and all reasonable inferences drawn, and the issue is in doubt in that the applicant has not established a preponderance of evidence in his favour, his claim may be allowed on the

[*Interprétation*]

Il y a plusieurs cas où une opinion peut être juste du point de vue médical, si elle est prise au sens strict du mot, mais si l'on juge d'après une vaste expérience dans le domaine médical, les circonstances peuvent conduire à une conclusion différente. D'après notre expérience, nous sommes d'avis que si cette proposition doit être rejetée, elle devrait l'être par un membre indépendant de la profession médicale.

Le président: M. Saltsman?

M. Saltsman: M. le président, à l'appui de la position préconisée dans le mémoire, c'est ce que la Commission des accidents de travail de l'Ontario fait actuellement. J'ai paru devant cette Commission pour des cas demandant une opinion médicale, et tout dépendait de cette opinion médicale, et on a permis au réclamant d'obtenir les services d'un spécialiste. On lui donne le choix parmi un bon nombre des spécialistes. Le réclamant est satisfait d'avoir été examiné par quelqu'un de l'extérieur. Je suis d'avis que les anciens combattants devraient jouir des mêmes privilèges.

Le président: Y a-t-il d'autres commentaires aux questions?

Notes explicatives et commentaire

La recommandation stipule brièvement que la clause sur le bénéfice du doute s'applique expressément aux demandes d'admissibilité et à toutes les autres questions qui relèvent de la Loi sur les pensions, y compris les évaluations, le degré d'aggravation, ainsi que la rétroactivité et les appels qui s'y rapportent.

Le Comité est partisan de l'application des principes suivants en fait d'attribution:

(1) *Le fardeau de la preuve*—Lorsque le requérant a fait une demande appuyée par une preuve qui, si elle n'a pas été contredite, devrait faire aboutir sa demande;

(2) *Déductions*—Tirer à toutes les étapes de la procédure toutes les déductions raisonnables en faveur du requérant.

(3) *Prépondérance*—Lorsque la preuve a été examinée et que toutes les déductions raisonnables ont été tirées en sa faveur, le requérant aura droit au bénéfice du doute, en ce sens que sa requête pourra lui être accordée même si

[*Text*]

basis that the benefit of any such doubt shall belong to the applicant.

In supporting its recommendation, the Committee noted the grave controversy which has existed over the years concerning this section. Various interpretations were cited, with the observation that in the final analysis the Commission's interpretation could not be challenged, as the Commission has the sole power to interpret the Act.

The Committee was critical, however, of the fact that the Commission had not attempted to publish interpretations, and of the fact that various Chairmen, Commissioners and staff of the Commission had given different interpretations over the years.

The Committee advanced the idea that the benefit of doubt clause has raised many false hopes. There was a tendency for an applicant to expect that his claim would succeed where there were differences of opinion regarding medical factors or lay evidence. Such differences of opinion were not interpreted by the Commission as representing a "benefit of doubt" strong enough to permit an award under the Act.

Any attempt to restrict the intent of the recommendation of the Woods Committee by qualifying the type of evidence that could be presented might undermine the whole purpose of the proposal.

Mr. Thompson: Thank you, Mr. Chairman. In relation to the benefit of the doubt, our understanding here is that the recommendation of the Woods Committee has been accepted, with a modification. In the White Paper the phrase used is "when he has submitted credible evidence". We do not suggest for a minute that we would submit incredible evidence, and we hope that by putting in the word "credible" we are not going to create another problem of interpretation on what "credible" is. It seems to us that the recommendation should be acceptable without adding another barrier—another problem—by inserting the word "credible".

Mr. MacRae: Mr. Chairman, that opens up a point. I do not know whether or not Mr. Thompson and I are thinking along the same lines, but that is exactly the question I was going to ask—that is how to define exactly what you mean by "credible", and to spell it out for us. That is why we are here. We are here this evening to do the best possible job and to get all the answers we can. We realize that in you people we have the greatest experts in the field. The minute I saw this particular phrase, "credible evidence," I

[*Interpretation*]

la prépondérance de la preuve est contre lui.

En étayant sa recommandation, le Comité a noté en passant la grande controverse que soulève cet article depuis des années. Diverses interprétations sont citées dans le rapport avec la conclusion que dans l'analyse finale, l'interprétation de la Commission était irrévocable, étant donné qu'elle est seule habilitée à interpréter la Loi.

Néanmoins, le Comité critique le fait que la Commission ne se soit pas efforcée de divulguer les interprétations qu'elle donnait et que divers présidents, commissaires et membres du personnel de la Commission donnaient des interprétations diverses depuis des années.

Le Comité laisse entendre que la clause sur le bénéfice du doute a déjà soulevé maints vains espoirs. En général, le requérant est porté à croire que sa réclamation va aboutir même en cas de divergence d'opinions sur les preuves médicales ou les preuves provenant de profanes. La Commission ne considérait pas ces divergences d'opinions comme représentant un «bénéfice du doute» suffisant pour justifier l'attribution de la demande aux termes de la Loi.

Si l'on s'avisait de restreindre la portée de la recommandation du Comité en spécifiant le type de preuve qui pourrait être recevable, cela risquerait de saper tout l'objet de la recommandation.

M. Thompson: Au sujet du bénéfice du doute, si nous avons bien compris, la recommandation du Comité Woods a été acceptée avec modification. Il est énoncé dans le Papier blanc «lorsqu'il aura produit une preuve concluante». Nous ne voulons pas insinuer que l'on pourrait produire une preuve qui ne serait «pas concluante». Nous ne voulons pas soulever de problèmes d'interprétation sur le terme «concluante». Il nous semble que la recommandation serait acceptable sans ajouter le mot «concluante».

M. MacRae: Je voulais vous poser exactement la même question à propos de ce terme. Voulez-vous nous donner une définition précise de ce mot? Nous sommes ici pour nous renseigner le plus possible sur cette question. Nous savons que vous êtes très compétent dans ce domaine. Aussitôt que j'ai lu cette phrase, elle m'a porté à réfléchir. Veuillez nous donner de plus amples explications sur cette phrase. M. Thompson, qu'entendez-vous par «preuve concluante»?

[*Texte*]

began to think about it. You mentioned "incredible evidence." I would like you to discuss that further, Mr. Thompson. What you mean by "credible evidence"?

Mr. Thompson: What bothers us is a term that was often used in former days in the Commission. Certain commissioners used to say that they were "impressed with the credibility of the witness." I just cannot remember which, but one of the commissioner used to use this years ago. What he was saying was that the man told a good story and that it held up under questioning.

That is one kind of credibility. But you can stretch that. A man will often get statements from those who served with him, and you may even have the situation where a man will make a statement about an accident, or something that happened in action, and he will be a year out. A fellow will say, "It was in December, 1944."

Perhaps it was December 1943, or it may have been February. Those of us who were in the service realize that the only differences are that it is hot, or cold, and so on. You do not really pay much attention to the calendar You are not too sure whether it is spring or fall. You may remember that you had a greatcoat on, or that you did not. But if somebody is going to say, because the man is a year out in his evidence, that it is not credible, then there is going to be a problem. It seems to us that to add the word "Credible" is going to create unnecessary problems.

Mr. MacRae: And yet the White Paper has added it.

Mr. Thompson: Yes, they use the word "credible."

Mr. MacRae: Yes. It troubles me.

Mr. Bigg: "Benefit of the doubt" is just as bad, and means exactly the same thing. To say that you are giving a man the benefit of doubt raises no problem at all unless there is some doubt. The same men who are going to have to resolve whether or not there is a doubt will have to say that the evidence supporting or not supporting the doubt is credible.

Surely this is in the realm of semantics. To reasonable men a reasonable doubt is going to be a reasonable doubt. If they are unreasonable men you could not convince them with a pickaxe! No matter what you put into any statute, or into the Interpretation Act, we have to have the proper men on the Board. We could talk about that for a long, long time. I would not hope to put into the mind of

[*Interprétation*]

M. Thompson: Ce qui nous ennuie c'est un terme que l'on utilisait anciennement à la Commission. Certains commissaires déclaraient «être très impressionnés par la crédibilité du témoin». Ce qu'ils voulaient dire par là c'est que l'histoire était vraisemblable et pouvait soutenir l'interrogatoire. Vous pouvez étendre le sens de ce terme. Il peut arriver qu'un témoin raconte un fait qui se soit passé au combat. Il peut se tromper d'une année.

Il peut affirmer que la chose s'est passée en décembre 1944 et, en réalité, c'était en décembre 1943 ou même en février. Tout ce que nous savons, c'est qu'il faisait froid ou chaud, que l'on portait une redingote ou non, mais rien de plus précis pour ce qui est de la saison ou du mois. Si nous déclarons que sa déposition n'est pas satisfaisante parce que la date n'est pas exacte, alors il y aura difficulté. Il nous semble qu'ajouter le terme «concluante» va causer des problèmes.

M. MacRae: Et pourtant, le Livre blanc l'a ajouté.

M. Thompson: Oui, ils emploient le terme «concluante».

M. MacRae: Oui, cela m'intrigue.

M. Bigg: Le «Bénéfice du doute» est aussi mauvais et veut dire exactement la même chose. Dire que vous accordez le bénéfice du doute à quelqu'un ne soulève aucun problème à moins qu'il y ait doute. Les mêmes personnes qui devront décider s'il y a doute ou non devront aussi juger si la preuve à l'appui est croyable ou non. C'est sûrement une question de sémantique. S'il s'agit d'hommes raisonnables, ils reconnaîtront un doute quand il s'en présentera un; s'ils ne sont pas raisonnables, rien ne pourra les convaincre. Peu importe ce que vous inscrirez dans les statuts ou dans la loi, il faut avoir des hommes compétents au Comité. Nous pourrions en discuter indéfiniment. Je ne voudrais pas à avoir à expliquer à un autre commissaire ce que j'entends par «doute raisonnable». Le pourriez-vous?

[*Text*]

another adjudicator what I meant by "reasonable doubt". Could you?

Mr. Thompson: I think this proposal which is accepted in the White Paper is as close as any. I know that many people over the years have tried to improve on the benefit of doubt section of the Act...

Mr. Bigg: The wording, yes.

Mr. Thompson: ...and have given up. We have looked at it for years, because it has posed a very real problem for us. This seems to be a good workable proposal.

The reason we raise this—and we do not want to belabour what may be a small point—is that after all these years, and having come this far, we seem to have a good workable solution which will improve the benefit of the doubt clause. It seems a shame if we are in fact creating another barrier here by putting in the word "credible", so that somebody a year, or five years, from now may say, "that is not credible."

The Chairman: Mr. Thompson, suppose you were to delete the word "credible." Then it would be nonsense, would it not? He would merely submit any kind of evidence—any piece of evidence—and it would immediately carry.

Mr. Bigg: No, I think not, Mr. Chairman.

The Chairman: Surely the evidence has to be qualified in some way? It has to be substantial, or have some qualifying adjective, or it does not mean anything?

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Mr. Bigg: The word is redundant. You do not need the word "credible." It does not add or take away anything for reasonable men.

The Chairman: I am not so sure, Mr. Bigg. I think that is a matter of opinion.

Mr. Bigg: It adds nothing and it takes nothing away, so far as I can see.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, I think I would be inclined to agree with Mr. Bigg on this particular point. I apologize for coming in rather late. It seems to me that if the evidence was not credible to start with there would be no doubt to start with.

Mr. Bigg: And no case.

Mr. Weatherhead: And no case to start with—that it was some flight of fancy that obviously could not be supported in fact. But

[*Interpretation*]

M. Thompson: Je crois que la proposition du Livre blanc en vaut bien une autre. Je sais qu'on essaie, depuis des années d'améliorer l'article de la loi sur le bénéfice du doute.

M. Bigg: La terminologie, oui.

M. Thompson: Et nous avons abandonné la partie. Nous l'avons étudié pendant des années parce que cela nous créait de réels problèmes. C'est une bonne proposition. Il semble qu'après tant d'années nous en arrivions enfin à une solution qui pourrait améliorer l'article sur le bénéfice du doute. Ce serait honteux d'élever un autre obstacle en insérant le terme «concluante» et que quelqu'un puisse déclarer dans cinq ans ou moins, «ce n'est pas croyable».

Le président: Supposons qu'on enlève le terme «concluante», alors ça n'aurait pas de sens, n'est-ce pas? Il suffirait de produire n'importe quelle preuve et cela vaudrait.

M. Bigg: Non, je ne crois pas.

Le président: Il faut pourtant qualifier la preuve de quelque façon, autrement elle ne vaudrait rien.

M. Bigg: Le terme est redondant. Il n'est pas nécessaire. Il n'ajoute ou n'enlève rien aux yeux d'hommes sensés.

Le président: C'est une question d'opinion.

M. Bigg: Pour moi ce terme ne change rien.

Le président: Monsieur Weatherhead?

M. Weatherhead: Je suis de l'avis de M. Bigg. Il me semble que si la preuve n'était pas croyable au départ, il n'y aurait pas de doute possible.

M. Bigg: Et par conséquent, pas de cas.

M. Weatherhead: Pas de cas. Si un cas jouit du bénéfice du doute c'est qu'il est hypothétique et l'on devrait en laisser bénéficier l'an-

[*Texte*]

if a benefit of doubt case is a pretty "iffy" one—a touch-and-go case—then the benefit should be given to the veteran. I would be all in favour of that, as I think would most of my colleagues.

The Chairman: We will look at that. I think Mr. Thompson has made his point.

Mr. Thompson: If I may, Mr. Chairman, I would just point out that the present wording of Section 70 is "the evidence produced." In other words, they have lived all these years without the word credible in the present Section 70 of the Act.

Mr. MacRae: It is, or is not, there?

Mr. Thompson: It is not there.

Mr. MacRae: It is not there.

Mr. Thompson: It is "the evidence." It is not needed.

Mr. Bigg: I agree; it is not needed.

The Chairman: Do you wish to continue, Mr. Thompson?

Mr. Thompson: Thank you. The next point, Mr. Chairman, is application procedure, which appears on page 8A. This deals with recommendations Nos. 27 to 38:

It is our understanding that the government is not prepared to accept the recommendations of the Woods Committee in this area with respect to the following matters:

(1) provision for an Entitlement Officer to approve or reject first, second and renewal applications;

(2) renewal applications with respect to an increase in assessment;

(3) delegation of authority to administrative staff;

(4) authority for approving or rejecting discretionary benefits;

(5) standardization of application forms.

Under the present system, applications at the Commission's head office are studied by one commissioner who writes the decision. This decision is reviewed by other commissioners, two of whom are required to sign it but, in reality, the decision now is made by the one commissioner. Incidentally, this procedure, which was termed "somewhat awkward" by the Woods Committee, has presumably been brought about by the necessity to comply with the requirement in the Act for a quorum. Adoption of the "Entitle-

[*Interprétation*]

cien combattant. Moi je suis de cet avis ainsi que la plupart de mes collègues.

Le président: Nous y verrons. Je crois que M. Thompson a terminé.

M. Thompson: Je tiens à souligner que l'article 70 se contente de «la preuve produite». Le mot «croyable» n'y paraît point.

M. MacRae: Y est-il ou n'y est-il pas?

M. Thompson: Il n'y est pas.

M. MacRae: Il n'y est pas.

M. Thompson: C'est «la preuve». Il n'est pas nécessaire.

M. Bigg: J'en conviens, il n'est pas nécessaire.

Le président: Voulez-vous continuer, monsieur Thompson?

M. Thompson: Merci. Le point suivant est la procédure de demande qui se trouve à la page 8A. (du texte anglais). Cela se rapporte aux recommandations nos 27 à 38:

Le gouvernement, nous semble-t-il, ne se propose pas d'accepter les recommandations du comité Woods en ce qui concerne les questions suivantes:

(1) Recours à l'agent d'admissibilité pour approuver ou rejeter la première et la seconde demandes, ainsi que les renouvellements;

(2) demandes de renouvellement pour la majoration de l'évaluation;

(3) délégation de pouvoirs aux agents d'administration;

(4) autorité d'approuver ou de rejeter les avantages accordés à titre discrétionnaire;

(5) uniformisation des formules de demande.

En vertu du système en vigueur, un commissaire du bureau principal de la Commission examine la demande et rend la décision. Le dossier est ensuite transmis à d'autres commissaires qui examinent la décision prise et qui doivent signer, mais en réalité, la décision est le fait d'un commissaire exclusivement. Incidemment, cette procédure que le Comité qualifie «d'assez gauche» découle, paraît-il de la nécessité de se conformer à l'exigence de la Loi en vertu de laquelle il faut un quorum. L'adoption de la procédure

[*Text*]

ment Officer" procedure would give effect to a practice which has been in existence for many years.

In supporting its recommendation, the Woods Committee felt that the procedures under which applications were handled by the commission were "unnecessarily complicated".

It is our opinion that if these recommendations were implemented it could result in a considerable saving. There does not appear to us to be any sound reason for the rejection because, quite frankly, most of these decisions are made by the one commissioner anyway and we think that it would speed up the work of the Commission if the Act gave the authority and the Commission were able to move on one commissioner acting as an entitlement officer in making a decision. You must bear in mind that it is anticipated that the man can come back and appeal, but it seems to us that in this way his case would be dealt with more quickly and there would be a saving in time and a consequent saving in expense.

In regard to the other item, the delegation of authority to the administrative staff, we believe this would also streamline operations. The Act now requires that every authority for payment of pension must be signed by a commissioner and many of the routine things that take up the commissioner's time, even such things as children returning to school and additional pension for new children in the family, the Act puts the responsibility on the Commission to sign these authorizations, and it seems that these recommendations would free the commissioners from a lot of that and enable them to spend their time on the adjudication of major problems and to deal with the relatively small number of other things that come up for appeal.

There could be room for some error in these administrative decisions but they would not be irreparable because the person could appeal. We suggest that the vast majority of them are the kind where an ordinary person, by applying common sense, would make the right decision practically every time because there is only one decision to come to; the child is either back at school or he is not or a child is born and there is a birth certificate or there is not. These are the kinds of things that we believe are pretty straightforward.

Mr. Bigg: I just have one small question in relation to that. Perhaps for the sake of continuity and uniformity there should be a cer-

[*Interpretation*]

par un «agent d'admissibilité» légaliserait une pratique qui existe depuis des années.

Le Comité a préconisé cette recommandation parce qu'il estime que les procédures de la Commission applicables aux demandes d'admissibilité étaient «inutilement compliquées».

Nous croyons que si ces recommandations étaient mises en application, il en résulterait de grandes économies. Selon nous, il n'y a aucune raison valable de rejeter ces recommandations car la plupart des décisions sont faites par un seul commissaire; nous croyons que le travail de la Commission serait accéléré si la Loi était modifiée et si la Commission était d'accord qu'un commissaire devienne un agent d'admissibilité et rende la décision. Il ne faut pas oublier qu'il est également possible qu'un ancien combattant revienne pour faire appel et nous croyons que de cette façon, on s'occuperait de son problème plus rapidement et qu'il y aurait économie de temps, et par conséquent économie d'argent.

En ce qui concerne l'autre question, la délégation d'autorité au personnel administratif, nous croyons que cela hâterait également la procédure. En vertu de la loi actuelle, toute autorisation de paiement de pensions doit être signée par un commissaire, qui doit également procéder à de nombreuses autres opérations de routine qui prennent son temps, il doit s'occuper également des enfants qui retournent à l'école, des pensions additionnelles pour les enfants nouveaux-nés dans la famille; il semble que si les recommandations étaient acceptées, les commissaires perdraient beaucoup moins leur temps et ils pourraient se concentrer sur les décisions à prendre au sujet des problèmes majeurs; ils pourraient s'occuper du nombre relativement peu élevé d'autres questions au sujet desquelles un appel a été interjeté.

Les erreurs ne seraient pas exclues de ces décisions administratives, mais elles ne seraient pas irréparables, étant donné que l'ancien combattant pourrait interjeter appel. Nous soutenons que dans la grande majorité des cas, un commissaire qui userait de bon sens pourrait prendre la bonne décision presque toujours, car en fait il n'y a qu'une décision à prendre; un enfant d'ancien combattant est retourné à l'école ou il n'y est pas retourné et un enfant est né et il faut émettre un certificat de naissance ou pas. Ce genre de questions est très simple.

M. Bigg: J'aurais une petite question à poser à ce sujet. Pour que les décisions soient uniformes, les commissaires ne devraient-ils

[*Texte*]

tain amount of consultation between the commissioners so that they can try to apply the Act as uniformly as possible, bearing proper decisions in mind.

Mr. Thompson: Mr. Chairman, this was also, of course, provided for in the question of

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quality control, which comes up in another recommendation; that there should be a sampling of decisions, that there should be an attempt, just as in industry—although we must realize that when industry talks about quality control it sometimes does not help us very much with new cars—to take samplings, to check and to follow through. This comes up in another recommendation. It would not be a case of people making these decisions and then putting the files away in a drawer and forgetting about them. There would be samplings, there would be checks. We see it as speeding it up and getting earlier decisions, and we feel that most of those decisions would be right on this type of problem.

Mr. Guay (St. Boniface): Mr. Chairman, who would sign it if it was not the commissioner, the Secretary of the Board?

Mr. Thompson: This could be established. On these routine things authority could be given to the head of the Claims Review Branch of the Commission, but as I now understand it under the Act it is required to be signed by the commissioners.

The Chairman: Are there any further questions? Mr. Peters.

Mr. Peters: May I ask, referring to point (5), "standardization of application forms", if the forms that are now used are varied and complicated?

Mr. Thompson: No. There are application forms in use by the Commission but there are a number of benefits for which there are no application forms. In the case of Section 25, awards of compassionate pension, there is no formal application. It is done by letter. In the case of other discretionary benefits, such as the case of a child returning to school, there is a very neat little form that they have devised, but for the Section 25 and other discretionary awards there is no form.

The Woods Committee proposed that there should be a form in order to try to get all the required information before the Commission

[*Interprétation*]

pas se consulter afin d'appliquer la loi de façon aussi uniforme que possible et de prendre les meilleures décisions possibles?

M. Thompson: Monsieur le président, une des recommandations traite la question du

contrôle de la qualité; il faudrait examiner les décisions tout comme on fait dans l'industrie pour contrôler la qualité... Bien qu'évidemment quand l'industrie de l'automobile nous parle de contrôle de qualité, il ne faut pas trop s'y fier. Une autre recommandation préconise donc ce contrôle de la qualité. Dans les cas qui nous occupent, il ne faudrait pas prendre des décisions et les reléguer dans des dossiers dont on ne s'occupera plus. Il devrait y avoir de l'échantillonnage et on devrait pouvoir contrôler ces décisions. C'est simplement une question d'accélérer les choses et d'obtenir des décisions plus rapidement; nous estimons que la plupart des décisions qui seront prises le seront à bon escient.

M. Guay (St-Boniface): Monsieur le président, qui signera la décision si ce n'est pas le commissaire, le secrétaire de la Commission?

M. Thompson: On pourrait en décider plus tard. Pour les questions de routine, l'autorité pourrait être déléguée au chef de la Direction de la revision des demandes de la Commission, mais si je comprends bien, habituellement, la Loi exige que les commissaires signent l'autorisation.

Le président: Y a-t-il d'autres questions? Monsieur Peters.

M. Peters: J'aimerais poser une question au sujet du numéro 5: «uniformisation des formules de demandes»—les formules qui sont utilisées actuellement sont-elles variées et difficiles à remplir?

M. Thompson: Non. Il y a des formules de demande dont se sert la Commission, mais pour un nombre d'allocations, il n'existe pas de formules de demande. Dans le cas de l'article 25, l'octroi de pensions de commisération, il n'y a pas de demandes d'emploi officielles. On en fait tout simplement la demande par lettre. Dans le cas des autres avantages discrétionnaires, tel que dans le cas d'un enfant qui retourne à l'école, il y a une formule spéciale, mais pour l'article 25 et d'autres avantages discrétionnaires, il n'existe pas de formules.

Le Comité Woods propose que l'on établisse une formule afin que quand la Commission l'examine la première fois, elle y trouve tous

[*Text*]

the first time they look at it, but they also said that even though a person does not use the right form, if the information is there it should not be thrown out and the person told to apply on the proper form. It was an attempt to try to have all the required information and all the available information before the commissioners when they look at it for the first time.

Mr. Guay (St. Boniface): Mr. Chairman, we were previously told by another delegation, and I think you were in attendance, sir, that this would assist the veteran when he was making his application so that he would not omit any particular matter which would be helpful in his application. In other words, they would have all the information at hand if he had these forms to which you refer. He would not forget certain information that the Board normally requires. On the other hand, when we asked the Department about it, if I recall correctly, they said that they wanted to make it as easy as possible for whoever applies, and even if they applied by letter or came to the Department, they would accept that as a form of application. This is what we were told.

Mr. Thompson: Mr. Chairman, we believe that if an application form were used for these different benefits it would facilitate the flow of the work. You see, the date of application is often important because when a decision is rendered it goes back to the date of application. We would not want to see a situation develop where the Commission had to write back to a man and say, "I am sorry, but we cannot accept your application because you did not use Form 6 7/8ths".

Mr. Bigg: Or put it in on the right date.

Mr. Thompson: Yes, and we suggest that it would speed the flow of work if different forms were used for all the types of benefits available.

Mr. Guay (St. Boniface): Then you are suggesting that if there was a standardized form that everybody should use it. You perhaps are not suggesting that it be compulsory, but you would like to see everybody using it.

Mr. Thompson: This is right. We would like to see its use encouraged.

[*Interpretation*]

les renseignements nécessaires; le rapport Woods recommande également que les renseignements donnés par un ancien combattant qui ne se sert pas de la bonne formule, ne soit pas négligés et qu'on ne demande pas à cet ancien combattant de consigner ces renseignements sur la formule appropriée. Le but de ceci est d'obtenir tous les renseignements nécessaires afin que les commissaires en prennent connaissance dès qu'ils examinent la demande.

M. Guay (St-Boniface): Monsieur le président, une autre délégation nous a dit précédemment, et je crois que vous étiez là lors de cette séance, qu'une telle formule serait à l'avantage de l'ancien combattant qui présente une demande, car il n'omettrait ainsi aucun détail qui pourrait l'aider à obtenir sa pension. En d'autres termes, les commissaires posséderaient tous les renseignements nécessaires si de telles formules étaient utilisées. Aucun ancien combattant n'oublierait de fournir les renseignements que la Commission exige normalement. D'un autre côté, si je me souviens bien, quand nous avons demandé au ministère des détails à ce sujet, on nous a répondu que le but était de rendre la tâche la plus facile possible au requérant et que même si celui-ci faisait une demande par lettre ou venait au ministère, on accepterait une telle démarche comme une demande en bonne et due forme. C'est ce qu'on nous avait dit.

M. Thompson: Monsieur le président, nous croyons que si une seule formule de demande était utilisée pour ces différents avantages, le travail pourrait se faire beaucoup plus facilement. Vous voyez, la date de la demande est souvent très importante car quand une décision est rendue on se reporte à la date de la demande. Il ne faudrait pas que la Commission renvoie une demande présentée par un ancien combattant sous prétexte qu'il n'a pas utilisé l'une ou l'autre formule.

M. Bigg: Ou parce qu'il n'a pas inscrit ses renseignements au bon endroit.

M. Thompson: Oui et nous croyons que la cadence du travail serait accélérée si l'on employait des formules différentes pour toutes les sortes d'avantages disponibles.

M. Guay (St-Boniface): Vous dites donc que s'il existe une formule type, tous les anciens combattants pourront s'en servir pour présenter leur demande. Vous ne voulez pas dire que ce sera obligatoire, mais vous pensez qu'il serait bon que l'on ne se serve que de cette formule.

M. Thompson: C'est exact. Nous aimerions que cette formule soit utilisée de préférence.

[*Texte*]

Mr. Guay (St. Boniface): Right. But you would not disagree with the principle that if somebody came up and did not use the proper form and made an application by phone or verbally that the Department could help him out with it. You would also accept that.

Mr. Thompson: Yes. Mr. Chairman, we do not want to make a big issue over the matter of this form. This is not one of the major problems. We just wish to say that we think the idea has merit.

The Chairman: All right.

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Mr. Peters: Mr. Chairman, it probably is important, though, because most applicants will not be filling out this form themselves anyway. They will not have the forms. Somebody else will have them. As far as the Commission is now concerned the form would never be initiated by the veteran. No matter how simple or how complicated it is it is not going to be initiated by him because he does not know Section 25, and neither do I. He does not know he is going to apply for that because he probably does not know it is there, he does not know it exists so somebody is going to have to help him before he gets to the stage of presenting it to the Commission anyway.

I received a call at noon today from a V.L.A. allowance recipient in a town outside Ottawa who was complaining about the fact that he cannot live on the money he is getting, he cannot pay his gas bill and they are going to shut it off, and so on. He pointed out that one of his expenses was that he had to pay his hospital account and he had to pay his medical. I said, "Well, both of those things would be free to you under the means test in Ontario". He said that somebody had mentioned this once, so he looked at the form and he sent a letter to them and they sent it back and said he was not eligible. So he never filled it out.

The Chairman: That is why he was not eligible.

Mr. Peters: It is a fairly simple form, but he did not understand how to fill it out. He has had some correspondence with both hospital services and medical services. This is costing him $50 or $60 a year simply because he does not know how to fill out the form.

[*Interprétation*]

M. Guay (St-Boniface): Oui. Mais il ne faut pas non plus que si un ancien combattant ne se sert pas de la formule appropriée et présente une demande par téléphone ou verbalement, que le ministère ne s'occupe pas de lui. Au contraire, cela serait également acceptable.

M. Thompson: Oui. Monsieur le président, nous ne voulons pas faire un grand débat sur cette question. Ce n'est pas un problème majeur, nous voulons simplement dire que nous croyons que l'idée est bonne.

Le président: C'est très bien.

M. Peters: Monsieur le président, c'est un point qui est probablement important, car la plupart des requérants ne remplissent pas leur formule eux-mêmes. De toute façon, il n'ont pas les formules. Quelqu'un d'autre les a. En ce qui concerne la Commission, ce n'est pas l'ancien combattant qui propose d'utiliser la formule. Peu importe qu'elle soit simple ou compliquée ou difficile à remplir, ce n'est pas lui qui proposera de s'en servir car il ne connaît pas l'article 25, pas plus que moi d'ailleurs. Il ne sait pas qu'il fera une demande en vertu de cet article car il n'en connaît probablement pas l'existence et par conséquent, quelqu'un d'autre devra l'aider avant même qu'il n'en arrive à présenter sa demande à la Commission.

J'ai reçu un coup de téléphone aujourd'hui d'un ancien combattant qui bénéficie d'une allocation en vertu de la Loi sur les terres des anciens combattants. Il habite en dehors d'Ottawa et il se plaint du fait qu'il ne peut vivre de l'argent qu'on lui alloue, il ne peut payer sa note de gaz et on va le lui couper, etc. Il m'a également expliqué qu'il devait payer son compte à l'hôpital et qu'il devait aussi payer les soins médicaux. Je lui ai répondu qu'en Ontario, ces dépenses devraient être gratuites pour un ancien combattant qui s'est soumis à une évaluation de son revenu. Il m'a répondu que quelqu'un lui avait parlé de cela en effet et il a alors lu ce qui se trouvait sur la formule et il leur a écrit et ils lui ont répondu qu'il n'y avait pas droit. C'est pourquoi il ne les a jamais remplies.

Le président: C'est pourquoi il n'y avait pas droit.

M. Peters: Cest une formule assez simple, mais il ne comprenait pas comment la remplir. Il est entré en correspondance avec les services d'hôpitaux et de soins médicaux. Ça lui coûte entre $50 et $60 par an, parce qu'il ne savait pas comment remplir la formule.

[*Text*]

I agree that it should be complete and it should be standardized and available to the person helping the veteran rather than to the veteran.

Mr. Thompson: Yes, this is so. Normally it would be filled out by someone helping him because usually the veteran does not put in a claim by himself. He generally goes through the Veterans Bureau or through a veterans' organization.

Mr. Whicher: Let us order these forms, Mr. Chairmn, and carry on.

The Chairman: And issue them to every member of the Committee. Mr. Marshall.

Mr. Marshall: Mr. Chairman, I had a letter tonight from a lawyer in my district who is a Member of the House of Assembly of Newfoundland asking me to look into a grievance of a veteran, and he signed it as a lawyer and not as the M.H.A. This veteran is going to have to pay that M.H.A., who represents him in that district, to get information which he is entitled to as a veteran.

Mr. Whicher: Get John Munro after him.

Mr. Marshall: I will get somebody after him. That is utterly ridiculous.

The Chairman: I think that is unfortunate. Certainly there should not be any such requirement under application for pension.

Mr. Marshall: No, there should not be, certainly.

Mr. Peters: Mr. Chairman, very often we do fail to realize that the average guy cannot fill out these forms. I am sure every Member of Parliament has some experience with a guy not being able to fill out unemployment insurance forms and there are only five questions to be answered yes or no.

The Chairman: Old Age Security is another.

Mr. Peters: And Old Age Security. We should keep this in mind.

The Chairman: I think the suggestion concerning forms has been made by Mr. Thompson. I think he has made his point. Could we proceed to the next one, Mr. Thompson?

[*Interpretation*]

Personnellement, je crois que la formule devrait être complète et il ne devrait y en avoir qu'une. Et il faudrait qu'elle soit remplie par quelqu'un qui aiderait l'ancien combattant, plutôt que par l'ancien combattant lui-même.

M. Thompson: Oui. De toute façon, l'ancien combattant ne présente pas une demande lui-même, mais c'est une association d'anciens combattants qui le fait pour lui.

M. Whicher: Nous devrions commander ces formules, monsieur le président et poursuivre.

Le président: On devrait les distribuer à tous les membres du Comité. Monsieur Marshall.

M. Marshall: Voici quelque chose qui peut vous intéresser. J'ai reçu une lettre d'un avocat de ma circonscription qui est un député au parlement de Terre-Neuve. Il m'a demandé d'étudier un grief présenté par un ancien combattant, il a signé à titre d'avocat mais pas à titre de député. L'ancien combattant devra payer ce député qui le représente dans le district en tant qu'avocat afin d'obtenir des renseignements auxquels il a droit en tant qu'ancien combattant.

M. Whicher: Demandez à M. John Munro de s'en occuper

M. Marshall: Je demanderai certainement à quelqu'un.

Le président: C'est tout à fait ridicule. Il ne doit pas y avoir de telles exigences pour les demandes de pension. Un pareil cas est bien malheureux.

M. Marshall: Oui.

M. Peters: Monsieur le président, bien souvent, on ne se rend pas compte qu'il est bien difficile pour l'homme de la rue de remplir des formules. Certes chaque député a déjà eu affaire à des personnes qui ne peuvent remplir des formules d'assurance-chômage. Et pourtant il n'y a que 5 questions auxquelles il faut répondre «oui» ou «non».

Le président: Les formules de sécurité de vieillesse sont un autre exemple.

M. Peters: Oui. Nous devrions nous en souvenir

Le président: Je crois que c'est M. Thompson qui a fait la suggestion concernant les formules. Je crois qu'il a expliqué la question, pouvons-nous maintenant passer à autre chose?

[*Texte*]

Mr. Thompson: I might just say in passing, Mr. Chairman, that if Mr. Marshall would read Section 48 of the Pension Act he would find that it might have some bearing on the point he raised.

The next point, Mr. Chairman, is the Veterans Bureau.

Explanatory Notes and Comment

Among other things, the Woods Committee recommended that:

(1) the Veterans Bureau be established under a separate Act of Parliament and be required to report directly to the Minister;

(2) the Veterans Bureau be relieved of the necessity to provide information to the office of the Minister of Veterans Affairs;

(3) the responsibility of the Bureau to prepare a Summary of Evidence be discontinued.

The Woods Committee suggests that a strong and well-operated Pensions Advocate Bureau is essential in an effective administration of pension legislation, and that in such the assurance must be given that:

(1) a proper "lawyer-client" relationship is maintained; and

(2) the branch operates as a separate and independent agency, given only the responsibility of serving the applicant.

The Bureau's relationship to the Pension Commission and the Department of Veterans Affairs has made difficult the reflection of an independent image; hence, the recommendation for a separate act. The only job of the Veterans Bureau should be to represent the pension applicant.

We are not convinced of the reasoning offered by the Government for the rejection of the Recommendation (44). The Bureau should not be required to provide information to the office of the Minister of Veterans Affairs or to other Departmental offices in respect of individual pension cases. This would not seem to us to be a proper role for a client's solicitor to be performing.

We would further observe that the "image" of the Veterans Bureau has been marred by having its Chief appear before you, not only to explain the Woods Committee recommendations, but to defend Government policy in rejecting or modifying the Committee recommendations.

The legislation should clearly spell out that the new "Bureau of Pensions Advocates" shall only "provide a 'general counselling ser-

[*Interprétation*]

M. Thompson: En passant, monsieur le président, si M. Marshall veut lire l'article 48 de la Loi sur les pensions, il verra que cela se rapporte au problème qu'il a soulevé. La question suivante se rapporte au Bureau des anciens combattants.

Notes explicatives et commentaire

Le Comité recommande entre autres choses:

(1) Que le Bureau des vétérans soit établi en vertu d'une loi distincte et qu'il soit requis de faire rapport directement au Ministre;

(2) Que le Bureau ne soit plus tenu de fournir des renseignements au cabinet du ministre des Affaires des anciens combattants;

(3) Que le Bureau ne soit plus chargé de préparer le précis des éléments de preuve.

Le Comité estime que pour assurer une application efficace de la Loi sur les pensions, il est primordial que le Bureau des avocats des pensions ait les pleins pouvoirs, qu'il soit bien organisé et qu'il soit entendu

(1) de maintenir de bonnes relations client-avocat; et

(2) que le Bureau œuvre comme un organisme indépendant dont l'unique responsabilité est d'aider les requérants.

Il est difficile de croire à l'indépendance du Bureau, compte tenu des rapports qui le lient à la Commission des pensions et au Ministère: c'est pourquoi, la recommandation qui préconise la loi distincte s'applique. Le Bureau des vétérans devrait avoir pour seul souci de représenter les requérants.

Les raisons qu'invoque le gouvernement pour rejeter la recommandation n° 44 ne nous convainquent pas. Le Bureau ne devrait pas être requis de fournir des renseignements sur les cas individuels au cabinet du Ministre ou à d'autres services ministériels. Cela ne nous semble pas correspondre au rôle d'un avocat.

Nous notons en outre que «l'image» du Bureau des vétérans s'est trouvée ternie à la suite de la comparution de son chef non seulement pour expliquer les recommandations du comité Woods, mais aussi pour défendre la politique gouvernementale lorsqu'il s'agit de rejeter ou de modifier les recommandations du Comité.

La Loi devrait énoncer clairement que le nouveau «Bureau des avocats des pensions» doit uniquement «procurer un service de con-

[*Text*]

vice' for pensioners and applicants in respect of all matters affecting pension."

We are not happy with the Government's proposal to have the Bureau continue to prepare the Summary of Evidence for the Pension Commission and others, even with the understanding that the Bureau will not have to record therein any unfavourable medical opinion evidence which it has obtained while acting as the applicant's advocate. The preparation of this documentation is one of a purely clerical nature and those who are now engaged in the preparation of Summaries could be transferred to the staff of the Pension Commission in order to carry out this work. There should be no fear, as suggested to you by the Chief Pensions Advocate, that favourable evidence might be overlooked when the Summary is prepared. If such were the case, it is assumed that the applicant's advocate would certainly draw this to the attention of the persons responsible for the documentation and have supplementary pages prepared, or the advocate could direct the attention of the Entitlement Board or the independent Appeal Board to it when he is presenting the claim.

These recommendations were prepared by three eminent legal scholars and inasmuch as this particular matter is something with which they have been in contact throughout their professional careers, it would appear to us that the recommendations as contained in the Report are sound and should be adopted if the independence of the Bureau is to be established.

The Woods Recommendation was that it be established under a separate act of Parliament. The White Paper proposed that it be set up in a separate section of the Pension Act. This may accomplish the same thing, although we feel that there would be an even clearer independence if it were in a separate act because the Veterans Bureau, in our opinion, should have no other reason for existence, no other role than being the advocate for the pension applicant. And the Woods Committee also commented on this that the Veterans Bureau should be relieved of the responsibility of preparing a summary of evidence and that they should be relieved of the responsibility of preparing letters for the Minister's office or supplying the Minister or anybody else with information about a pension case. Our understanding is that in the White Paper proposal, although the Veterans Bureau will be set up in a separate section of the Pension Act, it will not be established under a separate section nor will it be relieved of the responsibility of preparing

[*Interpretation*]

sultation générale pour les pensionnés et les requérants en ce qui concerne toutes les questions portant sur les pensions».

Nous sommes déçus de la proposition du gouvernement selon laquelle le Bureau continuerait à préparer l'exposé de l'affaire pour le compte de la Commission des pensions ou autre, même s'il est entendu que le Bureau ne sera pas tenu de consigner les avis défavorables du corps médical qu'il a recueillis en constituant le dossier d'un requérant. La préparation de ce dossier consiste uniquement en travaux d'écriture et ceux qui s'y consacrent pourraient tout simplement être intégrés au personnel de la Commission, afin d'effectuer ce travail. Il ne devrait pas avoir lieu de craindre comme l'a dit l'avocat en chef des pensions qu'il y ait omission de preuves favorables lors de la constitution du dossier. Si cela était, on suppose que l'avocat du requérant ne manquerait pas de le signaler aux personnes chargées de réunir les documents et qu'il ferait établir des appendices; ou encore qu'il en aviserait le Bureau d'admissibilité ou le Bureau d'appel lors de la présentation de la demande.

Ces recommandations sont l'œuvre de trois éminents experts juridiques et dans la mesure où cette question se rapporte à ce avec quoi ils se sont familiarisés au cours de leur carrière, il nous semble que ce sont des recommandations rationnelles qu'il faudrait adopter pour établir l'autonomie du Bureau d'appel.

La recommandation du Comité Woods préconise qu'on l'établisse en vertu d'une loi spéciale du Parlement. Le Livre blanc préconise que des dispositions en vue de sa création soient prévues dans un article spécial de la Loi sur les pensions. Cela peut revenir au même, mais nous pensons que le Bureau serait plus indépendant si sa création était prévue dans une loi distincte, car le Bureau des vétérans ne devrait avoir aucune autre raison d'exister et aucun autre rôle que d'être l'avocat du requérant. Le comité Woods dit aussi que le Bureau des vétérans ne devrait pas avoir la responsabilité de préparer un résumé des preuves, ni de rédiger la correspondance du bureau du Ministre, ni fournir au ministre ou à quiconque des renseignements concernant un cas de pension. Nous croyons donc comprendre comme le dit le Livre blanc que, si le Bureau des vétérans est établi en vertu d'une disposition spéciale qui sera incluse dans un article distinct de la Loi sur les pensions, il ne l'est pas en vertu d'une loi distincte et il ne devrait pas être chargé de fournir ces rensei-

[*Texte*]

summaries of evidence nor of providing this other information. Quite frankly we feel that this has a bearing on its independence and that the Veterans Bureau should be as free as we are to make representations on behalf of veterans and that they should not have any other responsibilities. We feel that to ask them to continue to prepare the summary of evidence which contains the favourable and the unfavourable certainly does not make a clear impression in the mind of the applicant that "this is my lawyer". He feels that this fellow is working for both sides of the house, which is not a fair position in which to put the Veterans Bureau. We believe that the Woods proposal that the summary of evidence be prepared by the Pension Commission would simply be a question of moving over those people who are now doing it on the Veterans Bureau staff to the Commission. The one danger that was raised earlier, I believe, in discussion on this point, was that maybe something would be omitted which was favourable to the applicant. Surely the Veterans Bureau Advocate is going to check the summary just as it is checked now to make certain that there is nothing overlooked. But it would relieve the VB of that responsibility.

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The Chairman: Mr. Guay.

Mr. Guay (St. Boniface): Mr. Chairman, possibly this might be a good time to find out why we have suggested modification to it and Mr. Reynolds might be able to explain it to us. Are we far apart here or are we relatively close together on this particular matter? Could you advise me, Mr. Chairman?

The Chairman: I would not presume to at this point, Mr. Guay, because there are some things, especially some comments on page 9A, that the Committee may well want to look at.

Mr. Guay (St. Boniface): I am making reference to the Woods Committee recommendation No. 43 in this regard where we have noted—this Committee has noted—"as modification to take place". Would it not be in order to ask someone to clarify that for us?

The Chairman: Let us ask Mr. Thompson the question first and see what his views are. Then you may want to go to other witnesses. But I think Mr. Thompson has presented the statement here; and before you on pages 9A and 9B are a number of comments.

Mr. Bigg: Is it not so that the Veterans' Advocate although his terms of reference are fairly precise, in fact does a great many other

[*Interprétation*]

gnements. Car cela entrave sa liberté d'action, alors qu'il devrait être aussi libre que nous de faire des représentations au nom des anciens combattants. Il ne devrait pas avoir d'autres responsabilités. Comme il établit les preuves en faveur et à la défaveur des anciens combattants, ces derniers ont du mal à se rendre compte que le Bureau constitue en fait la partie qui les défend; ils croient en fait que le Bureau joue sur deux tableaux, ce qui n'est évidemment pas exact. Nous croyons que si les preuves étaient rédigées par la Commission des pensions, comme le propose le Comité Woods, on déplacerait en fait seulement les personnes qui font ce travail actuellement du Bureau des vétérans pour qu'ils le fassent à la Commission. On a fait remarquer plus tôt qu'il se pourrait qu'on oublie un argument qui serait en faveur du requérant. Évidemment, l'avocat du Bureau des vétérans passera en revue le résumé comme on le fait maintenant pour s'assurer que rien n'a été omis mais le Bureau des vétérans doit être relevé de cette responsabilité.

Le président: Monsieur Guay.

M. Guay (Saint-Boniface): Monsieur le président, le moment serait peut-être opportun de comprendre pourquoi nous avons suggéré qu'on apporte des modifications. Peut-être M. Reynolds pourrait-il nous renseigner. Sommes-nous fortement opposés à ce sujet, monsieur le président?

Le président: Je ne crois pas. Pas à ce stade, monsieur Guay, car le Comité voudra sans doute examiner certains points, notamment quelques commentaires à la page 9A.

M. Guay (Saint-Boniface): Je veux parler de la recommandation n° 43 du Rapport Woods où nous avons noté qu'il y aurait des modifications. Ne serait-il pas bon de demander à quelqu'un de clarifier ce point?

Le président: Nous pourrions peut-être demander à M. Thompson de clarifier cette question et de nous dire ce qu'il en pense. On pourrait ensuite passer à d'autres témoins, mais je crois que M. Thompson nous a donné son exposé et à ce sujet aux pages 9A et 9B, il y a quelques autres commentaires.

M. Bigg: Il me semble que l'avocat des pensions, bien que son mandat soit assez précis, fasse beaucoup d'autres choses pour

[*Text*]

things for the veteran and acts as an unpaid counsel? He gives him advice on how to solve his VLA problems, does he not?

Mr. Reynolds: No.

The Chairman: Mr. Reynolds, do you want to come here and answer this question? Apparently one or two questions have been directed to you.

Mr. Reynolds: Pension advocates do not help applicants in their pension claims. They have nothing to do with VLA problems or veterans' allowance problems, treatment problems or any other problems the Department may have with the exception of problems under the Pension Act. It is their sole and only role.

Mr. Peters: Could you explain paragraph 5 of page 9A then?

Mr. Bigg: I do not think I am understood here. I said that perhaps his duties as outlined in his terms of employment may be so but it is not the experience of veterans. From my own personal knowledge I know that this group of men who work for the veterans do in fact help them with many of their problems. This is an area which I cannot help but bring up here. It seems to me that this advocate does a great deal more in some cases than merely attack the problem as it affects the Pension Commission or his entitlement. Whether or not he gets along well with the applicant is a personality problem sometimes and when he established the rapport which I am talking about by helping him in many things such as his family problems and employment problems, then he becomes his alter ego and is able to present his pension case much better. In many cases he has to know a great deal more about the applicant than his legal rights under the Pension Act.

• 2000

I think it has a bearing on this very thing. What are we going to do with these advocates if we are going to change their status? Are we going to put them into a very specialized legal category where they do nothing but plead the case before the Pension Commission or are we going to help encourage this other thing which I claim they are already doing now, that is being a kind of friend of the veteran in helping on a very broad basis in rehabilitation and advising him in many cases on how to get along if there is a two-month

[*Interpretation*]

l'ancien combattant. Il joue le rôle d'un avocat non rétribué. Je lui donne des conseils sur la façon de régler ses problèmes relatifs à l'application de la Loi sur les terres des anciens combattants, n'est-ce pas?

M. Reynolds: Non.

Le président: Monsieur Reynolds, voudriez-vous venir ici clarifier ce point? Je crois qu'une ou deux questions vous ont été adressées directement.

M. Reynolds: Les avocats des pensions n'aident pas directement les anciens combattants dans leur demande de pension. Ils ne s'occupent pas des questions relevant de la Loi sur les terres des anciens combattants, ni des questions des allocations aux anciens combattants, ni des traitements ou d'autres problèmes que pourrait avoir le ministre sauf ceux relatifs à la Loi sur les pensions. C'est leur seul et unique rôle.

M. Peters: Comment alors expliquez-vous le paragraphe 5 à la page 9A?

M. Bigg: Je ne crois pas que vous me comprenez bien. Les fonctions que j'ai nommées sont celles qui sont définies dans son mandat, mais la pratique, c'est différent. A ma connaissance, ces personnes aident les anciens combattants à résoudre plusieurs de leurs problèmes. Il faut que je mentionne ceci. Il semble que l'avocat fasse beaucoup plus bien souvent que s'attaquer au problème dans son rapport avec la Commission ou l'admissibilité de l'ancien combattant. Quant à savoir si l'avocat et le requérant peuvent coopérer avec efficacité, c'est autre chose. Il peut y avoir des problèmes de personnalité, mais il est certain qu'il travaille de concert avec l'ancien combattant et il peut l'aider à régler ses problèmes concernant sa famille et son emploi; il devient même son alter ego. Il doit savoir beaucoup plus sur la personne de l'ancien combattant que ne l'autorise ses droits juridiques aux termes de la Loi sur les pensions et cela a une grande importance. Que vont devenir ces avocats si nous modifions leur statut? Est-ce que nous allons les placer dans une catégorie très spécialisée où ils ne feront rien d'autre que plaider la cause devant la Commission des pensions ou allons-nous plutôt les encourager à jouer le rôle qu'ils jouent, selon moi, déjà actuellement, c'est-à-dire être l'ami de l'ancien combattant et l'aider dans un grand nombre de domaines, l'aider à se réadapter, lui fournir des conseils sur la façon de se tirer d'affaires en cas de retard de deux mois à trois ans dans sa demande de pension.

[*Texte*]

or a two-year delay in the pension claim. Whether or not he has to he seizes the responsibility of being his legal adviser. In many cases a veteran is in debt and cannot afford a lawyer. Do you understand?

Mr. Thompson: Mr. Chairman, there may be some cases in an area where the Pension Advocate does go beyond the call of duty and does provide information and so on.

Mr. Bigg: Yes.

Mr. Thompson: And we are not criticizing what the person does out of the goodness of his heart beyond the call of duty. Our point is that we feel that the advocate should not officially be saddled with responsibilities other than acting as the applicant's advocate. The duties Mr. Bigg suggested are not foreign to this role.

Mr. Bigg: Just one more statement, I think, will clarify my case very well without causing anybody any harm. If he is a good man, the very fact that he works closely in the veterans area I think makes him more valuable to the veteran in every way because of his versatility, because of the very friendships he obtains. Like a good stenographer on the Hill is not just a typist; she knows who to phone to get a passport; she knows which Minister's stenographer goes to coffee at what time and so on.

Mr. Whicher: You had better stop right there.

Mr. Bigg: Before we change this Department or interfere with it, let us make sure that they are not operating by and large very close to the veterans and that by putting them into some other branch, or by divorcing them from the environment in which they are we may not be emasculating them from the important part of their job.

Mr. Thompson: Mr. Chairman, I think the independence of any body, or group of people is not only a matter of legislation but it is very largely a state of mind and it is caused by a number of factors. With regard to one observation we make on page 9A, I would like to make clear to the Committee that this is not a criticism of the Chief Pensions Advocate nor of this Committee in availing themselves of his services, but as we point out here we feel that the image of the Veterans' Bureau has been marred by having the Chief Pensions Advocate appear before the Committee to explain the Woods Committee recommendation and to defend or explain the government policy rejecting or modifying the Committee recommendations. Now again this

[*Interprétation*]

En somme, est-ce qu'il joue le rôle de conseiller juridique. Bien souvent, les anciens combattants ne peuvent pas se payer les services d'un avocat. Ils sont endettés. Est-ce clair?

M. Thompson: Je crois qu'en certains cas, l'avocat des pensions va bien au-delà de ses fonctions en fournissant des renseignements, etc.

M. Bigg: Oui.

M. Thompson: Nous ne critiquons pas le fait que l'avocat rende tous ces services par simple bonté, mais nous croyons qu'officiellement du moins, il ne devrait pas avoir d'autres responsabilités que celles d'être l'avocat du requérant. Les fonctions dont parle M. Bigg sont compatibles avec ce rôle.

M. Bigg: Le fait qu'il travaille de concert ou étroitement avec le bureau des anciens combattants, si c'est un bon avocat, le rendrait beaucoup plus utile à l'ancien combattant, de par sa versatilité et l'amitié qu'il a su lier avec les gens en poste. Il va savoir à quelle heure tel ministre ou telle secrétaire prend sa pause café, etc.

M. Whicher: Il est préférable de vous en tenir là.

M. Bigg: Avant de changer le ministère ou d'en entraver le fonctionnement, assurons-nous s'il ne travaille pas déjà tout à l'avantage des anciens combattants et que, en les affectant à une autre direction ou en les isolant dans leur milieu, nous ne les isolerons pas du même coup d'une partie importante de leur travail.

M. Thompson: A mon avis, l'indépendance d'un organisme ou d'un groupe n'est pas seulement une question de mesures législatives, mais aussi beaucoup une attitude d'esprit qui dépend de bien des facteurs. Pour ce qui est d'une observation que nous faisons en page 9, j'aimerais signaler au comité que ce n'est pas là une critique de l'avocat en chef des pensions ni de ce Comité, qui fait appel à ses fonctions, mais nous croyons que c'est une erreur de faire comparaître l'avocat des pensions devant le comité pour interpréter la recommandation du comité Woods et défendre ou expliquer la modification ou le rejet par le gouvernement des recommandations du Comité. Ici encore, ce n'est pas une critique de M. Ward, mais une situation déplorable

[*Text*]

is not a criticism of Mr. Ward, but an unfortunate thing which I think reflects that the Veterans Bureau is not as independent as we would like to see it. As I say, I want to assure you that this is not a criticism of anybody, it is merely a statement; it is an observation, an indication to us that the VB is not that independent, separate arm we would like to see.

Mr. Bigg: Even in that regard I am not sure I am not being the devil's advocate when I say that I think Mr. Ward is a man who knows more about many of these veterans cases than anybody else because he has been so intimately connected with sticky cases where he has had to take things to appeal and fight the veteran's case. Perhaps there is nobody else in Ottawa or anywhere else in Canada who could explain from the veteran's point of view and the government's point of view just the bare bones of how far we have got in these deliberations. I read nothing, myself, either sinister or otherwise into the fact that Mr. Ward was here. I welcome his being here because I know that he happens to be—as you might say,—on the spot at the crossroad, but he is able to tell us what the government is thinking without giving away any great secrets. At the same time, he might be able to advise us how we can best meet these, and I do not see how else we can do it. It is the same with Mr. Chadderton who has several jobs, which you might say are prejudiced because of his appearing before our Committee. Yet, where are you going to get a man with his intimate knowledge of these things and have such frank statements, which may or may not gall the Committee, the government, or his own groups? Only if we resolve it—if Mr. Ward can tell us things that are wrong with his own group, and I am quite sure that he would tell us frankly, I hope, that he cannot work closely with the Veterans' Bureau because of certain pressures or certain lack of co-operation, but if on the other hand he has found it most helpful to have coffee with certain members of the Veterans people who make it easier to facilitate the speed at which things roll through, that there is better rapport, he does not have to explain his credibility before the Board and so on, then...

The Chairman: I think you have made your point, Mr. Bigg. I think I have given you a reasonable opportunity to speak.

Mr. Bigg: I hope I have. I am risking my own reputation as well.

Mr. Peters: Mr. Chairman, I am interested in it for another reason. I certainly do not

[*Interpretation*]

qui donne l'impression que le Bureau des anciens combattants n'est pas aussi indépendant que nous aimerions le voir.

M. Bigg: Même sur ce point, je me fais peut-être l'avocat du diable en disant que M. Ward connaît mieux que bien d'autres une foule de cas d'anciens combattants, parce qu'il a été mêlé de près à nombre de cas difficiles où il lui fallait porter sa cause en appel. Il n'y a peut-être personne, à Ottawa ou même au Canada, qui puisse mieux que lui nous dire où nous ont conduits nos délibérations, du point de vue du Gouvernement aussi bien que de celui de l'ancien combattant. Sa présence ici, parmi nous, n'a pour moi rien de sinistre, ou autre. Je l'accueille volontiers parce qu'il se trouve—pour ainsi dire—à la croisée des chemins, dans une position délicate, mais il peut nous expliquer ce que pense le gouvernement sans révéler de secrets. Il peut, peut-être, nous conseiller sur la façon de procéder. Il en est de même de M. Chadderton. Où trouver quelqu'un qui possède ses connaissances, et qui s'exprime si franchement, au risque de froisser le Comité, le Gouvernement ou sa propre association. Si M. Ward peut nous mentionner des choses qui clochent dans son groupe, et j'ai l'assurance qu'il le fera—par exemple qu'il ne peut travailler de concert avec les anciens combattants à cause de certaines pressions, d'un certain manque de collaboration—ou encore qu'il a apprécié la collaboration de certains anciens combattants, qui lui a permis d'accélérer les choses, d'améliorer les rapports—il n'a pas à faire preuve de sa crédibilité devant....

Le président: Je pense que vous aurez l'occasion de présenter votre point de vue.

M. Bigg: Je l'espère; il y va également de ma réputation.

M. Peters: Je m'y intéresse pour une autre raison. Je ne doute pas de l'impartialité de M.

[*Texte*]

question Mr. Ward's impartiality as an advocate, but it indicates that he comes from the Department of Veterans Affairs side of the pension problem. He is familiar with the administration in the Department of Veterans Affairs. The Canadian Pension Commission to my knowledge is separate and I think in making recommendation 44 there was an indication that not only should the pension be totally divorced and the appeal structure totally divorced, but there should be a divorce of authority in the pension advocate system from the Department of Veterans Affairs administration side. I think the fact that Mr. Ward was able to speak on behalf of the Department, which is really what the White Paper was doing—speaking on behalf of the Department he was indicating the close working connection between the advocate's department and the administration side of the Department of Veterans Affairs. I think this is an indication of one of the weaknesses in the whole procedure that we are discussing in bringing the Canadian Pension Commission into a directorate of the administration side. Do you see it that way?

Mr. Thompson: Mr. Chairman, let us say, I did not want to labour this point, but we did refer to this because it is an indication to us that the Veterans' Bureau is not thought of within the Department as being as independent as we would like to see it and we believe the Woods Committee would like to see it. That is the only reason we raised it.

The Chairman: I disagree with that, Mr. Thompson. I do not think that is an inference which should be drawn. I think it is merely a tribute to the knowledge of the individual concerned and I do not think any other inference than that should be drawn from it; I would hope not.

Mr. Thompson: Mr. Chairman, the reason we say it is that we believe Mr. Ward was put in the position where had the Deputy Minister been sitting in his position it would have been a perfectly natural role. However, it seemed to us that Mr. Ward was in a position where he had to explain the White Paper favourably. This was naturally the role he had and it seemed to us that this was not the proper role. This is only our opinion, we do not question other people's right to a different opinion. It seemed to us that this was not the role in which he should be cast.

The Chairman: I wonder...

Mr. Bigg: Mr. Chairman, the reason I am disturbed is because I am not a member of the government—I am not on that side of the

[*Interprétation*]

Woods à titre d'avocat, mais sa présence rappelle le ministère des Anciens combattants, dont il représente l'opinion en matière de pension. L'administration du ministère des Anciens combattants lui est familière. La Commission des pensions du Canada est distincte, je crois et la recommandation 44, porte que, non seulement la pension et le mécanisme d'appel devraient être entièrement séparés, mais que, de plus, une distinction nette devrait être établie, du point de vue pouvoir, entre le Bureau de l'Avocat des pensions et l'administration du ministère des Anciens combattants. A mon avis, le fait que M. Ward a pu parler au nom du ministère, et c'est que, de fait, le Livre blanc faisait—indiquer les rapport de travail très étroits entre les avocats du ministère et l'administration du ministère des Affaires des anciens combattants. C'est là je crois une indication de l'une des faiblesses de toute la procédure que nous discutons—placer la Commission des pensions du Canada dans l'administration d'un ministère. Vous en semble-t-il ainsi?

M. Thompson: Monsieur le président, je ne voudrais pas élaborer là-dessus, mais nous en avons parlé parce que ceci indique que le bureau des anciens combattants n'est pas au sein du ministère, aussi indépendant que nous aimerions qu'il le soit et que le Comité Woods voudrait qu'il le soit.

Le président: Je ne suis pas d'accord, M. Thompson. Je ne pense pas que l'on doive tirer cette conclusion. Il s'agit tout simplement d'un tribut rendu au connaissances de l'intéressé et je ne crois pas qu'on devrait en tirer quelqu'autre conclusion que ce soit.

M. Thompson: C'est que, voyez-vous, nous pensions que M. Ward a été placé dans une position—naturelle pour le sous-ministre—d'expliquer favorablement le Livre blanc, et il nous semble que ce n'est pas son rôle. Voilà notre opinion, à laquelle d'autres ont, naturellement, le droit de diverger.

Le président: Je me demande ..

M. Bigg: Monsieur le président, ce qui me trouble, c'est que je ne suis pas député, de ce côté de la Chambre—et je pense être en

[*Text*]

House—and I think I am in a position to give as unbiased an opinion of this particular subject as anybody in the room.

The Chairman: Mr. Bigg, please, just a moment. I am asking the Committee before they go further on this whether...

Mr. Bigg: They want to hear any more of it?

The Chairman: Whether it really serves a useful purpose to continue in a public comment in this way. I am asking the members to think carefully before they contribute to further comment on this matter. There are lives and careers at stake here and...

Mr. Bigg: There are what, Mr. Chairman?

Mr. Saltsman: Mr. Chairman, on a point of order, surely that is not at all at stake, nobody's career is at stake. No one has imputed anything to the people involved. I think if any criticism is directed, it is directed to a government that put a man in this position, not against the man himself. So I think this should be very clear. Certainly this is my interpretation.

The Chairman: What you have said helps to set the record straight, Mr. Saltsman.

Mr. Guay (St. Boniface): My question, Mr. Chairman, was not because I had not read the report of the Legion awhile ago and not because I had not listened to the report that was given to us previously. I was aware of both.

I felt that the question I asked awhile ago was to ask Mr. Reynolds to give an explanation to the Committee, to let us know in his words how far apart we were. I felt that we would have stopped a lot of the discussion that has taken place and probably we would be way ahead of the game at the moment. My question is addressed at this time to the Legion, if you will allow me?

Have they had any cases whereby the setup as it is has been to the detriment or to the advantage of the applicants, or has it really been against them all the time. I asked that question because—I will take the other side for just a moment—I think if the advocate knows all about the applicant it might very well be to the advantage of the applicant in some instances if he does make the recommendation to the Pension Board. I am looking at the good side of it instead of the bad. So that is why my question to you is, taking that into consideration, have you had any experience at any time whereby this has been

[*Interpretation*]

mesure de donner à ce sujet une opinion tout aussi impartiale que quiconque.

Le président: M. Bigg, s'il vous plaît, un instant. Je vais demander au Comité si, avant de poursuivre ce sujet...

M. Bigg: il veut en attendre davantage?

Le président: S'il est vraiment utile de continuer ainsi à entendre des commentaires publics. Je demanderais aux membres de réfléchir avant de soumettre à ce sujet d'autres commentaires. Il y a des vies, des carrières qui sont en cause et...

M. Bigg: Il y a quoi, monsieur le président?

M. Saltsman: Monsieur le président, j'en appelle au Règlement: assurément rien de tel n'est en jeu, aucune carrière n'est en jeu. Nul n'a imputé quoi que ce soit aux personnes en cause. S'il y a critique, elle est, je crois, dirigée contre un gouvernement qui place une personne dans une telle position et non contre la personne elle-même. Ceci doit être très clair. C'est du moins ma façon de voir.

Le président: Ce que vous avez dit contribue à rectifier la situation, M. Saltsman.

M. Guay (St-Boniface): Si j'ai posé ma question, monsieur le président, ce n'est pas que je n'aie pas lu le rapport de la Légion il y a quelques instants, ce n'est pas non plus que je n'aie pas entendu le compte-rendu qui nous a été donné plus tôt; je les connaissais tous deux.

Je voulais, par la question que j'ai posée il y a quelques instants, demander à M. Reynolds de nous expliquer, de nous faire savoir, dans ses propres mots, jusqu'à quel point nous étions éloignés l'un de l'autre. Je pensais ainsi éviter bien des discussions, et nous permettre d'atteindre un point bien au-delà de celui où nous sommes présentement. Me permettez-vous de demander à la Légion si la situation actuelle a été tantôt au détriment des demandeurs, tantôt à leur avantage, ou si elle a toujours été à leur détriment. En posant cette question, je me place pour un instant à l'autre point de vue—si l'avocat connaît tout du demandeur, ce serait peut-être à l'avantage du demandeur s'il faisait parfois la recommandation à la Commission des pensions. Je considère le bon côté de la question au lieu du mauvais. Je vous pose donc la question suivante: avez-vous eu connaissance que, en aucun temps, celà ait été au détriment du demandeur? Sa recommandation était-elle mauvaise ou à son désavantage. C'est là, à

[*Texte*]

against the applicant? His recommendation was not good, or it has been to his detriment? I think this is the thing that we should really ask at this moment.

Mr. Thompson: Mr. Chairman, we have not suggested that the Veterans' Bureau have not acted in the best interest of the veterans. We have not suggested that, and I certainly want to make the record clear on that. The point we are making is that the advocate is supposed to be performing in the role of the client-lawyer relationship, and it seems to us that it is foreign to this relationship to have the advocate responsible to prepare, on a summary of evidence, that evidence which is favourable and unfavourable. This is our point.

We are not suggesting for one minute that the Veterans' Bureau has ever acted against the interest of the veteran applicant. We are saying that it is a little foreign to this ideal, if you like role, to the advocate to have him responsible for doing these things other than acting solely. There is a feeling among ex-servicemen that this has put the pension advocate in the position where he is not solely the applicant's man.

This is a matter of feeling on the part of pensioners, and there is no accusation whatsoever to the Veterans' Bureau.

The Chairman: Mr. Weatherhead.

Mr. Weatherhead: Mr. Chairman, you will recall that I and many other members questioned Mr. Ward quite clearly, quite closely, on these points a week or so ago. First of all, Mr. Thompson will remember what the White Paper says about reporting directly to the Minister now and not the Deputy Minister. Under those circumstances, does he really think that having a separate act will really add much more to that particular situation?

Mr. Thompson: Mr. Chairman, we do not feel that this is an essential. We think it would have been a nice clear way to do it, but we do not feel that this is an absolute essential.

Mr. Weatherhead: I see. Secondly, Mr. Chairman, you will recall that Mr. Ward, in answer to some of our questions, said that in future the proposals in the White Paper is that the pension advocates will not have to give opinion evidence to the Commission, but only factual medical and hospital records which are, they said, readily available in any event. In that respect they will no longer have to

[*Interprétation*]

mon avis, la question qu'il faut poser à ce moment.

M. Thompson: Monsieur le président, nous n'avons pas prétendu que le bureau des anciens combattants n'a pas agi dans l'intérêt des anciens combattants. Jamais nous n'avons prétendu cela, je tiens à l'affirmer ici. Mais le point que nous faisons ressortir ici, c'est que l'avocat est censé assurer un rapport avec son client et que c'est aller à l'encontre de ce rapport que de le charger de préparer les deux aspects de la preuve. Voilà notre point de vue.

Nous ne prétendons pas un seul instant que le bureau des anciens combattants ait jamais agi au détriment de l'ancien combattant. Nous trouvons que c'est s'éloigner quelque peu du rôle idéal de l'avocat que de le charger de toute autre chose que d'agir individuellement. On pense, chez les anciens combattants, que l'avocat des pensions s'est trouvé, de ce fait, dans une situation où il ne représente pas exclusivement le demandeur.

C'est ce que pensent certains anciens combattants et il n'y a pas la moindre accusation dirigée contre le Bureau des anciens combattants.

Le président: M. Weatherhead.

M. Weatherhead: Monsieur le président: vous vous souvenez que nous avons, moi et plusieurs autres membres, posé, il y a une semaine ou deux à M. Ward, des questions précises sur ce point.

Tout d'abord, M. Thompson se souvient que, selon le Livre blanc, il faudrait faire rapport directement au ministre, et non pas au sous-ministre. Pense-t-il que, dans ces circonstances, la situation se trouvera améliorée?

M. Thompson: Monsieur le président, nous ne pensons pas que cette mesure soit essentielle. Nous pensons que ç'aurait été une façon bonne et directe de faire les choses, mais nous ne pensons pas que ce soit essentiel.

M. Weatherhead: Je vois. Deuxièmement, monsieur le président, vous vous souvenez que M. Ward, en réponse à certaines de nos questions, a dit qu'il y a dans le Livre blanc une proposition à l'effet que, dorénavant, l'avocat de la pension n'aurait pas à formuler d'opinion à la Commission mais seulement des faits relatifs à la médecine et à l'hôpital qui sont disponibles dans tous les cas. Il n'aura

[*Text*]

give opinion evidence from the doctors' say what they got over the telephone or from other veterans. Will this not go a long way to solving our past problems in this regard?

Mr. Thompson: Mr. Chairman, this is in itself a good step, because at the present time if an advocate asks a doctor for an opinion and if unfortunately it is against the applicant, it is there on the file and it comes out,

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and this is an improvement. But it has to do with the duty being assigned to the advocate of preparing a summary which contains all the evidence.

The evidence, as I understand it, will be exclusive. That would be what he collects separately, in his role as an advocate. But a good deal of that evidence would be favourable. Some of it would be unfavourable. You would speculate that when you get an opinion from doctor "X", you find that when he got it, it was in fact unfavourable instead of favourable. But as I understand it, the explanation is that he would not now have to put that on file. But all the other evidence, the other opinions that were there, unfavourable from previous decisions and so on, would have to be put on file.

Mr. Weatherhead: It was put to us, Mr. Thompson, that this was quite readily available anyway, and that if the pension advocate did not do this, the Commission or someone else would have to hire some other lawyers or researchers to just dig up this evidence.

You would get a kind of adversary system developing in your final Appeal Board situation. I questioned the Minister and Mr. Ward and others about whether we should go to the Supreme Court of Canada for our final appeal, and the veterans organizations have been dead against that. They do not like the adversary system and they want to keep it in more or less the way it has been, but having a separate appeal, an entirely separate appeal board as we know.

It seems to me that if we are just talking about medical evidence and hospital evidence, perhaps it is readily available elsewhere. Perhaps there is no harm in having the pension advocate put that in as a matter of course. What do you think about that?

Mr. Thompson: I think, Mr. Weatherhead, that when you take each of these points and isolate then, you are on good ground. But when you put them all together and you see the atmosphere and the situation that is created, then the ground is not as good.

[*Interpretation*]

donc pas à donner une opinion sur la déposition du médecin quant aux renseignements obtenus par téléphone ou autrement au sujet des anciens combattants.

M. Thompson: Monsieur le président, voilà une bonne mesure, car, à l'heure actuelle, si l'avocat demande au médecin une opinion qui, malheureusement, se trouve défavorable au requérant, elle se trouve là, dans le dossier, et

c'est une amélioration. Mais cela se rattache à la tâche de l'avocat qui est chargé de préparer une résumé de la preuve.

Cette preuve sera, si je comprends bien, exclusive. Elle contiendrait les renseignements qu'il a recueillis à titre d'avocat. Mais une bonne partie de ces renseignements serait favorable. Une part serait défavorable. Ainsi il y aurait lieu de spéculer sur l'opinion du docteur «X» qui pourrait être favorable ou défavorable. Mais, si je comprends bien, cela ne doit plus être versé au dossier. Mais tous les autres renseignements, les opinions défavorables provenant de décisions antérieures etc. devraient être versés au dossier.

M. Weatherhead: On nous a dit, monsieur Thompson, que ces renseignements seraient disponibles de toute façon et que si l'avocat des pensions ne les recueillait pas, la Commission ou quelqu'un d'autre devrait retenir les services d'un autre avocat ou d'un investigateur pour les recueillir.

Il pourrait survenir un espèce de système contraire au tribunal d'appel. J'ai demandé au ministre, à M. Ward et à d'autres s'il nous fallait aller à la Cour suprême du Canada pour obtenir un appel final, et les associations d'anciens combattants se sont nettement prononcées à l'encontre. Ils n'aiment pas le système contraire et ils désirent conserver plus ou moins l'ancien système, avec une Commission d'appel distincte, une Commission d'appel entièrement distincte, comme nous le savons.

Si nous ne parlons que de preuves médicales et hospitalières, on peut facilement se les procurer ailleurs. Peut-être n'y aurait-il pas de mal à ce que les avocats des pensions les versent au dossier. Qu'en pensez-vous?

M. Thompson: Je pense, M. Weatherhead, que si vous prenez chacun de ces points isolément, ça va. Mais si vous les groupez en un seul, vous constatez, par l'atmosphère qui en résulte, que ça ne va pas si bien.

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What you say about the evidence being readily available is true, and it is available to the Pension Commission, it is available to everybody. You might say that this is nearly an exercice in words, to say that the Veterans' Bureau should not do it. But I suggest to you that if you will take the time and study the picture, I think you would agree with me that these all add up to a situation that in the long run is not really creating a lawyer-client relationship. This is our position.

Mr. Weatherhead: Mr. Thompson, I took the other position at first, as a lawyer myself, though I do not practice before the courts too much anymore. I thought that what I saw in passing, from the pension advocate position preparing the case for both sides, was completely foreign to my experience in the courts.

I realize we are not talking about the ordinary court situation here, and I became half-satisfied, anyway, that if the opinion evidence and this sort of thing was left out and no longer had to be divulged, the factual evidence which was readily available perhaps was and could still be given in the ordinary course.

Mr. Thompson: I think this adds up to a state of mind situation. It seems that actual preparation and assemblies could be done with the same people who now do it for the Veterans' Bureau they could shift them over to the Commission, and they can do it. The same bodies actually could do it, but the Veterans' Bureau would not be responsible. I think that over a period of time you would find that this would really create a better atmosphere of independence and appeal on the part of the veteran, that the advocate was in fact this man when he was there before the Commission.

Mr. Weatherhead: Thank you, Mr. Chairman.

Mr. Bigg: It would certainly cause a need for greater staff. You would have to enlarge the staff. Would you not?

It is a duplication. I went all through this and I had my advocate do this very thing you are talking about, and I had no objections as a veteran that all the evidence on my file, my service file and everything, went before the board.

Of course, perhaps it is an easy case, but he was working for me and the people of Canada were paying him to make a summary of the evidence. I had no objection to the thing being done in duplicate, making one copy available to the veterans Commission and

[*Interprétation*]

C'est vrai qu'on a facilement accès à la preuve et que la Commission des pensions peut aisément y recourir, que tout le monde le peut. Il devient presque rhétorique de dire que le Bureau des anciens combattants ne doit pas y recourir. Mais je vous dis que si vous prenez le temps d'étudier la situation, vous reconnaîtrez avec moi qu'il en résulte éventuellement une situation qui n'entraîne pas un rapport entre l'avocat et son client. Voilà ce que nous pensons.

M. Weatherhead: M. Thompson, j'ai d'abord adopté l'autre position—je suis avocat moi-même—même si je ne plaide plus souvent. Mais ce que j'ai pu voir en passant de cet avocat des pensions, qui prépare en même temps les deux côtés de la preuve, dépasse mon expérience.

Je comprends qu'il ne s'agit pas d'un tribunal ordinaire et je m'étais un peu résigné de toute façon à ce que, si la preuve d'opinion et les preuves de nature similaire n'étaient plus enregistrées et n'avaient plus à être divulguées, la preuve des faits qui sont toujours disponibles, pouvait et était peut-être faite au cours de la procédure ordinaire.

M. Thompson: Il semble que la préparation et l'information effectives pourraient être faites par le même groupe qui les faits présentement pour le Bureau des anciens combattants. Ce groupe pourrait être envoyé à la Commission et pourrait le faire. Je pense que ceci permettrait de créer éventuellement une meilleure atmosphère d'indépendance et d'appel et l'ancien combattant sentirait que l'avocat le représente vraiment auprès de la Commission.

M. Weatherhead: Je vous remercie, monsieur le président.

M. Bigg: Ceci appellerait sûrement un personnel plus considérable. Il vous faudrait l'augmenter, n'est-ce pas?

Il y a double emploi. J'ai passé par là et mon avocat a fait précisément ce dont vous parlez, et je ne m'opposais pas, à titre d'ancien combattant, à ce que tous les renseignements, ceux de ma fiche de service et les autres, soient présentés à la Commission.

Peut-être était-ce un cas facile, mais il était à mon service et à la charge des contribuables du Canada qui payaient pour faire le résumé de la preuve. Je ne m'opposais pas à ce qu'on fasse un double à l'intention de la Commission des pensions, une copie à l'intention de

[*Text*]

another available to him and to me to go over and see whether there was anything we had left out. If we left anything out, again I would be quite happy to have that before the Pension Commission because in most cases it is a straight-forward thing—this is what happened and am I not entitled to something?

My experience, and the reason I brought it up—I can give an objective opinion of this because there is certainly nothing political to be gained by it one way or the other—I am being a devil's advocate in this, in a sense—I think there are very definite advantages to having the pension advocate working in close

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liaison with the Department of Veterans Affairs in all branches, except for one small suspicion. That might be that he could be influenced by the very fact that he is drawing his paycheque through that Department or that somebody might put pressure on him.

Although I know this is possible, I hope that it is very remote, and I think that we could probe this further, and we have Mr. Ward and the other advocates before us. I want them to give us very frank opinions on this. Perhaps we can have them in camera, and find out whether or not there is undue pressure of any kind put upon them to give the veteran anything but the very highest of technical and professional advice. It is as if he was a lawyer I paid for out of my own pocket, and I must say that I am very satisfied with all the experiences I have had with them.

There is only one thing I was complaining to you about before. In some cases where there is a personality difference between the applicant and the advocate. There should be some consideration given to finding a way around it so that he can have a change of advocate, or perhaps in some extreme cases the added help of an extra lawyer.

Mr. MacRae: Mr. Chairman, may I try to put the final wording on this? The Royal Canadian Legion has expressed an opinion, and I think that they have expressed it well. It would appear from the discussion that there are some of us—I do not necessarily include myself in the group—who may not agree with that completely. But we are certainly going to have a good opportunity to study this particular recommendation. I would suggest that it has been very well covered by both sides, and that we proceed on with the next item.

The Chairman: Thank you, Mr. MacRae. I seem to get in trouble when I put a piece like

[*Interpretation*]

l'avocat et une autre à mon intention, pour que l'on puisse vérifier si l'on avait oublié quelque chose. Et si quelque chose avait été oublié, j'aurais été très heureux d'en discuter à la Commission des pensions, parce que dans la plupart des cas, la question est simple—voici ce qui s'est passé, n'ai-je pas droit à quelque chose?

D'après mon expérience, et c'est ce pourquoi je soulève la question—je puis donner une opinion objective à ce sujet, parce qu'il n'y a rien à retirer du point de vue politique d'un côté ou de l'autre—peut-être suis-je ici l'avocat du diable en un sens— je pense qu'il y a des avantages très nets à ce que l'avocat des pensions travaille, dans tous les domaines, en étroite liaison avec le ministère des Affaires des anciens combattants sauf avec, peut-être, une petite réserve. Il pourrait être influencé par le fait qu'il reçoit son chèque de paie de ce ministère ou que quelqu'un pourrait exercer sur lui des pressions.

C'est là, je le sais, une possibilité, mais une possibilité très éloignée et je pense que nous pourrions regarder cette question de plus près; M. Ward et d'autres avocats sont ici avec nous. J'aimerais qu'ils nous donnent leur franche opinion à ce sujet. Peut-être, à huis-clos, nous confieraient-ils si oui ou non, ils sont pressés de donner aux anciens combattants rien de moins que les meilleurs services techniques et professionnels? C'était comme si j'avais retenu moi-même les services d'un avocat et je dois dire que je suis fort satisfait des services qu'ils m'ont fournis.

Il n'y a qu'une chose dont je me suis déjà plaint: dans certains cas où il y a des divergences de personnalité entre le demandeur et l'avocat, il faudrait songer à contourner la difficulté en changeant d'avocat ou dans les cas extrêmes, en retenant les services d'un second avocat.

M. MacRae: Puis-je essayer de glisser le mot de la fin sur cette question. La Légion royale canadienne vient d'exprimer clairement une opinion. Il semble qu'il y ait, et je ne suis pas nécessairement du nombre, quelque divergence d'opinions. Mais nous aurons certainement une bonne occasion d'étudier cette recommandation. Elle a été très bien étudiée de part et d'autre et je proposerais que nous passions maintenant à la question suivante.

Le président: Merci, monsieur MacRae. Il m'est difficile de faire inscrire au dossier une

[*Texte*]

that on the record myself but I am happy that you are able to do so.

Mr. Guay (St. Boniface): Mr. Chairman, I may say that while we are questioning the delegation, it does not necessarily indicate to them that we agree or disagree with them.

Mr. Peters: Mr. Chairman, it has been opened up again after Mr. MacRae's nice quiet remarks.

The Chairman: It was too good to be true, Mr. Peters. I was looking at you when he said it.

Mr. Peters: I started it. In the recommendation that was made, I think the intention was to have a third independent body. The advocates obviously have had do the clerical work of D.V.A.'s side in assembling this, I gather, which is really a clerical problem of getting things together. Would it be more satisfactory to the Legion if this function were not involved?

Mr. Thompson: That, Mr. Chairman, was the point. We felt it was simply transferring a skill, if you like, a clerical responsibility, from one place to another.

Mr. Bigg: Unfortunately the job could not be done by a mere clerk, it could be done only by a man with a good legal brain like our advocates. This should not be done by a typist or a stenographer. This file has to be gone over with the end in view of getting a pension for somebody. You would have to hire the equivalent of legal brains, in my opinion, to see that the thing was done properly on both sides.

Mr. Whicher: I am sorry, I did not mean to interrupt. Let us talk it over when we get the others in front of us again.

The Chairman: We will come back to it, of that there is no question. I think the matter has been discussed fairly thoroughly, pro and con, and Mr. Thompson has made his position quite clear to this Committee.

Mr. Peters: I would like to endorse the statement made that this is not a personal problem. It is a problem that affects the Department and does not cast reflection on individuals.

The Chairman: This is the point which Mr. Saltsman raised a few minutes ago and we all agree with that.

Mr. Thompson.

[*Interprétation*]

considération de ce genre et je suis heureux que vous y soyez parvenu.

M. Guay (Saint-Boniface): Monsieur le président, puis-je faire remarquer que, lorsque nous posons des questions aux membres de la délégation, cela n'indique pas que nous partageons ou ne partageons pas leur point de vue.

M. Peters: Monsieur le président, le problème est revenu sur le tapis après les remarques gentilles de M. MacRae.

Le président: C'est trop beau pour être vrai, monsieur Peters. Je vous regardais quand il disait cela.

M. Peters: Dans la recommandation qui a été faite, il s'agissait d'avoir un troisième organisme indépendant. Les avocats doivent faire le travail de bureau du ministère des Affaires des anciens combattants, par exemple, la collation des données, etc—Est-ce que la Légion préférerait que cette fonction-là ne soit pas comprise dans leurs fonctions?

M. Thompson: A mon avis, ce ne serait ni plus ni moins que le transfert d'une fonction spécialisée d'un endroit à un autre.

M. Bigg: Malheureusement ces fonctions ne peuvent pas être remplies par un simple commis. Il faut que ce soit un homme qui a étudié le droit ou qui a des connaissances juridiques. Après tout, ce sont des renseignements qu'il recherche ou qu'il recueille en vue de pouvoir donner une pension à quelqu'un.

M. Whicher: Je regrette, je n'ai pas voulu interrompre, mais est-ce qu'on peut peut-être débattre cette question quand les autres seront revenus. Ils sont absents dans le moment.

Le président: Je crois qu'il y a énormément de pour et contre. M. Thompson a très bien exposé son sujet.

M. Peters: Ce n'est pas un problème personnel, c'est un problème qui touche tout un ministère. Et on ne veut pas critiquer qui que ce soit en particulier.

Le président: C'est ce qu'a dit M. Saltsman il y a quelques minutes et nous sommes tous d'accord là-dessus. Monsieur Thompson.

[*Text*]

Mr. Thompson: Mr. Chairman, the next item is on pages 10 and 10A and deals with "Routine Decisions", Recommendations 48-60.

Explanatory Notes and Comment

The recommendations of the Woods Committee in the area of the so-called "routine decisions" are detailed, presumably in an effort to leave no doubt as to how the Committee saw this delegation of powers being carried out. In essence, the Senior Pension Medical Examiners in the District Offices would be given the responsibility to adjudicate in regard to applications for last illness, funeral and burial expense and a number of other relatively minor areas. The officials of the Claims and Review Branch at Head Office would be called upon to adjudicate in all other areas of a routine nature. The Commission would, of course, lay down directives for the guidance of the District and Head Office staff, and would institute quality control procedures designed to review and evaluate the quality of the decisions made by such staff.

The Woods Committee stressed the necessity for delegation of these powers to allow the Commissioners more time to deal with initial awards and the more controversial areas. The Committee visualized no difficulties, particularly if its recommendation for the establishment of an independent Pension Appeal Board is adopted, in that applications in these routine areas would be appealable thereto. A claimant would have access to appeal to higher authority if a decision were unfavourable.

The Committee took cognizance of the number and quality of staff at District and Head Office levels. It appeared they had a thorough knowledge of the Act and were well versed in social welfare and related fields. Under proper supervision, they would be able to accept the added responsibilities.

The Woods Committee suggested that the delegation of powers, as recommended, would relieve some of the congestion which results from the present system under which Commissioners make practically all decisions.

In our belief there is considerable merit in these recommendations and we trust the Government, following its study, will implement them.

We did touch on this earlier in the discussion of another subject. It deals with the Woods Committee recommendation that certain routine decisions could be delegated by the Commission to permit their staff to do this without Commissioners having to take up

[*Interpretation*]

M. Thompson: Monsieur le président, le prochain article à la page 10 et 10(a) du mémoire traite de:

Notes explicatives et commentaire

Les recommandations du Comité dans le domaine dit des «décisions courantes» sont détaillées, probablement pour mettre les points sur les i sur la conception de la délégation des pouvoirs. En résumé, les médecins-examinateurs principaux des pensions dans les bureaux de district se verraient chargés d'examiner les demandes relatives à la dernière maladie en date, aux frais de funérailles et de sépulture, et un certain nombre d'autres questions relativement mineures. Les agents de la Direction des réclamations et de la révision du bureau principal seraient appelés à se prononcer sur toutes les autres questions d'ordre courant. La Commission émettrait, en conséquence, des directives pour la gouverne du personnel des bureaux de district et du bureau central et elle instituerait des méthodes de contrôle afin de revoir les décisions prises et d'en évaluer le bien-fondé.

Le Comité insiste sur la primauté de cette délégation de pouvoirs pour que les commissaires disposent de plus de temps pour régler les demandes initiales et les questions plus litigieuses. Le Comité ne voit pas ce qui pourrait s'opposer à ce que le droit d'appel s'applique à ces demandes d'ordre courant, en particulier, si l'on adopte sa recommandation relative à la création d'un Bureau d'appel des pensions indépendant. Un requérant serait en droit d'en appeler auprès d'une instance supérieure advenant que sa demande soit rejetée.

Le Comité s'est enquis à propos des effectifs des bureaux de district et du bureau principal et de leur compétence. Tout le personnel semble connaître la Loi à fond et assez versé en fait de bien-être social et des domaines parallèles. Moyennant une surveillance adéquate, il pourrait assumer des responsabilités additionnelles.

Le Comité prône que la délégation de pouvoirs qu'il a recommandée décongestionnerait le système actuel en vertu duquel les commissaires prennent pratiquement toutes les décisions. Nous estimons que ces recommandations sont valables et nous espérons qu'après examen le gouvernement les adoptera.

Nous en avons parlé précédemment d'après les recommandations du Comité Woods voulant que certaines décisions auxiliaires puissent être déléguées par la Commission, ce qui permettrait à leur personnel de s'occuper de ces fonctions sans accaparer le temps des

[*Texte*]

their time in things that could be decided by others, thereby speeding up the flow by getting these relatively smaller decisions made quickly. Also, it would relieve the Commissioners of much of this work so that they could get on with the major work of adjudicating on entitlement and entitlement matters.

Mr. Peters: Mr. Chairman, is this not now the case? I have a very small pension, but I do not remember going before an Entitlement Board of any kind. The lower adjudication is done by the Commission, is it not?

• 2025

Mr. Thompson: Mr. Chairman, our understanding is that every decision that authorizes payment has to be signed by a Commissioner. The incident Mr. Peters raised is one where a decision was made by the Commission, I would assume, automatically on referral of his documents fairly early after the war. There are many, many of these decisions where the person did not even apply. I know I never applied for my initial ruling on a gun shot wound. I do not even remember if I signed the papers. This came through because the documents were referred over and the Commission went ahead and acted on them, but that is not the kind of "Routine Decision" we are talking about. We are talking about the simple thing of additional pension for a new child where you have to send in a form with the birth certificate and so on or if the child goes back to school.

Mr. Bigg: Yes, a change in the status.

Mr. Thompson: We would like to see these things taken off the desk of the Commissioners. I know they do not do the preliminary clerical work on them, but there is something else they do have to sign. We would like to see the legislation permit that authority to be delegated to other people.

The Chairman: Are there any further comments by members of the Committee?

Mr. Thompson: Mr. Chairman, the next point is "Regular Force Cases" pages 11, 11A and 11B dealing with Recommendations 61 and 62.

Explanatory Notes and Comment

The Woods Committee considered that pension coverage for the Regular Forces has been under-emphasized for many years. It was observed that when the pertinent legislation was first introduced, Canada's permanent Forces were exceedingly small. Today, however, there are approximately one hundred

[*Interprétation*]

commissaires, ce qui aurait pour objet d'accélérer les décisions à prendre sur des cas sans importance tout en laissant aux commissaires la liberté ou la possibilité de prendre leurs décisions importantes concernant l'admissibilité.

M. Peters: Est-ce que ce n'est pas le cas à l'heure actuelle? Moi même, je reçois une très petite pension. Je ne me souviens pas d'avoir passé devant un bureau d'admissibilité quelconque. Il me semble que les décisions prises maintenant ne sont pas prises par la Commission comme telle.

M. Thompson: Si je comprends bien, chaque décision qui autorise le paiement d'une pension doit être signée par un commissaire. La question que soulève M. Peters, je crois, que c'est là votre exemple, est celle d'une décision rendue peu après la dernière guerre. Il y a un grand nombre de cas semblables. Quant à moi, je n'ai jamais fait la demande de ma pension. C'est une question qui m'est venue directement sans que j'aie eu à signer une formule. Ce n'est pas le genre de décision dont il est question ici. Nous parlons par exemple des augmentations de pensions lors de la naissance d'un bébé ou lorsqu'un enfant fréquente l'école.

M. Bigg: Un changement de catégorie.

M. Thompson: Je voudrais voir ce travail soustrait aux soins des commissaires. Ils ne font pas le travail de bureau mais il y a certaines choses qui doivent être signées et nous voudrions qu'ils soient libérés de ce genre de travail, qu'il soit délégué à un autre fonctionnaire.

Le président: D'autres commentaires?

M. Thompson: Monsieur le président, le prochain article traite des Forces armées, recommandations 61 et 62; pages 11, 11A et 11B.

Notes explicatives et observations

Le Comité Woods estime que la couverture des pensions destinées aux forces régulières n'a pas reçu toute l'attention voulue depuis plusieurs années. On a fait observer que lorsque la législation pertinente a été introduite, la première fois, au sujet des pensions, les forces permanentes du Canada étaient en très

[*Text*]

thousand serving in the Regular Force and Militia. Service is not confined to Canada, but includes duty throughout the world. A number of placed in which Canadians have served have been designated as "Special Duty Areas" because of the nature of operations taking place there. Service in these latter areas carries the wartime "Insurance Principle" in the event of disabilities arising during that period. For others, however, there is no such protection, despite the fact that members of the Forces are moved about from place to place.

The members of the Woods Committee noted a lack of liaison between the Armed Forces and the Canadian Pension Commission which had given rise to many misunderstandings. There was specific reference to the lack of liaison between the two in the preparation of CFAO 50-1, dated October 22, 1965, dealing with *authorized recreation and sports* in the Armed Forces. It was recommended that a directive be prepared in consultation between the Armed Forces and the Canadian Pension Commission, covering those aspects of Regular Force duties which concern pensionability. Coverage for this type of service-incurred disability was envisioned by the Woods Committee in Recommendation 61(b) (i).

Mr. Justice Woods and his colleagues concluded that the establishment of a Standing Advisory Committee consisting of three members of the Armed Forces, three members of the Pension Commission, and a representative of the Veterans Bureau would ensure that such liaison would be maintained. In addition, all parties would be kept fully informed on changes in policy either of the Armed Forces or of the Pension Commission. The Legion was pleased to note in the White Paper that this recommendation was in the process of implementation.

In this case, the Woods Committee made quite a detailed study of the situation of the regular force servicemen. We have, over the years, felt that there was a need for improvement in the present provision whereby the peacetime serviceman has to prove that his claim is based on not only something related to service, but an enforceable military duty. I know there are variations of this and there are times when the Commission are a bit more stringent on this, but through their decision does flow the requirement that the man must be on enforceable military duty. There have been times when it has been clear that they felt this really meant that the man

[*Interpretation*]

petit nombre. De nos jours, cependant, il y a environ cent milles personnes qui servent dans les forces régulières et dans la milice. Le service ne se limite pas au Canada mais peut avoir lieu dans le monde entier. Un certain nombre de pays où les Canadiens ont servi ont été appelés «Régions de service spécial», à cause de la nature des opérations qui s'y déroulent. Le service en ces derniers pays comporte le «principe d'assurance» du temps de guerre, en cas d'incapacité qui se produirait durant cette période. Pour les autres, toutefois, il n'existe aucune protection de ce genre, nonobstant que les membres des forces se déplacent d'un endroit à l'autre.

Les membres du Comité Woods ont remarqué un manque de liaison entre les forces armées et la Commission canadienne des pensions, qui a donné lieu à bien des malentendus. On a fait une allusion précise au manque de liaison entre les deux dans la rédaction du CFAO 50-1, daté du 22 octobre 1955, au sujet des *loisirs et sports autorisés* dans les forces armées. Il a été recommandé de préparer une directive en consultation entre les forces armées et la Commission canadienne des pensions au sujet des aspects des fonctions des forces régulières qui ont trait à l'admissibilité. La couverture de ce genre d'incapacité subie au cours du service a été envisagée dans la recommandation 61 (b) (i) du Comité Woods.

Le juge Woods et ses collègues en sont venus à la conclusion que l'établissement d'un Comité consultatif permanent composé de trois membres des forces armées, de trois membres de la Commission des pensions et d'un représentant du Bureau des vétérans assurerait le maintien d'une telle liaison. De plus, toutes les parties seraient tenues au courant de toutes les modifications apportées à la ligne de conduite soit des forces armées soit de la Commission des pensions. La Légion a remarqué avec plaisir, dans le Livre blanc, que cette recommandation est en voie d'application.

Le Comité Woods a fait une étude assez poussée militaire des Forces régulières. Et nous avons cru au cours des années que la situation devrait être améliorée parce que le militaire en temps de paix doit prouver que sa demande se fonde non seulement sur quelque chose qui a trait à son service, mais au service militaire comme tel. Je sais, que ce genre de décision est variable, mais par ces décisions, il semble nécessaire que le soldat doit avoir fait un travail franchement militaire; et que s'il ne l'avait fait, il serait peut-être coupable d'un délit quelconque.

Je pense qu'il y a à boire et à manger dans cela et le Comité Woods, quand il en a fait

[*Texte*]

had to be doing something that had he not done it, he could have been guilty of an offence.

I realize there are ebbs and flows in this, but the Woods Committee in studying it felt this should be clearly spelled out in the legislation so that the peacetime claims could get fair treatment.

They stated:

> The Woods Committee concluded that the provisions regarding improper conduct as set out in Section 14 of the Pension Act are not appropriate to the circumstances of serving personnel. Reference was made to the fact that improper conduct in the Regular Forces touches upon military law which has no parallel in civilian law. Justice Woods believes that the principle of improper conduct should follow closely the Government Employees Compensation Act, which is to the effect that compensation is payable where death or injury is attributable solely to the serious and wilful misconduct of the workman if the injury results in death or serious disablement.
>
> The Woods Report stated that the words "arose out of" and "directly connected with" had been given no consistent interpretation, thus creating difficulties to those administering the legislation and those claiming benefits thereunder. It was therefore recommended that the words "arose out of or was directly connected with" be replaced with "related to service in the forces". The members of the Woods Committee thought the confusion which surrounded the present coverage for peacetime service would be clarified to a considerable extent providing that the meaning of the proposed wording "related to service in the Forces" was amplified in the Act in accordance with the Committee's recommendations and by Commission directives. It was suggested also that there would have to be a continuing liaison between the pension administrators and the armed forces.

Mr. Justice Woods believed that the principle of improper conduct should also be reviewed and the principle should follow closely the Government Employees Compensation Act, which is to the effect that compensation is not payable where death or injury is attributable solely to the serious and wilful

[*Interprétation*]

l'étude, a cru qu'il fallait inclure des précisions dans la loi, pour permettre au militaire d'avoir un traitement équitable. Il semble qu'il y a manque d'interprétation normale qu'il y a un malentendu entre ceux qui ont fait leur service en temps de paix et ceux qui ont fait leur service en temps de guerre.

Le juge Woods a découvert qu'à cause de la confusion qui existe actuellement, le service en temps de paix devrait être défini clairement et que le libellé ayant trait au service dans les Forces armées soit précisé dans la loi.

Le Comité déclare:

> Le Comité Woods a conclu que les dispositions relatives à la mauvaise conduite dont il est question dans l'article 14 de la Loi sur les pensions ne sont pas conformes aux conditions du personnel de service. On a fait remarquer que la mauvaise conduite dans les forces régulières relève de la loi militaire, qui n'a pas d'équivalent dans la loi civile. Le juge Woods estime que le principe de mauvaise conduite devrait suivre de près la Loi sur l'indemnisation des employés du gouvernement, qui stipule que l'indemnité n'est payable que dans les cas où le décès ou la blessure sont imputables à la mauvaise conduite grave et intentionnelle de l'ouvrier, si la blessure amène la mort ou une grave incapacité.
>
> Le Rapport Woods mentionne que les mots «qui découlent» et «qui se rattachent directement» n'ont jamais fait l'objet d'une interprétation cohérente, d'où des difficultés chez ceux qui appliquent la législation et chez ceux qui réclament des indemnités. Il a donc été recommandé que les mots «qui découlent ou qui se rattachent directement» soient remplacés par «qui se rattachent au service dans les forces». Les membres du Comité Woods ont pensé que la confusion qui entoure la couverture actuelle du service en temps de paix serait éclaircie dans une très grande mesure, pourvu que le sens des mots proposés «*qui se rattachent au service dans les forces*» soit élargi dans la loi, conformément aux recommandations du Comité, de même que dans les directives de la Commission. Il a été aussi suggéré qu'il faudrait une liaison permanente entre les administrateurs des pensions et les forces armées.

Et M. le juge Woods a dit que le principe qui veut que l'inconduite soit aussi revisée et qu'il s'ajuste aux clauses de l'indemnité aux accidentés du travail de la Fonction publique, qui veulent qu'il faut prouver qu'il y ait eu de l'inconduite sérieuse et volontaire quand il y a invalidité ou fatalité quelconque. On a

[*Text*]

misconduct of the workman if the injury results in death or serious disablement.

•2030

This was an attempt to take a new look at the role of the peacetime forces. This has been dealt with in previous days before your Committee, but we do think there is a tendency in some quarters to think that the peacetime serviceman, as some people says, is just another civil servant. But there are differences in the conditions of work, in the dangers to which he can be exposed in the hours he works and the areas in which he serves. Notwithstanding the fact that there is a special Privy Council Order that extends the insurance principle to those who serve in designated areas such as Cypress and the Gaza Strip—these people do benefit from the insurance principle—but aside from the provision we feel the present legislation is too narrow and does not allow the Commission sufficient leeway to cover many of the injuries that arise out of service and are related to service.

There are a number of problems in connection with sports parades. If people have the foresight to publish this in Orders that so and so and so and so will report and will play hockey or play football, this is clear cut, but you all know from your service life that often times somebody may say, "A" Company, let us go over and have a ball game or just take on "B" Company in the unit or another unit in the near lines. You pick up a hockey stick and go. These things are good for esprit de corps; they are good for morale and it helps to build team and unit spirit, yet if you look coldly at them afterwards you will say, "Who authorized the hockey game"? Nobody really authorized it, it just grew out of a combination of circumstances.

We feel that the legislation should take into account the good of the service and the requirements of the service and that there should be more liberal and more generous treatment for these things that arise out of service conditions.

The Chairman: Did you not feel, Mr. Thompson, that the government was proposing to accept a number of the items that you have mentioned here, from previous indications?

Mr. Thompson: It is not clear to us at this point. We have not had a chance to analyse . . .

The Chairman: I am relying on memory also, but it sems to me that the indication to us was that a substantial degree of what you

[*Interpretation*]

essayé d'aborder le problème d'une nouvelle façon par le Comité mais il semble que l'on tende à croire que le militaire en temps de paix n'est qu'un simple fonctionnaire. Mais il y a des différences dans le travail, dans les dangers auxquels ils sont exposés, les régions et les heures auxquelles ils doivent travailler. D'autant plus qu'il y a un décret ministériel qui les englobe dans les assurances spéciales pour ceux qui sont en poste dans des régions spéciales telles que Chypre ou Gaza. Mais il semble que les dispositions sont trop restreintes en ce qui concerne les blessures qui ont trait au service ou qui sont complémentaires au service.

Il y a un nombre considérable de problèmes relatifs au sport. Si les ordres étaient donnés par écrit, qu'un tel doit se présenter, au rapport, un tel jouer au hockey ou au football, etc—ce serait très simple. Mais vous savez tous par votre propre expérience au sein du service, qu'on va dire que la compagnie «A» va aller jouer une partie de balles, et que la compagnie «B» va jouer au hockey. C'est bon pour le moral d'une unité militaire, mais pourtant par après s'il y a eu des blessures, quelqu'un va peut-être dire: qui a autorisé la partie ou le jeu? Et nous croyons que la loi doit tenir compte du moral, du bien du service et tenir compte de tout cela quand il y a des blessures qui sont le résultat de ces circonstances.

Le président: Ne croyez-vous pas M. Thompson que le gouvernement se proposait d'accepter de nombreux articles que vous mentionnez ici?

M. Thompson: Ce n'est pas clair ici. Nous n'avons pas eu la chance d'analyser le rapport.

Le président: Je me fie aussi à ma mémoire, mais il me semble qu'on tient compte pas mal de ce que vous venez de nous décrire. M.

[*Texte*]

are recommending here would be accepted. Possibly Mr. Reynolds would amplify at this point.

Mr. Reynolds: Mr. Chairman, Mr. Ward mentioned that so far as regular force service is concerned, the Woods Committee recommendation to change "arising out of and directly connected to "related to service" was not accepted and the test will still be, "arise out of and directly related to service," but he did mention a great number of presumptions. I cannot remember them all offhand, but they dealt with sport and travel, travel status leave—at least in travelling from isolated areas on leave. The presumptions mentioned by him included most of the presumptions recommended by the Woods Committee with very little, if any, modification.

Mr. Bigg: Certainly the whole area is open to further discussion in my recollection of it anyway.

Mr. MacRae: Just a point to amplify what Mr. Thompson has said and for our future discussion. I hope to be here for it, although I am going to the United Nations on Sunday. I may not be here for some of it, but as I understand...

The Chairman: We will be adjourning for a little while, I hope.

Mr. MacRae: I hope so—eventually. There is this particular point of two men who were in an orderly room. One man is going on leave and another man is being sent with a message across the street by one of his officers or an NCO. When walking across the street both of them are hit. The man who is carrying the message is completely covered; the man who is proceeding on his leave in Canada at this particular point is not covered in any way. Now, that is my understanding. I may be wrong, but I raise that point only because it is something we can think about if we are going to give—and I hope we will—serious consideration to these particular items.

The Chairman: There is no question that we are going to give serious consideration to these, Mr. MacRae.

Mr. MacRae: Yes.

The Chairman: Is that any reassurance to you, Mr. Thompson?

• 2035

Mr. Thompson: If these are to be spelled out in the legislation, this will be one thing.

[*Interprétation*]

Reynolds aurait peut-être quelque chose à dire à ce sujet.

M. Reynolds: Oui, monsieur le président. M. Ward a dit au sujet des forces militaires régulières, que les recommandations du Comité Woods pour faire des changements «à la suite de et au sujet du service,» n'étaient pas acceptées et il y a autre chose à faire pour les mêmes raisons, mais il a mentionné un grand nombre de présomptions à cet égard. Je ne me les rappelle plus toutes présentement mais ces présomptions avaient trait aux sports, aux déplacements, au statut de voyageur, aux congés du moins, pendant que le militaire en congé revient de régions isolées. Les présomptions qu'il a mentionnées comprenaient la plupart des présomptions recommandées par le Comité Woods avec très peu, sinon aucune modification.

M. Bigg: Il me semble que tous ces facteurs se prêtent à de plus amples discussions.

M. MacRae: J'aimerais souligner ce que vient de dire M. Thompson. Je ne serais peut-être pas ici moi-même, parce que je m'en vais aux Nations-Unies dimanche. Il se peut que je ne sois pas ici pour certains débats, mais je crois comprendre...

Le président: J'espère que nous ajournerons pour un petit moment.

M. MacRae: Je l'espère, éventuellement. J'aimerais soulever un point en particulier. Deux hommes, par exemple, sont dans une salle de rapport. L'un part en vacances, l'autre a eu une commission à faire de l'autre côté de la rue pour un de ses supérieurs ou un sous-officier en traversant la rue, ils sont frappés tous les deux. Celui qui a le message est protégé, mais celui qui part en congé au Canada n'est pas protégé d'aucune façon à ce moment-là. Il se peut que je fasse erreur, mais je soulève ce point seulement parce que c'est une situation à laquelle nous devons réfléchir si nous devons étudier—et j'espère que nous le ferons—sérieusement ces articles en particulier.

Le président: C'est justement un article auquel on devrait porter beaucoup d'attention, Monsieur MacRae.

M. MacRae: Oui.

Le président: Est-ce que cela vous rassure un peu, Monsieur Thompson?

M. Thompson: Si tout cela doit être précisé dans la loi, ce sera une très bonne chose. Il

[*Text*]

Our understanding is that the term "recreational" was not acceptable. How far will it go in sports activities? Are we going to be faced again with the question of the thing that is firm and posted in orders, and whether the kind of pick-up hockey game I was speaking about is going to be classified as recreational and not in? These are the things that concern us.

Mr. Bigg: Would you like to have it posted? I mean, do you want it in black and white? Remember, it is restrictive. If we put in down that it must be organized sport then the inter-troop golf tournament would not be in. If a man is killed by a golf ball, his widow would not get a pension and so forth, whereas a properly reorganized and well set up Pension Commission with all the facts before it might be able to grant a pension if we do not spell it out.

This is the dilemma we face. If we spell it out one way we do not get it—down comes the steel trap. If we say, "sport under the aegis of the regiment" it is wide enough to cover almost anything where there is a proper claim. If we say, "organized sport", then we have to define that and say, "only where two squads are in open competition on the square, or under the sergeant-major's baleful eye," or something like that. I do not like that kind of spelling out, by the way.

Mr. Thompson: Spelling out, Mr. Chairman, can be dangerous; it can also be helpful. There are some things that we just cannot spell out. With other things if they are spelled out you know where you stand and if you want to change the legislation you know who to talk to. It is our feeling that you should look at this whole matter and come up with something that will solve these problems that do exist.

Again, I know they must be a great problem to the Commission because of the wording of the Act, so we would like to see consideration given to this term "related to service" because there are some things that do not arise directly from service but are related. Let us suppose there is a sports meet coming up a month from now and a couple of fellows decide they are going to get in shape for it, and after supper they say, "Let us go and run a couple of miles". Now, this is not really under any of the headings that I have heard mentioned. Suppose one of them gets hit by an automobile.

[*Interpretation*]

me semble que le terme «loisirs» avait été supprimé, mais je ne sais pas dans quelle mesure nous allons préciser ce qui a trait à la récréation ou aux loisirs. Aurons-nous encore à faire face à la question des loisirs précis et commandés et aurons-nous à déterminer si une joute de hockey impromptue, dont je vous parlais, sera classée comme faisant partie des services récréatifs. Voilà les choses qui nous concernent.

M. Bigg: Voulez-vous que cela soit écrit en toutes lettres? Je veux dire le voulez-vous noir sur blanc? N'oubliez pas que c'est un facteur restrictif. Si nous déterminons que cela doit être du sport organisé, alors le tournoi de golf entre les troupes ne serait pas de cette catégorie. Si un homme se fait tuer par une balle de golf, alors sa veuve ne serait pas protégée, etc., mais, s'il y avait une Commission des pensions en règle, on pourrait peut-être lui accorder une pension si nous ne précisons pas trop les choses.

Voilà le dilemme auquel nous avons à faire face. Si nous formulons des recommandations d'une certaine façon, nous sommes devant une impasse—et la porte se referme sur nous. Si nous parlons par exemple du «sport sous l'égide du régiment», cette expression est assez vaste pour comprendre toute réclamation justifiée. Si nous disons «sport organisé», alors on doit définir cette expression et parler de seulement quand deux régiments sont en compétition ouverte sur la place, ou sous l'œil funeste du sergent-major ou quelque chose d'approchant. Je n'aime pas cette façon de procéder incidemment.

M. Thompson: Trop préciser, monsieur le président, peut être dangereux, mais peut également être utile. Il y a certaines choses que nous ne pouvons simplement pas préciser. Par exemple, si vous voulez faire modifier la...loi, vous savez comment procéder et à qui vous adresser. Mais, à notre avis, il faut se pencher sur toute cette question et trouver une solution à toutes ces questions.

Je sais que ça doit poser des problèmes à la Commission, à cause du libellé de la loi et nous aimerions étudier l'expression «se rapportant au service» parce qu'il y a certaines choses qui ne proviennent pas directement du service mais, quand même, qui y sont reliées. Supposons qu'il y a une compétition sportive d'ici un mois et que deux militaires décident de se mettre en forme en fonction de cela; après souper ils décident d'aller courir pour une couple de milles. Cela n'est pas compris dans une des rubriques mentionnées ci-dessus. Supposons que l'un des deux militaires se fasse frapper par une automobile.

[*Texte*]

Here is really an element of esprit de corps. He is working for the good of his unit and this is what makes the difference in forces. If you do not have good esprit de corps, you do not have good forces, and it seems to us that whatever you come up with, Mr. Chairman, it should be broad enough to take care of that kind of legitimate case.

Mr. Marshall: Mr. Chairman, in the introduction I am intrigued that one of the sentences read:

> It is noted that substantial briefs were submitted by all major veterans organizations, the Chief of the Defence Staff,...

I wonder whether we could get the brief that was submitted by the Chief of the Defence Staff?

The Chairman: I do not think there is any difficulty in getting any of the briefs that were presented to the Woods Committee. I think they are public documents. They are all on file. They are available to any member of this Committee. Mr. Levesque says if you want them, in 15 minutes they can be in your hands.

Mr. Marshall: Not in 15 minutes, but when we come up with...

Mr. Bigg: I understand the whole of the Woods Committee Report is in our documents.

The Chairman: No question. Shall we go to the next point, Mr. Thompson?

Mr. Thompson: The next one, Mr. Chairman, is on pages 12 and 12A and deals with the Basic Rate.

Explanatory Notes and Comment

It has been suggested that the Woods Committee's terms of reference did not include a study of the actual dollar amounts involved in pension payments. The terms of reference did, however, state that the Committee would not be limited in the scope of its report. Consequently, the Committee decided that it would not be pertinent to its inquiry to consider the quantum of pension but did feel it should deal with the basis upon which pension is paid, particularly because of its relationship to awards for multiple disabilities; moreover, the "yardstick" which is used to set pension rates is an integral part of the pension law and administration.

The 1918 Parliamentary Committee said that, by awarding pension on the basis of reduction in capacity to perform untrained labour, the Government would avoid any

[*Interprétation*]

Voilà un exemple d'esprit de corps. Ce militaire a à cœur l'intérêt de son régiment et c'est cela qui fait toute la différence. Là où il n'y a pas d'esprit de corps, vous n'avez pas un bon régiment et il me semble, monsieur le président, que les termes de la loi devraient être assez vastes pour comprendre un cas légitime comme celui-ci.

M. Marshall: Monsieur le président, il y a une des phrases qui m'intrigue. On dit ce qui suit:

> Il est à remarquer que des mémoires considérables ont été présentés par toutes les principales organisations d'anciens combattants par le Chef de l'État-major...je me demande si nous pourrions obtenir le mémoire du Chef de l'État-major?

Le président: Que je sache, je pense qu'il n'y a aucune difficulté à obtenir tout mémoire présenté par le Comité Woods. Je crois que ce sont des documents publics et tous les dossiers sont disponibles. Ils sont à la disposition de tous les membres du présent Comité. M. Lévesque nous dit que si vous les voulez, vous les aurez en mains en 15 minutes.

M. Marshall: Pas dans 15 minutes, mais quand nous étudierons...

M. Bigg: Je crois savoir que tout le rapport de la Commission Woods figure dans nos dossiers.

Le président: Aucune question. Pouvons-nous passer au point suivant, s'il vous plaît, monsieur Thompson?

M. Thompson: Le point suivant, monsieur le président figure sur les pages 12 et 12A et traite des taux de base.

Notes explicatives et observations

On a laissé entendre que le mandat du Comité Woods ne comportait pas l'étude des montants réels, en argent, contenus dans le paiement des pensions. Le mandat, toutefois, stipule que la portée du rapport de serait pas limitée. Le Comité a donc décidé qu'il ne lui incomberait pas d'étudier le montant même des pensions mais il a été d'avis qu'il devrait s'occuper de la base sur laquelle les pensions sont payées, surtout parce que cela se rattache aux versements dans les cas d'incapacités multiples; de plus, le «critère» utilisé pour déterminer les taux de pension fait partie intégante de la loi et de l'administration des pensions.

Le Comité parlementaire de 1918 dit qu'en accordant des pensions sur la base de la diminution de l'aptitude à faire du travail non spécialisé, le gouvernement éviterait les com-

[*Text*]

complications which might arise from an attempt to pay a man more pension if he had lost the ability to perform some acquired skill, (e.g., under the unskilled labour formula a carpenter who had lost a hand would be entitled to the same pension as anyone else, even though he would be presumably unable to continue to use his acquired skill.)

The brief presented to you on 18 September 1969 by the National Veterans Organizations referred to basic rate as follows:

> "The need for the establishment of an adequate basic rate of pension has been apparent for many years. We have individually and collectively urged the Government to take action to increase the basic rate to the same level of Public Service income as existed immediately following World War I. In this regard we refer you to the following excerpt from the comments of the Woods Committee (V.II, p.495) which it is stated is based on information given the 1919 Parliamentary Committee.
>
> > 'The earning power of the man in the class of the untrained labourer will be sufficient to provide decent comfort for himself and his family, that is to say, the standard of living which the average unskilled man can command for himself and his family.' "
>
> and,
>
> "We can see no need for a new basis for calculation of war disability pension."

The statement in the Government White Paper to the effect that pension rates will be considered by the Government in relation to the over-all assessment of Federal social policy and programs is disheartening, especially since we have been waiting for a decision by the Government on this matter for more than five years. Disability pensions should not be included in studies dealing with Old Age Security, Occupational Training, Family Allowances and Public Welfare. Pensions have always been awarded "as of right", in recognition of the fact that a man gave his life or suffered disabilities for his country in time of war. The Government apparently has been studying the question of basic rates very carefully since the Legion made strong representations on this matter in 1964. Three increases in pensions have been granted since that time, but on several occasions we have been led to believe that these were "interim" increases, as the Government was grappling

[*Interpretation*]

plications que pourrait susciter une tentative de verser à une personne une pension plus élevée si elle avait perdu l'aptitude à faire du travail spécialisé (par exemple, d'après la formule du travail non spécialisé, le menuisier ayant perdu une main aurait droit à la même pension que toute autre personne, même si l'on suppose qu'il serait incapable de continuer à utiliser ses aptitudes acquises.)

Dans le mémoire que vous ont présenté, le 18 septembre 1969, les associations nationales d'anciens combattants, voici ce que l'on dit du taux de base:

> «La nécessité d'établir un taux de base adéquat de pension est manifeste depuis plusieurs années. A titre tant individuel que collectif, nous avons prié instamment le gouvernement de prendre des mesures pour élever le taux de base au même niveau de revenu de la Fonction publique que celui qui existait immédiatement après la Première Guerre mondiale. A ce propos, nous vous rappelons le passage suivant des observations du Comité Woods (V, II, p. 495), qui déclare-t-on, repose sur la documentation fournie au Comité parlementaire de 1919.
>
> > «La valeur ouvrière d'un homme appartenant à la catégorie de l'ouvrier non spécialisé sera suffisante pour lui assurer un confort raisonnable, de même qu'à sa famille, c'est-à-dire, le niveau de vie que peut obtenir l'ouvrier moyen non spécialisé pour lui-même et pour sa famille.» et,
>
> «Nous ne voyons pas la nécessité d'une nouvelle base de calcul pour les pensions d'incapacités de guerre.»

La déclaration contenue dans le Livre blanc du gouvernement, selon laquelle les taux de pension seront étudiés par le gouvernement par rapport à l'évaluation globale de la politique et des programmes sociaux du gouvernement, est décourageante, surtout parce qu'il y a déjà plus de cinq ans que nous attendons une décision du gouvernement là-dessus. Les pensions d'incapacité ne devraient pas être incluses dans les études qui portent sur la sécurité de la vieillesse, la formation professionnelle, les allocations familiales et l'assistance publique. Les pensions ont toujours été accordées «comme un droit», en reconnaissance du fait qu'une personne a donné sa vie ou a subi des incapacités pour son pays, en temps de guerre. Il semble que le gouvernement a étudié cette question des taux de base avec beaucoup d'attention, depuis que la Légion a fait de fortes instances là-dessus, en 1964. Les pensions ont été augmentées trois fois depuis ce temps-là, mais, à diverses repri-

[*Texte*]

with the problem of finding a new "yardstick".

Again, gentlemen, we would like to reiterate the statement made by the National Veterans Organizations on 18 September:

> "All that is needed is for the Government of Canada to restore the 'yardstick' to its relative length of 1920."

Here again we would like to stress the views of the Legion on the basic rate. You have our views set out here in detail, but I would simply restate that we firmly believe in the original concept, that if a man went into the forces with a sound mind and a sound body, as I think were the words used at that time, and left with these the state owed him nothing, but if he left with something less than he went in with, then the state owes him for that loss.

We firmly believe that the only sound scale to relate this is the unskilled labour market. Because of the ages of so many men in the forces, it was really impossible to say what their potential was and if you started to relate it to anything else, as has been said here in the Committee, you would be paying a man who was a violinist and lost a hand more than a man who was doing some other job.

Some people say to us, "This is not a very dignified group to relate pensioners to". Some people say, "Why do you relate them to the unskilled labour market?" We believe that this is the market they were related to in 1919-1920 and we can see the problems of trying to relate them to any other group in the country. It is true that the man went in with a sound mind and a sound body, and what do you relate it to except the unskilled labour market?

• 2040

Mr. Whicher: If you want it to be more dignified you could relate it to farmers. You will be asking for less money.

The Chairman: Mr. Whicher, I do not think we should enter into a debate at this point.

Mr. Whicher: My speeches have been very short, Mr. Chairman.

[*Interprétation*]

ses, on nous a laissé croire qu'il s'agissait d'augmentations «provisoires», étant donné que le gouvernement cherchait à résoudre le problème de trouver un nouveau «critère».

Messieurs, nous aimerions répéter ce que disaient les Associations nationales d'anciens combattants, le 18 septembre:

> «Tout ce qu'il faut, c'est que le gouvernement rende au «critère» sa longueur relative de 1920.»

Nous aimerions encore une fois présenter le point de vue de la Légion sur les taux de base. Vous connaissez nos points de vue qui sont exposés ici en détail, mais j'aimerais déclarer de nouveau que nous croyons fermement au concept premier qui est le suivant: si un homme s'engage dans les forces armées avec un esprit et un corps sains, selon l'expression qui a été utilisée à ce moment-là, et quitte les Forces armées dans le même état, l'État ne lui doit rien; mais s'il quitte les Forces armées un peu handicappé, alors l'État lui doit quelque chose pour une perte quelconque.

Nous croyons fermement que l'unique échelle valable auquelle nous pouvons nous référer dans ce cas est le marché de la main-d'oeuvre non spécialisée. En raison de l'âge de plusieurs militaires, il était réellement impossible de définir leur potentiel et si vous essayiez de le comparer à tout autre chose, comme il a été dit ici au Comité, vous pourrez verser une indemnité à un homme qui était un violoniste, ayant perdu une main, plus importante qu'à un homme qui aurait une autre profession.

Certaines personnes viennent nous dire: «Vous ne classez pas les bénéficiaires de pension dans un groupe très digne». D'autres diront: «Pourquoi les classez-vous comme faisant partie de la main-d'oeuvre non spécialisée?» Nous croyons que c'est ainsi qu'ils étaient classés en 1919-1920 et nous voyons bien qu'il y aura des problèmes si l'on essaie de les classer dans tout autre groupe au pays. Est-il vrai que cette personne qui s'est jointe aux Forces armées était saine d'esprit et de corps? Dans quel groupe pouvons-nous les classer, sinon dans celui de la main-d'oeuvre non spécialisée?

M. Whicher: Si vous tenez à ce qu'ils fassent partie d'un groupe plus digne, pourquoi ne pas les classer comme cultivateurs? Vous demanderiez ainsi moins d'argent.

Le président: Monsieur Whicher, je ne pense que nous ayons à entrer dans un débat à ce moment-ci.

M. Whicher: Mes discours ont été très brefs, monsieur le président.

[*Text*]

The Chairman: Commendably so, Mr. Whicher. I would just like to make the observation, Mr. Thompson, that your own appending brief indicates the problems of the Committee and the fact that you understand them yourself very well. I do not think you are under any illusion as to what you can look to from this Committee in the area of basic rates.

Mr. Thompson: Mr. Chairman, we recognized in our brief from the joint veterans group and again here that we are not discussing the dollar question; it is the question of the principle of the unskilled labour market. We realize, as you and the Minister made clear, that the dollars were not properly before you and this is why we are discussing the question of the principle, the relationship to the unskilled labourer.

Mr. Peters: It has been mentioned by other delegations. Is this the unskilled group, within the public service of Canada, or something like that? Is this something added? In other words, it is not an average organized rate.

Mr. Thompson: No. Mr. Chairman, I think, to answer Mr. Peters' question, that for years the Legion took the stand that the pay of the cleaner and helper in 1919-1920 at that time was the same as a single pensioner, and the Woods Report points out that it would be sounder to take an average of the unskilled labour group in the government service because, if that one category disappears, what do you relate it to? We see their point.

However, we had originally related it for years to the Cleaner and Helper because that was the category to which there was a direct relationship. They have suggested taking an average of these and, to us, this does not disturb the principle at all.

The Chairman: Well, Mr. Thompson, you recognize a basic principle here, but going into how one spells out dollars and cents is clearly beyond our scope at this point.

Mr. Thompson: Mr. Chairman, I do not think there is any misunderstanding on our part. We are talking about the principle of the basic rate being related to the unskilled labour market.

[*Interpretation*]

Le président: Vous êtes digne d'éloges à ce sujet, monsieur Whicher. Je voudrais simplement dire, monsieur Thompson, que votre propre mémoire ci-dessus annexé, révèle les problèmes du Comité et le fait que vous les comprenez très bien vous-même. Je crois que vous ne vous faites aucune illusion au sujet de ce que vous pouvez retirer du présent Comité dans le domaine des taux de base.

M. Thompson: Monsieur le président, nous avons reconnu dans notre mémoire, provenant d'un groupe d'anciens combattants que nous ne discutons pas ici de questions d'argent; ce sont plutôt des questions de principes en ce qui concerne la main-d'œuvre non spécialisée. Nous comprenons, comme le ministre et vous l'avez clairement laissé entendre que les questions d'argent ne seraient pas discutées ici. C'est donc ici une discussion de principes, c'est-à-dire, le rapport à établir par rapport au manœuvre non spécialisé.

M. Peters: Cela a été mentionné par d'autres délégations. Est-ce là le groupe de main-d'œuvre non spécialisé au sein de la Fonction publique ou quelque chose comme ça? Est-ce qu'il s'agit de quelque chose qui s'ajoute à ce que nous avions avant? En d'autres mots n'est-ce pas un taux moyen?

M. Thompson: Non, monsieur le président. En vue de répondre à la question de M. Peters, pour bien des années la Légion canadienne avait pour point de vue que le salaire du préposé au nettoyage et de l'aide en 1919-1920 était le même que celui d'un militaire retraité célibataire et le rapport Woods fait remarquer qu'il serait mieux de prendre la moyenne des travailleurs non spécialisés au service du gouvernement car si cette catégorie disparaît à quoi va-t-on rattacher ceci. Nous voyons bien leur point de vue.

Cependant, pendant bon nombre d'années, nous avons rattaché ça aux salaires des aides et des personnes qui font le ménage, car c'était la catégorie pour laquelle il y avait un rapport direct. On a suggéré de prendre une moyenne et à notre avis cela n'affecte en aucune façon le principe de la chose.

Le président: Donc, monsieur Thompson, vous reconnaissez que c'est un principe de base qui est en cause et de préciser cela, en dollars et en cents est nettement en dehors de notre domaine à ce moment-ci.

M. Thompson: Eh bien, je ne pense pas monsieur le président qu'il y ait quelque malentendu de notre part. Nous parlons ici du principe, du taux de base pour les travailleurs non spécialisés.

[*Texte*]

The Chairman: But you got to the principle of whether it was this unskilled labour—cleaner and helper—or another weighted average of unskilled labour and so on. I think you are creeping a little along the line.

Mr. Thompson: I am sorry, but I was merely trying to answer the question.

Mr. Peters: May I ask Mr. Thompson a question? I presume the Public Service was not in being in 1919?

Mr. Thompson: Yes, I think it was.

Mr. Marshall: Mr. Chairman, I would like to ask a very leading question.

Mr. Thompson, veterans organizations are placing a high priority on the basic rate. Although this is not in our terms of reference, what importance do you think that we should give to the basic rate in our future deliberations?

Mr. Thompson: Mr. Chairman, I think, in fairness, that the veterans do feel that there has been a considerable delay, that this now has reached the point, even considering all the factors in the country today of going behind and there is need for early action. There is no question of this strong feeling across the country that there is need for early action. We have been waiting, and I think it is fair to say waiting patiently, because there was talk of a new yardstick and we were willing to wait for this, even though we did not agree with the need for one. A new one has not come up. An honest answer to your question is that the veterans across the country do feel that this is a serious situation.

• 2045

Mr. Marshall: As far as the basic rate is concerned?

Mr. Thompson: Yes.

Mr. Marshall: Would you recommend—if I could put another leading question—

The Chairman: You are doing very well.

Mr. Marshall: —that we ask the Chairman before we go any further to have included in our terms of reference a study of the basic rate?

Mr. Thompson: I can only answer that, Mr. Chairman, by saying that if this took place

[*Interprétation*]

Le président: Mais quand vous parlez des aides et des personnes qui font le ménage, je pense que vous voulez aller un peu plus loin, là, dans l'énoncé.

M. Thompson: Je regrette, mais j'essayais simplement de répondre à la question.

M. Peters: Puis-je poser une question à M. Thompson? J'estime que la Fonction publique n'existait pas en 1919.

M. Thompson: Oui, je crois qu'elle existait.

M. Marshall: Monsieur le président, puis-je poser une question, s'il vous plaît? C'est une question importante, je pense.

Monsieur Thompson, les organisations d'Anciens combattants ont mis en très grande priorité la question des taux de base. Bien que cela ne rencontre pas notre mandat, quelle importance estimez-vous que nous devrions accorder au taux de base dans nos délibérations dans l'avenir?

M. Thompson: Monsieur le président, je pense en toute justice que les anciens combattants estiment qu'il y a eu beaucoup de retard dans ce domaine. Et maintenant nous en sommes au point où il faut considérer qu'en dépit de tous les facteurs au Canada à l'heure actuelle, nous avons regressé et qu'il faut agir très bientôt. Il n'y a pas de doute à ce sujet-là, chez tous les anciens combattants du Canda. Il faut agir dès maintenant. Nous avons attendu et il est juste de dire que nous avons attendu avec patience car il était question d'un nouveau critère et que nous étions prêts à attendre pour celui-ci même si nous n'étions pas d'accord pour la nécessité d'un nouveau critère. Rien ne s'est produit. Pour répondre honnêtement à votre question il faut dire que les anciens combattants du Canda sont d'avis que c'est une question grave à l'heure actuelle.

M. Marshall: En ce qui concerne les taux de base?

M. Thompson: Oui.

M. Marshall: Alors, est-ce que je pourrais poser une autre question importante?

Le président: Vos questions sont justifiées. Poursuivez.

M. Marshall: Est-ce que nous pourrions demander au président, avant d'aller plus loin d'inclure dans notre mandat, une étude du taux de base?

M. Thompson: Je pourrais simplement répondre, monsieur le président, en disant

[*Text*]

the veterans organizations would be very pleased.

The Chairman: I would have to say, Mr. Marshall, that I think I have shown a good deal of tolerance up to this point.

Mr. Marshall: Thank you.

The Chairman: Do you want to go on, Mr. Thompson, to the next point.

Mr. Thompson: Thank you. The next one, Mr. Chairman, is on page 13, multiple disabilities.

Explanatory Notes and Comment

The Woods Committee recommended that:

(1) the Pension Act be amended to provide supplementary pension where the assessment for a pensioned condition exceeded 100 per cent on the principle that the assessment up to 100 per cent be measured on the extent of incapacity in the unskilled labour market;

(2) assessment in excess of 100 per cent be approved where, in a substantial degree, the undermentioned factors exist:
(i) anatomical loss
(ii) scarring and disfigurement
(iii) loss of enjoyment of life
(iv) pain and discomfort
(v) expected shortening of the life span;

(3) the provisions of assessment include:

(i) quadriplegia 350 per cent
(ii) quadruple amputee 350 per cent
(iii) paraplegia 350 per cent
(iv) triple amputee 265 per cent
(v) total blindness 250 per cent
(vi) severe injury or surgical removal other than amputation and disease—to be fixed by the Commission

(vii) loss of paired organs—as loss would be more than twice as disabling than the loss of a single organ, the maximum additional assessment for loss of paired organs to be 25 per cent;

(4) the maximum assessment be 350 per cent;

(5) if basic rate of pension is changed the multiple disability assessment in excess of 100 per cent be altered proportionately;

[*Interpretation*]

qu'à mon avis les associations des anciens combattants seraient très heureuses qu'on fasse cette étude.

Le président: Je dois dire, monsieur Marshall, que j'ai démontré beaucoup d'esprit de tolérance jusqu'à maintenant.

M. Marshall: Merci.

Le président: Pouvez-vous continuer, monsieur Thompson?

M. Thompson: Merci. Le prochain article, monsieur le président, est à la page 13. Il s'agit des infirmités multiples.

Notes explicatives et observations

Le Comité Woods a recommandé que:

(1) La Loi sur les pensions soit modifiée afin de fournir une pension supplémentaire dans les cas où l'évaluation de l'état d'un pensionné dépasse 100 p. 100, selon le principe que l'évaluation jusqu'à 100 p. 100 soit mesurée d'après le degré d'invalidité sur le marché de la main-d'œuvre non spécialisée;

(2) L'évaluation dépassant 100 p. 100 soit approuvé dans les cas où, à un degré élevé, les facteurs suivants existent:
(i) perte anatomique
(ii) balafres et enlaidissement
(iii) privation de la jouissance normale de la vie
(iv) douleurs et malaises
(v) prévision d'une réduction sensible de la longévité;

(3) Les prévisions de l'évaluation comprennent:
(i) quadraplégie, 350 p. 100;
(ii) quatre amputations, 350 p. 100;
(iii) paraplégie, 350 p. 100;
(iv) trois amputations, 265 p. 100;
(v) cécité totale, 250 p. 100;
(vi) blessures graves ou ablations chirurgicales autres qu'amputations ou maladies—à être déterminé par la Commission
(vii) Perte d'organes pairs—étant donné que la perte rend deux fois plus incapable que la perte d'un seul organe, l'évaluation maximale supplémentaire relative à la perte d'organes pairs soit de 25 p. 100;

(4) L'évaluation maximale soit de 350 p. 100;

(5) Si l'on modifie le taux de base de pensions, l'évaluation excédant 100 p. 100 dans les cas d'invalidités à causes multiples devrait être modifiée en proportion;

[*Texte*]

(6) dependents payments not be affected by assessments in excess of 100 per cent;

(7) Attendance Allowance be held as separate and apart from disability pension and not as a supplementary payment to compensate for an assessment in excess of 100 per cent.

The definition of "multiple disability" as used by the Woods Committee was:

(1) paraplegia or quadriplegia

(2) total blindness

(3) two or more amputations

(4) any other combination of disabilities where there are medical or other problems in a substantial degree.

The proposed formula is interesting and imaginative. It provides for the retention of the unskilled labour market as the basis for the first 100 per cent of pension. This is realistic for several reasons. First, it does not disturb the basis of pension awards for those in receipt of assessments below 100 per cent. Secondly, it will avoid the chaotic condition which the Woods Committee sees resulting from any attempt to abandon the unskilled labour market formula. Thirdly, it is a practical method of approving compensation where the additional factors exist in a substantial degree; i.e., anatomical loss, scarring and disfigurement, loss of enjoyment of life, pain and discomfort, and expected shortening of the life span.

The Woods Report commented on the term "total disablement". In the opinion of the Committee, this phrase should be used to describe a pensioner who "has no capabilities to perform in the general classification of an untrained labourer." This would not mean that such pensioner had no capabilities through which he could perform other acts in the field of gainful employment. Furthermore, a person classified as "totally disabled" could find that if he was disqualified to compete in the untrained labour market, he would face other penalties, burdens and inconveniences on a twenty-four hour a day basis.

The Woods Committee, in proposing its definition of multiple disabilities, admitted that such could pose "administrative difficulties". The Committee went on to say, however, that the possibility of such problems should not form a basis upon which supplementary pension should be denied to those with multiple disabilities. The Committee

[*Interprétation*]

(6) Que le paiements à charges ne soient pas affectés par les évaluations excédant 100 p. 100.

(7) L'allocation de soins soit distincte et à part de la pension d'incapacité et non pas un paiement supplémentaire pour compenser l'évaluation excédant 100 p. 100.

La définition d'«incapacité multiple» utilisée par le Comité Woods comprenait:

(1) la paraplégie ou la quadraplégie

(2) la cécité totale

(3) deux amputations ou plus

(4) tout autre ensemble d'incapacités où il y a des problèmes d'ordre médical ou autres, à un degré élevé.

La formule proposée e st intéressante et bien imaginée. Elle prévoit le maintien du marché de la main-d'œuvre non spécialisée comme fondement des premiers 100 p. 100 de la pension. C'est faire preuve de réalisme pour plusieurs raisons. Tout d'abord, cela ne dérange pas la base des pensions pour ceux dont l'évaluation est inférieure à 100 p. 100. En second lieu, cela prévient le chaos qui résulterait, d'après le Comité Woods, de toute tentative d'abandonner la formule du marché de la main-d'œuvre. Troisièmement, c'est une méthode pratique d'approuver la compensation dans les cas où il existe des facteurs supplémentaires à un degré élevé, par exemple, la perte anatomique, les balafres et l'enlaidissement, la privation de la jouissance normale de vivre, douleurs et malaises, et prévision d'une réduction sensible de la longévité.

Le Rapport Woods renferme des observations sur l'expression «incapacité totale». De l'avis du Comité, ces mots serviraient à décrire le cas d'un pensionné qui est «incapable de travailler dans la catégorie générale des ouvriers non spécialisés.» Cela ne veut pas dire qu'un pensionné de ce genre est incapable d'accomplir d'autres actes qui lui vaudraient un emploi rémunéré. De plus un individu qui entre dans la catégorie des «incapacités totales» pourrait bien s'apercevoir que s'il n'a pas les qualités requises pour faire face à la concurrence du marché de la main-d'œuvre non spécialisée, il devrait aussi faire face à d'autres désavantages, fardeaux et inconvénients à longueur de journée.

Le Comité Woods, en suggérant sa définition des incapacités multiples admet qu'elle pourrait donner lieu à des «difficultés d'ordre administratif». Et le Comité ajoute, toutefois, que la possibilité de tels problèmes ne devrait pas être une raison de refuser des pensions supplémentaires à ceux qui souffrent d'incapacités multiples. Le Comité a exprimé l'avis

[*Text*]

advanced the view that the formula was workable in the hands of competent and understanding administrators.

This matter of multiple disabilities has been dealt with before this Committee in considerable detail by those groups who are primarily so affected. They most certainly are in a much better position to deal with it. They answered your questions and gave you information. We want the Committee to know that the Royal Canadian Legion is concerned with the plight of these people, we endorse their request and are behind them in their efforts. We feel that proper provision for multiple disability cases must have high priority, and we certainly want to add to their request our strong plea that there should be early and generous action in respect of this group, which I think it is honest and fair to say has been sadly neglected over many years, to ensure that the amount is reasonable and fair and that it is paid as of right. We believe it is important that these two points be met and we do endorse the proposal in the Woods Report for special provision for those who are over 100 per cent.

The Chairman: Are there any questions from members of the Committee?

Mr. Whicher: There are no questions because we have been over the points so very often. The Secretary has been here before and has heard us discuss these points. I realize other members of the Legion have not been here, but I think everyone around this table is very interested in such problems as the one we are now on. As I say, we have talked about it on many occasions and I do not think there is a man around the table who is not entirely sympathetic with the views that you have expressed.

The Chairman: Do you want to go on to the next point?

Mr. Thompson: By not dwelling on that, Mr. Chairman, I do not mean to suggest that we do not attach importance to it. As I say, I have been here and I do know that you have given this very thorough examination.

The Chairman: There has been substantial discussion with a number of different delegations and there does not appear to be any difference in your position in this respect from that presented by others.

Mr. Thompson: This is correct, Mr. Chairman.

The next item, Mr. Chairman, is attendance allowance, which is on page 14A.

[*Interpretation*]

que la formule était pratique entre les mains d'administrateurs compétents et compréhensifs.

Monsieur le président, cette question des incapacités multiples a été étudiée au Comité en détail, par les groupes qui sont surtout touchés par ceci. Ils sont en meilleure posture pour répondre à vos questions et vous donner des renseignements. Nous voulons que le Comité sache que la Légion royale canadienne s'intéresse au sort de ces gens, que nous endossons leurs demandes et appuyons leurs efforts. Et nous avons toujours estimé que la question des dispositions appropriées quant aux cas d'incapacités multiples doit être traitée d'une façon prioritaire. Et nous voulons ajouter à leur plaidoyer notre ferme appui et que pour ce groupe qui, je pense malheureusement, a été négligé au cours de nombre d'années, on devrait agir rapidement et d'une façon généreuse pour assurer que le montant soit raisonnable et juste et que ces gens aient ce qu'ils ont le droit d'avoir. Nous croyons qu'il est important que ces deux points soient admis et nous appuyons à ce sujet, la proposition du rapport Woods en vue des dispositions spéciales.

Le président: Y a-t-il des questions, messieurs, à ce sujet? Monsieur Whicher?

M. Whiccher: Nous sommes tellement revenus sur ce sujet qu'il n'y a aucune question. Le Secrétaire a été ici auparavant et il nous a entendu discuter de ces points de vue. Je sais que les autres membres de la Légion n'étaient pas ici mais je crois que tout le monde ici s'intéresse à cette question et comme je l'ai dit nous en avons parlé beaucoup. Et je pense que tout le monde ici est d'accord avec ce que vous venez de dire.

Le président: Voulez-vous passer au point suivant?

M. Thompson: En ne parlant pas de ce point là, monsieur le président, et je ne veux pas insinuer que nous n'y attachons pas d'importance. Comme je l'ai dit, j'étais ici et je sais que vous avez approfondi cette question.

Le président: Nous en avons discuté avec un certain nombre de délégations diverses et il semble qu'il n'y ait donc pas de divergence de vue ici par rapport aux autres dépositions.

M. Thompson: C'est très juste, monsieur le président. Ensuite nous passons aux allocations de soins, à la page 14 a):

[*Texte*]

Explanatory Notes and Comment

The main recommendations of the Woods Committee were that:

(a) a list of "necessities" for blinded pensioners be prepared with special emphasis placed on the need for constant companionship, recreational activities, transportation, and the inability of the blind to communicate by written and by spoken word, bearing in mind that facial expressions and hand signals are meaningless, to this group;

(b) Attendance Allowance for blinded pensioners be increased from $2,750 to $3,000 per annum;

(c) increases be approved for special classes of amputees as follows:

Loss	Amount Now Paid	Amount Recommended
Both arms above elbow	$2,000	$2,750
One arm above elbow—one below	2,000	2,500
One arm above wrist—one leg above knee ...	1,800	2,000
One leg above knee—one below	1,500	1,650
Double Syme's ..	600	1,500

(d) where the Attendance Allowance is in payment at $3,000 per annum, such be continued while the pensioner is in hospital;

(e) where Attendance Allowance is in payment below the maximum classification, such be continued for a period of two months when the pensioner is in hospital.

Attendance Allowance can be classed as "encumbered income". That is to say, these monies are paid to the pensioner for additional requirements in his home and elsewhere. He cannot use such funds to meet ordinary costs of living as they are already needed to provide him with extra furnishings, modifications to his accommodation, transportation facilities, etc.

[*Interprétation*]

Notes explicatives et observations

Voici les principales recommandations du Comité Woods:

(a) Que l'on rédige une liste des «nécessités» des pensionnés aveugles en portant une attention particulière au besoin constant de compagnie, aux activités récréatives, au transport, à l'inaptitude des aveugles à communiquer par écrit ou par la parole, en se rappelant que l'expression de la figure et les gestes n'ont aucun sens pour cette catégorie de personnes;

(b) Que l'allocation de soins en faveur des pensionnées aveugles passe de $2,750 à $3,000 par année;

(c) Que l'on approuve des augmentations en faveur des catégories spéciales d'amputés, comme il suit:

Perte	Montant payé actuellement	Montant recommandé
Perte des deux bras au-dessus du coude	$2,000	$2,750
Perte d'un bras au-dessus du coude et de l'autre, au-dessous	2,000	2,500
Perte d'un bras au-dessus du poignet et d'une jambe au-dessus du genou	1,800	2,000
Perte d'une jambe au-dessus du genou et de l'autre, au-dessous	1,500	1,650
Double amputation de Syme ..	600	1,500

(d) Que dans les cas où l'allocation de soins est de $3,000 par année, elle soit continuée pendant que le pensionné est hospitalisé;

(e) Que dans les cas où l'allocation de soins est inférieure à la catégorie maximale, elle soit continuée durant deux mois lorsque le pensionné est hospitalisé.

L'allocation de soins peut entrer dans la catégorie des «revenus hypothéqués», dans le sens que l'argent versé au pensionné sert aux exigences de sa maison et d'ailleurs. Il ne peut utiliser cet argent pour faire face au coût de la vie car il est déjà requis pour d'autres fournitures, pour faire des changements à son logement, pour des moyens de transport, etc.

[*Text*]

In commenting generally upon Attendance Allowance, the Woods Committee observed that there had been "some ambiguity" in the past in regard to the purpose of the Allowance. The early provisions of pension legislation made it clear that the Allowance was primarily based on the need for services and attendance as required by the pensioner. It did not represent a financial gain to him.

The Woods Committee heard a number of complaints concerning Attendance Allowance. One was to the effect that the Allowance, while being paid to a paraplegic or quadriplegic, continued for only two months when the pensioner was placed in hospital. The suggestion was made that most of the costs, particularly in regard to the establishment of a home, continued whether in hospital or not, and that the Allowance should not be suspended. Another complaint was that totally blind pensioners should receive the maximum Attendance Allowance of $3,000, as the amount now paid by the Commission was only $2,750 a year. A third grievance was that Attendance Allowance for certain classes of amputees was insufficient, in view of the seriousness of the disability.

• 2050

We appreciate that some of the recommendations do appear to be acceptable to the government but we do feel that a pensioner who is totally blinded because of war service should, as recommended by the Woods Committee, qualify for the maximum Attendance Allowance.

We feel that this is a situation that should be remedied and that he should get the $3,000 instead of $2,750 as at present.

We also feel that the case of Syme's amputee should receive the same Attendance Allowance as that of the below-the-knee amputation. In addition, we believe there was sound reasoning for the proposal to continue payment of Attendance Allowance for a period of at least two months for those in the classification below constant, and for the continuation of Attendance Allowance for those who are in receipt of the maximum of this allowance. Again, these points have been discussed in detail with you. As was pointed out to you earlier today, when these people go into hospital many of these expenses continue on—the special provision for housing and many of the other things—and it does seem to us that the provision to the recommendation arising out of the White Paper to continue it for one month and then continue it on beyond that in case of hardship, is in fact putting a

[*Interpretation*]

Dans les observations générales qu'il a faites sur l'allocation de soins, le Comité Woods a remarqué que, par le passé, il y avait eu une certaine ambiguïté au sujet de l'objectif de l'allocation. Les premières dispositions de la législation sur les pensions stipulaient clairement que l'allocation reposait avant tout sur le besoin de services et de soins nécessaires au pensionné. Elle ne constituait pas pour lui un gain financier.

Le Comité Woods a entendu un certain nombre de plaintes au sujet de l'allocation de soins. L'une d'elle portait que l'allocation, bien que payée à un paraplégique ou à un quadraplégique, n'a été versée que durant les deux mois du séjour à l'hôpital du pensionné. On a laissé entendre que la plupart des frais, surtout quand il s'agit de fonder un foyer, continuent à s'accumuler, qu'on soit hospitalisé ou non, et que l'allocation ne devrait pas être discontinuée. Une autre plainte disait que les pensionnés qui souffrent de cécité totale devraient recevoir le maximum de l'allocation de soins, soit $3,000, mais que la Commission ne verse que $2,750 par année. Selon une autre plainte encore, l'allocation de soins à l'égard de certaines catégories d'amputés était insuffisante par rapport à la gravité de leur incapacité.

Tout en étant reconnaissants du fait qu'on laisse entendre que certaines recommandations sont acceptables au gouvernement, nous sommes d'avis que le pensionné qui a perdu complètement la vue à cause de son service de guerre devrait, comme le recommande le Comité Woods, avoir les qualités requises en vue de l'allocation maximale de soins.

Nous estimons que cette situation devrait changer et qu'on devrait accorder à ces anciens combattants $3,000 au lieu du $2,750 qu'ils reçoivent présentement.

De plus, nous pensons que les cas d'amputations de Syme devraient recevoir la même allocation de soins que les cas d'amputation au-dessous du genou. La Légion croit, en outre, qu'était justifiée la proposition de continuer les paiements d'allocations de soins durant au moins deux mois à ceux qui font partie de la catégorie inférieure à celle des soins constants et pour la continuation de l'allocation de soins pour ceux qui reçoivent le maximum de cette allocation. Enfin ces points de vue ont fait l'objet de discussions détaillées avec vous. Comme nous l'avons fait remarquer plus tôt, aujourd'hui, quand ces personnes vont à l'hôpital, plusieurs de ces dépenses continuent en vertu des dispositions spéciales pour le logement et plusieurs autres choses et il nous semble que les dispositions d'après le Livre blanc pour que cela se poursuive durant un mois et plus longtemps en

[*Texte*]

means test, in spite of how you want to play with the words "means test", on the continuation of it. We feel that there are few enough of these people, that the need is a just and right one and it is something that should be done. The number of people is so small that it certainly would not create any great financial burden, it would give them the peace of mind and they would not be reluctant to go into hospital when, for the sake of their own health, they should go in. But as was said before today, many of them feel they just cannot afford to go in and take this drop in income.

We would ask you to look very carefully at those provisions because we feel that they do merit your endorsement.

Mr. Weatherhead: Mr. Chairman, it may have been brought out at other meetings but I cannot recall just how many pensioners are getting a 100 per cent Attendance Allowance at the present time?

The Chairman: I believe some statistics were read into the record.

Mr. Thompson: There are 181 getting the maximum aid and Attendance Allowance.

Mr. Whicher: Getting the $3,000.

Mr. Thompson: Yes.

Mr. Weatherhead: You are suggesting, and the Woods Committee suggested, that when these 180-odd are in hospital their allowance continue for the duration of their hospital stay?

Mr. Thompson: That is right, Mr. Chairman.

Mr. Weatherhead: You said that the totally blind are not getting 100 per cent attendance allowance at the present time?

Mr. Thompson: No, they get $2,750 instead of $3,000.

Mr. Weatherhead: I see, thank you very much.

Mr. Thompson: The difference is small, but we believe it is important. Also the other point is that when someone getting less than the maximum goes in the aid and attendance allowance should be continued for two months.

Mr. Bigg: Of course whatever the rate is they just get the same; there is no change in their allowance.

[*Interprétation*]

cas d'épreuve, n'est de fait qu'une «évaluation des moyens» pour voir si cela doit se poursuivre. Nous estimons qu'il y assez de gens dans ce cas et que ce besoin est justifié et que c'est quelque chose que nous devrions faire. Le nombre de personnes visées est tellement limité que cela ne créerait certainement pas de lourd fardeau pour nous et je pense que ceci leur permettrait de tranquiliser leur esprit et ils n'hésiteraient pas à faire un séjour à l'hôpital quand ils en ont besoin. Mais comme on l'a dit plus tôt, plusieurs d'entre eux estiment qu'ils ne peuvent pas se permettrent une telle baisse de revenus.

Nous aimerions que vous étudiez attentivement ces dispositions, car nous estimons que les gens méritent votre appui, messieurs.

M. Weatherhead: Monsieur le président, on a peut-être parlé de cette question dans les réunions précédentes mais je me demande combien de pensionnés reçoivent les allocations de soins à 100%?

Le président: Je crois que certains statistiques ont été versées aux dossiers.

M. Thompson: Il y a 181 pensionnés qui reçoivent l'allocation maximale de soins.

M. Whicher: Obtenir $3000.

M. Thompson: Oui.

M. Weatherhead: Vous proposez, et le Comité Woods le suggère, que ces 180 reçoivent, s'ils sont à l'hôpital, leur pension pour toute la durée de leur séjour à l'hôpital.

M. Thompson: C'est exact, Monsieur le président.

M. Weatherhead: Vous avez dit que les aveugles ne reçoivent pas 100 p. 100 des allocation de soins à l'heure actuelle.

M. Thompson: Ils reçoivent $2,250 plutôt que $3,000.

M. Weatherhead: Je vois. Merci beaucoup.

M. Thompson: La différence est minime, mais nous croyons qu'elle est importante. L'autre joint, c'est qu'une personne qui reçoit une allocation inférieure à l'allocation maximum à son entrée à l'hôpital devrait continuer de la recevoir durant deux mois.

M. Bigg: Il n'y a pas de changement dans leur allocation alors?

[*Text*]

Mr. Thompson: No, Mr. Chairman, that would continue at the level they were getting, yes.

The Chairman: Mr. Peters, do you have a question?

Mr. Peters: What percentage of their visits to the hospital are over the two-month period? I realize your answer will have to be very rough because you will have to guess.

Mr. Thompson: Yes. Our understanding is that in many cases—and I believe that the question was asked earlier and the two gentlemen are getting detailed information regarding this—most of them would be for less than two months.

The Chairman: Mr. Chadderton suggested that we get a statistical breakdown of average length of stay of hospitalization of these cases. Then we could judge with the frequency of the cases what was at stake here.

Mr. Guay (St. Boniface): On another point, Mr. Chairman, if I may interject. There is also the case of Tony where he will not stay in the two months, because of that reduction that takes place. He cannot afford it. I believe that that particular point should be taken into consideration.

The Chairman: I think we have a number of points like that, Mr. Guay, to look at when we review this matter.

Mr. Thompson: Mr. Chairman, it was also brought to your attention quite markedly by the blind—and again we endorse their problem—that this proposal would actually take something away that the blind now have.

The Chairman: I am sure that was not the intention. I am confident that it was not the intention to take away any existing benefit and certainly that can be clarified. We appreciate it being brought to the attention of the Committee and being put on the record.

• 2055

Mr. Thompson: Mr. Chairman, the next one has to do with post discharge consequential disability, Recommendations 75 and 79, on pages 15A and 15B.

Explanatory Notes and Comment

In brief, the recommendations of the Woods Committee were that:

> (1) consequential disabilities resulting from physical injury not be disallowed on the grounds that the activities and surroundings of the pensioner at the time of the accident could be considered as inap-

[*Interpretation*]

M. Thompson: Non. Ils continueront de recevoir leur allocation au même niveau qu'auparavant.

Le président: Monsieur Peters, vous désirez poser une question?

M. Peters: Quel pourcentage de leurs sejours à l'hôpital dépasse une période de deux mois?

M. Thompson: Approximativement, bien entendu, je crois que le plus grand nombre a séjourné moins de deux mois à l'hôpital.

Le président: Monsieur Chadderton a suggéré de faire un rapport statistique sur la longueur moyenne du séjour aux hôpitaux. On pourrait alors se faire une idée de la fréquence des cas.

M. Guay (Saint-Boniface): Puis-je faire une remarque sur un autre point, Monsieur le Président? Prenez le cas de «Tony» Tony n'a pas les moyens de séjourner deux mois à l'hôpital à cause de la réduction. Je crois qu'il y a lieu de tenir compte de ce point.

Le président: Je crois que nous avons pas mal de cas tel que celui-là qu'il faudra examiner.

M. Thompson: Monsieur le président, les aveugles vous ont fait remarquer,—et nous comprenons leur problème,—que cette proposition leur enlèverait un avantage qu'ils possèdent déjà.

Le président: Je suis sûr qu'il n'y a jamais été question de supprimer des allocations déjà en existence. Nous allons tirer cela au clair. Nous vous remercions d'avoir apporté ce point à l'attention du Comité.

M. Thompson: Monsieur le Président, le prochain point porte sur les infirmités secondaires survenues après la libération. Recommandations 75 et 79 aux pages 15A et 15B.

Notes explicatives et observations

En résumé, voici les recommandations du Comité Woods:

> (1) les infirmités secondaires causées par des blessures physiques ne devraient pas faire l'objet d'un refus d'admissibilité pour le motif que l'activité et l'entourage du pensionné, au moment de l'accident,

[*Texte*]

propriate, having regard to the prohibition which may be said to apply to a person with a type of disability for which pension was in payment;

(2) in the assessment of a consequential disability of the medical development type, the Commission take into account the following factors:

(a) degree of aggravation

(b) any increase in the disability of single organ where its function has been affected by an additional disability

(c) any increase in the disability of paired organs where one has been affected by a pensionable disability;

(3) all assessments for consequential disabilities should carry separate entitlements and should not be considered as part of the assessment for the original disability;

(4) where a second disabling condition occurs which is not attributable to nor consequential upon a pensionable disability, but the effect of the second condition is to worsen the extent of the pensioned condition, additional pension be paid for the latter;

(5) where a pension is awarded for no useful vision in one eye and the pensioner loses the sight of his other eye, pension be awarded at the rate of total blindness.

Two main criticisms were noted in representations to the Woods Committee. First, the Commission, in regard to "physical injury claims", usually ruled that the pensioner should not take unnecessary risks which might result in injuries arising from the pensioned condition. The second major complaint was the failure of the Commission to grant full entitlement for consequential disabilities of the medical development type, on the premise that they would have developed in any case, and that instead of being directly attributable to the pensioned condition, they were only aggravated thereby.

The Woods Committee's attitude towards so-called "prohibitions", was simply that the Commission had no right to suggest to a pensioner that he should restrict his activities. If in performing normal activities, the pensioner injured himself, and that injury was in some way due to his pensionable condition, then he should be fully entitled to pension.

[*Interprétation*]

pouvaient être considérés comme non appropriés, étant donné qu'ils ressortissaient aux interdictions particulières à l'infirmité donnant lieu à pension;

(2) que dans l'évaluation d'une infirmité secondaire, les facteurs à prendre en considération comprennent, quand il y a lieu:

(a) le degré d'aggravation de l'infirmité

(b) toute aggravation de l'infirmité d'un organe impair, lorsque sa fonction a été atteinte par une infirmité supplémentaire;

(c) toute aggravation de l'infirmité d'organes pairs, dans le cas où l'un des deux a été atteint par une invalidité donnant lieu à pension;

(3) que l'évaluation d'une infirmité secondaire comporte une admissibilité distincte et ne soit pas considérée comme partie de l'évaluation de l'infirmité initiale.

(4) que lorsque survient une seconde infirmité qui n'est ni imputable ni secondaire à une infirmité ouvrant droit à pension, pourvu que cette seconde infirmité ait pour effet d'aggraver l'infirmité ouvrant droit à pension, une pension supplémentaire soit accordée pour cette seconde infirmité;

(5) que, lorsqu'une pension est accordée pour la perte de toute vision utile à un œil et que le pensionné perd la vue de l'autre œil, une pension lui soit accordée au taux prévu pour la cécité absolue.

Deux critiques principales ont été relevées dans les mémoires qui ont été présentés au Comité Woods. D'abord, à l'égard des «réclamations pour infirmités physiques», la Commission a d'ordinaire décidé que le pensionné ne devrait pas prendre de risques susceptibles d'entraîner des infirmités imputables à une affection ouvrant droit à pension. Le deuxième grief important reprochait à la Commission de ne pas accorder une admissibilité entière pour infirmités secondaires du genre de la complication médicale, alléguant que ces infirmités auraient frappé de toute façon, et que plutôt que d'être directement imputables à des affections ouvrant droit à pension, elles ont tout simplement été aggravées par ces affections. L'attidude du Comité Woods à l'égard des prétendues «interdictions» était que la Commission n'avait pas le droit de proposer à un pensionné de ralentir son activité. Si, dans l'exercice d'une activité normale, le pensionné subissait une blessure imputable de quelque façon à une affection ouvrant droit à pension, il devenait admissible à une pension entière.

[*Text*]

The Woods Committee's attitude towards consequential disabilities of the medical development type is sound. It stands to reason that if a pensioner develops a new medical condition which is related to his pensioned condition, and one is inter-dependent upon the other, the new condition would have to be rated as more severe than if it existed independent of any other part of the body. The Committee stated, therefore, that rather than grant only partial aggravation for such consequential disabilities, the Commission should give full and unrestricted assessment therefor.

A typical example is that of the man pensioned for the loss of his left leg, who subsequently develops an arthritic condition in his right leg. This arthritic condition is ruled consequential, in that the loss of his left leg has caused additional wear and tear on the right leg. The Canadian Pension Commission may rule that the arthritis in the right leg would have developed anyway and in granting pension, arbitrarily assumes that such condition is only one-fifth pensionable.

These consequential disabilities which do create problems for pensioners have two main categories.

The physical injury that arises from an injury as the result of an accident which is presumed to be caused by a pensioned condition; e.g., a veteran pensioned for leg amputation falls off a stepladder; which is a fairly clear and obvious one.

The other one is medical development. This develops postdischarge, and is claimed to be consequential upon a pensionable disability; that is a pensioner who holds entitlement for diabetes mellitus develops a cardiovascular condition, such as arteriosclerosis and there is medically a relationship between these.

A major fault in pension administration over the years concerning these types of cases has been the reliance on the supposition that many disabilities which develop later in life are either of congenital origin, or of the type that would have developed regardless of service conditions or of the consequential effects of a pensionable disability. This is most apparent in consequential disability claims where the decision, in most instances, has accepted that a pensioned condition did in fact aggravate a postdischarge condition and full entitlement is not granted on the grounds that the disability would have developed any-

[*Interpretation*]

L'attitude du Comité Woods à l'égard des infirmités secondaires du genre des complications médicales est raisonnable. Il est logique que si un pensionné est frappé d'une nouvelle complication médicale reliée à une infirmité qui lui donne droit à pension, et qu'elles influent l'une sur l'autre, la seconde infirmité devrait être considérée comme étant plus grave que si elle existait indépendamment de toute autre partie du corps. Le Comité a donc déclaré qu'au lieu de considérer qu'il n'y avait qu'aggravation partielle, dans le cas de cette infirmité secondaire, la Commission devrait accorder l'admissibilité entière et sans restriction à son égard. On peut citer l'exemple typique d'un homme pensionné pour perte de la jambe gauche, et qui serait subséquemment frappé d'une affection arthritique à la jambe droite. Cette affection est considérée comme secondaire, puisque la perte de la jambe gauche a imposé un surcroît d'effort et d'usure à la jambe droite. La Commission canadienne des pensions peut décider que l'arthrite dont est affligée la jambe droite aurait frappé de toute façon, et elle présume, en accordant la pension, qu'une telle infirmité ne donne droit qu'à un cinquième de la pension.

Les deux catégories d'«infirmités secondaires» qui sont des problèmes aux pensionnés sont les suivantes:

Blessure causée par une affection imputable à un accident qui est réputé avoir été causé par une infirmité ouvrant droit à pension, par ex. un ancien combattant admis à la pension pour amputation d'une jambe tombe d'un escabeau; c'est un cas passablement clair et évident.

L'autre catégorie est celle de la complication médicale. Elle survient à la suite du licenciement et est considérée comme étant causée par une invalidité donnant droit à pension; par ex. un pensionné admis parce qu'il souffre du diabète sucré contracte une affection cardio-vasculaire, comme l'artériosclérose, et il y a un rapport certain entre ces affections.

Un des principaux défauts de l'administration des pensions à l'égard de ces cas, depuis de nombreuses années, a été de présumer que bon nombre d'infirmités qui frappent plus tard dans la vie sont, soit de nature congénitable, soit des infirmités qui auraient frappé de toute façon, indépendamment des conditions du service ou des conséquences d'une affection ouvrant droit à pension. Ceci est tout à fait évident dans le cas de demandes de pensions pour infirmités secondaires où la décision, le plus souvent, a reconnu qu'une invalidité donnant droit à pension avait effectivement aggravé une infirmité survenue

[*Texte*]

way. That is the case of a man with a leg amputation who subsequently gets hip trouble or an arthritis problem in his spine. We do see the case where the decision says in effect that because of the man's age he would have had this anyway and he will sometimes get a one-fifth aggravation. We feel that proper weight is not given to the effect of the disability on this related or consequential condition.

Mr. Peters: Over the years obviously there has been a medical expertise built up by the DVA staff doctors in relation to what does develop from a given problem, particularly in the hospital setup. Has this not been able to alleviate much of this problem? In other words, where you continually see a hip deterioration in a person that has one leg, does this history not make it easier to establish the relationship?

In other words, the doctor does not just look at the fellow and say: "You were exposed in World War I to gas, but you now have emphysema and emphysema is not a service disability." Now over a period of time as they get to understand emphysema better, they find there is a relationship between a number of respiratory diseases. I was just wondering if this is not making it easier to establish these? It probably is indicating to the advocates, too, that there is a lot more relationship than there was before, so perhaps we have not improved the situation. I was just wondering if, over the years, we are finding it medically easier to establish this kind of relationship than previously?

Mr. Thompson: Mr. Chairman, I think that medically what Mr. Peters says is so, but our problem is that although the medical evidence says: "Yes, there is a relationship," we are finding that the Commission is giving say one-fifth or two-fifths aggravation. In our opinion, and in the Woods Committee opinion, they are putting too much stress on the fact that the man would have had arthritis at this age anyway, or whatever the other condition is. The Woods Committee found in their study that in their opinion—and we endorse it—more weight should be given to the effect of the disability and the amount of blame, if you like, that should be laid on the disability for the man's condition rather than tending to give a small recognition for that. This is one of the problems, and this is one of the problems this recommendation of the Woods Committee attempts to solve.

Mr. Peters: I would also like to know in relation to the effect of some disabilities hav-

[*Interprétation*]

après le licenciement, et l'admissibilité entière n'est pas accordée, pour le motif que cette infirmité aurait frappé de toute façon.

C'est le cas de l'amputé d'une jambe qui finit par souffrir d'une hanche ou d'arthrite dans son épine dorsale. Nous voyons des cas où un homme aurait attrapé ces maladies de toute façon, à cause de son âge. Parfois, le malade obtient une allocation d'un cinquième. Nous croyons qu'on ne tient pas suffisamment compte de l'effet de l'infirmité sur cet état secondaire.

M. Peters: Au cours des ans, les médecins du ministère des Affaires des anciens combattants ont recueilli des données ayant trait aux conséquences de problèmes particuliers, surtout dans le domaine hospitalier. En d'autres termes, le fait qu'il se produit continuellement une détérioration de la hanche chez celui qui n'a qu'une jambe ne facilite-t-il pas la tâche? Après tout, le médecin ne fait pas que regarder le malade et dire: «Vous avez été exposé au gas pendant la première guerre mondiale; maintenant, vous souffrez d'emphysème mais l'emphysème n'est pas une invalidité due à la guerre». Mais à mesure que l'on comprend l'emphysème de mieux en mieux, on comprend qu'il y a un certain rapport entre un certain nombre de maladies des voies respiratoires. Cela n'a peut-être pas amélioré la situation. Je me demande si au cours des années on ne trouve pas plus facile, du point de vue médical, d'établir ces relations ou ces liens qu'avant?

M. Thompson: Médicalement, peut-être, monsieur le président, mais notre problème est le suivant: bien que la médecine dise: «oui, il y a un rapport», nous voyons que la Commission donne $\frac{1}{5}$ ou $\frac{2}{5}$ de pension. A notre avis et de l'avis de la Commission Woods, on met trop l'accent sur le fait que l'homme aurait eu l'arthrite ou une autre maladie de toute façon à tel âge. Le Comité a trouvé qu'il y aurait lieu d'accorder de l'attention à l'effet de l'invalidité et à l'influence que l'invalidité exerce sur l'état du malade plutôt que d'accorder une petite indemnité. C'est l'un des problèmes que le Comité Woods essaie de résoudre.

M. Peters: J'aimerais connaître comment certaines infirmités entraînent des thrombo-

[*Text*]

ing an effect on a person dying of thrombosis, or heart disease of one kind or another, coronaries and so on, that may be indirectly related. I am curious to know whether the indications of the medical profession is indicating over a period of time having established a more easily designated relationship.

Mr. Thompson: Mr. Chairman, I think as we go along there is clear understanding in the medical profession of what causes certain things. Although I think you will all agree that when you read for instance about the effect of various foods, you even have debate about the effects of tobacco, but you do get differences of opinion in the medical profession. I suggest that as years go by more opinions become proven and are definitely accepted. However, there is a lot in the field of medicine that is so much a matter of opinion and we see this very much in pension work—I know the Commissioners do and the advocates. You will get five doctors' opinions and two of them will say one thing, two of them will say something else and the other one may say something inbetween. Each of them is acting in good faith, but much of it depends on their experience in the field. This is where we find that the specialist's opinion because he is dealing in this field tends to be more clear and more concise and more in step with modern medical thinking. So, the answer to your question, I think, is that it is improving as far as medical thinking is concerned but still the situation is not improved in so far as the pension entitlement is concerned.

Mr. Whicher: The doctors are mixed up almost as badly as the politicians.

The Chairman: You were down on lawyers a minute ago, too.

Mr. Peters: What about the farmers?

Mr. Whicher: Oh, they are all right. The farmers are always all right.

The Chairman: The Chairman: Now, are there other questions to be directed to Mr. Thompson here?

Mr. Bigg: I think this is a very complicated question...

The Chairman: Mr. Bigg.

Mr. Bigg: I think we are going to have to do some more research on this part, too, with perhaps more medical advice or expert advice because consequential disability alone is enough to scare the average layman. It is difficult for us to come to a solid decision on that at the present.

[*Interpretation*]

ses, des maladies cardiaques, des coronarites ou d'autres maladies mortelles chez certaines personnes. Je me demande si la profession médicale n'indique pas au cours des années une relation plus claire entre cette cause et les faits?

M. Thompson: Monsieur le président, il me semble que maintenant la profession médicale a une vue nette des causes de certaines maladies. Qu'il s'agisse des effets des différents aliments ou de ceux du tabac, il y a toujours des différences d'opinion parmi les membres de la profession médicale. Je crois qu'avec le temps un certain nombre d'opinions deviendront des vérités reconnues. Toutefois, il y a beaucoup de choses dans le domaine de la médecine qui ne sont que le fait d'opinion personnelle, particulièrement dans le domaine des pensions. Si vous consultez cinq médecins, deux émettront une certaine opinion, deux autres, une opinion contraire et le cinquième exprimera une opinion mitoyenne. Il est étonnant de trouver que chacun, de bonne foi, donne une opinion différente de celle des autres. Le spécialiste est beaucoup plus clair et précis et beaucoup plus au courant de la pensée médicale moderne. Pour répondre à votre question, je crois que si la pensée médicale se précise, la situation de l'admissibilité à la pension ne s'améliore pas.

M. Whicher: Les médecins sont presque aussi mêlés que les politiciens.

Le président: Vous vous en preniez aux avocats, il y a un instant.

M. Peters: Que dites-vous des cultivateurs?

M. Whicher: Ils ont toujours raison.

Le président: Veut-on poser d'autres questions à M. Thompson?

M. Bigg: Je crois que c'est un sujet très compliqué...

Le président: Monsieur Bigg.

M. Bigg: Nous devrons faire d'autres recherches à ce sujet, obtenir l'avis de médecins ou de spécialistes, parce que l'invalidité secondaire est un problème qui dépasse le profane.

Il est difficile dans le moment d'obtenir une décision ferme sur le sujet.

[*Texte*]

The Chairman: Are there further questions or comments? Mr. Thompson.

Mr. Thompson: The next item Mr. Chairman is the Automatic Age Increase.

Explanatory Notes and Comment

The Woods Committee recommendations were that:

(1) automatic age increases be awarded commencing at age fifty-five to provide three 10 per cent increases, at two-year intervals, but not to exceed an assessment of 100 per cent;

(2) automatic age increases apply to all fixed disabilities resulting from injuries or wounds;

(3) where a pensioner has been given a fixed assessment and a further assessment for a condition of a non-permanent character, the automatic age increase apply on that portion of the assessment which has been ruled as "apparently permanent";

(4) where a pensioner has received one or more automatic age increases and he subsequently is granted additional entitlement for a condition ruled as consequential, an assessment be made and added to the existing assessment, regardless of whether part of that payment was approved as an automatic age increase.

The Report of the Woods Committee suggested that increases be provided automatically with advancing age, where conditions have been assessed as permanent in character. It follows, therefore, that these increases should apply to pensioners of 80 per cent or more. In fact, the higher the disability the more justification there is for providing automatic age increase. Hence, the recommendation that the 80 per cent and 90 per cent pensioners be entitled to automatic age increases to bring them to the level of 100 per cent.

[*Interprétation*]

Le président: Y a-t-il d'autres questions ou observations? Monsieur Thompson.

M. Thompson: L'article suivant, monsieur le président, porte sur l'augmentation automatique en raison de l'âge.

Notes explicatives et observations

Le Comité a fait les recommandations suivantes:

(1) que les dispositions relatives à l'augmentation de la pension en raison de l'âge s'appliquent au moment où le pensionné atteindra sa cinquante-cinquième année, de façon qu'il soit accordé trois augmentations de 10 p. 100, à des intervalles de deux ans, sans toutefois que l'évaluation entière ne puisse excéder 100 p. 100;

(2) que les dispositions relatives à l'augmentation en raison de l'âge s'appliquent à toute infirmité permanente causée par une blessure ou un traumatisme;

(3) si l'infirmité d'un pensionné a fait l'objet d'une évaluation fixe, et qu'une évaluation subséquente a été effectuée à l'égard d'une affection de nature non permanente, les dispositions relatives à l'augmentation en raison de l'âge s'appliquent à l'égard de la partie de l'évaluation qui porte sur une infirmité «apparemment permanente»;

(4) que si un pensionné a bénéficié d'une ou de plusieurs augmentations automatiques en raison de son âge et qu'il lui soit subséquemment accordé une admissibilité supplémentaire à l'égard d'une affection jugée secondaire, une évaluation soit effectuée et annexée à l'évaluation antérieure, sans chercher à établir si une partie de cette allocation a été versée à titre d'augmentation automatique en raison de l'âge.

Le Rapport du Comité Woods propose que les augmentations soient accordées automatiquement en raison de l'âge dans les cas où l'infirmité a été jugée comme étant de nature permanente. Il s'ensuit, par conséquent, que ces augmentations devraient être accordées aux pensionnés qui touchent une pension de 80 p. 100 ou plus. Au fait, plus l'infirmité est grave, plus il est justifiable d'accorder l'augmentation automatique en raison de l'âge. D'où la recommandation visant à accorder aux pensionnés touchant une pension aux taux de 80 et de 90 p. 100 l'admissibilité à l'augmentation automatique en raison de l'âge, en vue de porter le taux de leur pension à 100 p. 100.

[*Text*]

The Woods Committee felt that the automatic age increase policy should be extended to all wounds and injuries of a permanent nature. It was reasoned that the circumstances of Military Service during and subsequent to W.W.II were such that there should be no distinction between an injury or wound suffered in direct action with the enemy and one which was due to other wartime service. Such circumstances would include accidents from the use of mechanical equipment, advanced training methods, and aircraft crashes. The Woods Committee felt that the only distinction which the Pension Commission should draw for the purposes of automatic age increase for disabilities arising from injury or wounding, was between those which were permanent and those which were non-permanent. The Woods Committee could not, therefore, accept the existing restriction that automatic age increases apply only to amputation and gunshot wound cases incurred in direct action with the enemy. Hence, the recommendation that this provision be extended to *all* injuries or wounds incurred during wartime service.

The Woods Committee was critical of the Commission's interpretation that where a pensioner had reached the 80 per cent level by a combination of assessments for physical injury and other conditions, the automatic age increase would not apply. The Committee considered it logical for the automatic age increase to apply to that portion of the disability which was of the physical injury type, but if any assessment for a "disease-type" disability entitled the pensioner to an award in excess of 80 per cent, he should be paid the total assessment.

Now, we have spelled out here, and I hope you find it handy for future reference, the setup of the automatic age increase: how it works; who gets it and when. The Woods Committee in looking at this felt that the automatic age increase policy should be extended to all wounds and injuries of a per-

[*Interpretation*]

Le Comité Woods était d'avis que les dispositions relatives à l'augmentation automatique des pensions en raison de l'âge devraient s'étendre à toutes les blessures et à tous les traumatismes de nature permanente. On donnait pour raison que les conditions du service militaire, durant la Deuxième guerre mondiale et subséquemment, étaient telles qu'on ne devrait faire aucune distinction entre une blessure ou un traumatisme subis au cours d'un engagement avec l'ennemi et une infirmité attribuable au service accompli au cours d'une autre guerre. Ces cas comprendraient les accidents imputables à l'usage d'équipement mécanique, aux méthodes modernes de formation et à l'écrasement d'aéronefs. Le Comité Woods était d'avis que la seule distinction que la Commission des pensions devrait établir aux fins de l'admissibilité à l'augmentation automatique des pensions en raison de l'âge à l'égard des infirmités causées par une blessure ou un traumatisme était celle entre les infirmités permanentes et celles qui ne le sont pas. Le Comité Woods disait donc qu'il ne pouvait admettre le bien-fondé de la restriction actuelle selon laquelle les dispositions relatives à l'augmentation automatique en raison de l'âge ne pouvaient s'appliquer qu'aux amputations et aux blessures causées par une arme à feu, subies au cours d'un engagement direct avec l'ennemi. D'où la recommandation que ces dispositions soient étendues à *toutes* les blessures et à tous les traumatismes subis au cours d'un engagement militaire.

Le Comité Woods s'en est pris à l'interprétation de la Commission voulant que si le taux de pension a atteint 80 p. 100, à cause de la combinaison d'évaluations pour infirmités et autres affections, les dispositions relatives à l'augmentation en raison de l'âge ne s'appliqueraient pas. Le Comité considérait logique que ces dispositions s'appliquent à la partie de l'affection du genre infirmité, mais que si l'évaluation d'une affection du genre «maladie» accordait à un pensionné l'admissibilité à une pension dont le taux excédait 80 p. 100, il devait toucher la pension tout entière.

Vous trouvez dans ce qui précède tout ce qui régit les augmentations automatiques en raison de l'âge; comment cela fonctionne; qui reçoit des allocations et quand. Le Comité Woods croit que les augmentations automatiques en raison de l'âge devraient s'appliquer à tous les cas de blessures de nature perma-

[*Texte*]

manent nature. At the present time it does apply to gunshot wounds and amputations. It is broader now, there was a time when it had to be the direct result of enemy action. Now it is broadened a bit, if I recall the wording, to include enemy action or counteraction against the enemy but, unless the person did receive this as a gunshot wound or amputation, he cannot receive the automatic age increase. The Woods Committee suggested that training accidents and so on, with an amputation, the end result is the same whether the arm is shot off or whether it is cut off by a truck or by a tractor or by a tank or anything else. They felt that this principle should be extended to these conditions of a permanent nature and they reasoned that the circumstances of military service during and subsequent to World War II were such that there should be no distinction between an injury or wound suffered in direct action with the enemy and one that was due to other wartime service. Such circumstances would include accidents from the use of mechanical equipment, advanced training methods and aircraft crashes.

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[*Interprétation*]

nente. A l'heure actuelle, elles ne s'appliquent qu'aux cas de blessures causées par des balles et qu'aux cas d'amputation. La portée est beaucoup plus large maintenant. Autrefois, les blessures devaient être le résultat direct du fait de l'ennemi. Maintenant la portée est un peu plus grande et comprend le fait de l'ennemi et la contre-offensive, mais aucune personne ne peut recevoir une augmentation automatique en raison de l'âge à moins d'avoir été blessée par une balle ou d'avoir été amputée. Le Comité Woods suggère qu'il faudrait tenir compte des accidents qui se produisent pendant l'entraînement et qui nécessitent une amputation, que le bras soit arraché par un projectile ou coupé par un camion, un tracteur ou un char de combat, etc.

Les membres du Comité Woods étaient d'avis que les dispositions relatives à l'augmentation automatique des pensions en raison de l'âge devraient s'étendre à toutes les blessures et à tous les traumatismes de nature permanente. Ils donnaient pour raison que les conditions du service militaire, durant la Deuxième guerre mondiale et subséquemment, étaient telles qu'on ne devrait faire aucune distinction entre une blessure ou un traumatisme subis au cours d'un engagement avec l'ennemi et une infirmité attribuable au service accompli au cours d'une autre guerre. Ces cas comprendraient les accidents imputables à l'usage d'équipement mécanique, aux méthodes modernes de formation et à l'écrasement d'aéronefs.

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[*Text*]

increase to apply to that portion of the disability which was of a physical injury type but if any assessment for a disease type of disability entitled the pensioner to an award in excess of 80 per cent he should be paid the total assessment.

They also felt that it should not stop at 80 per cent. Now if a man starts off at 50 per cent at age 55 he moves up the ladder. If instead he had 80 per cent to start with the automatic age increase at the present time cannot be used to raise him through the steps to 100 per cent. They felt that the condition of this man with a fixed disability at 80 per cent worsened with age the same as if he had started off with 50 per cent. So those are the points then and they do seem to us to be logical and to fit in. In the end result it does not matter how the man lost the leg or the arm; he is left with the same condition. Also, as I say, it seems fair if it applies to raise them from 50 per cent to 80 per cent that it should apply to raise them from 80 to 100 or 90 to 100 per cent.

Mr. Peters: Mr. Chairman, what is the argument against applying it at 30 per cent? So the guy can eventually get 50 per cent and his wife will receive a widow's pension.

Mr. Thompson: I could only say, and I risk being facetious, that if that were put into effect, we would be happy but the recommendation of the Woods Committee was not that it go below and this is not in the recommendation.

Mr. Peters: I am just curious why they chose 50 per cent. Why?

Mr. Thompson: It has been at 50 per cent and I believe you could say that this is generally accepted as the level at which disabilities begin to get more serious; 50 per cent and up. Of course, it was implemented originally when pensions were paid to a widow if a man died as a direct result of service or if he was assessed at 80 per cent or more. It has been said that this was a way of bringing men over a period of years, up to the 80 per cent so that they would qualify and then, of course, shortly after that was put in, the required percentage was dropped from 80 to 50 per cent but it has remained there and is an accepted part of our pension legislation and of our pension payments. I think there is generally agreement a man's disability does get harder on him and more demanding, causes more difficulty and more trouble as he gets older. I do not think there is any magic in 50 per cent except that was arbitrarily taken as a basis for it.

[*Interpretation*]

logique que ces dispositions s'appliquent à la partie de l'affection du genre infirmité, mais que si l'évaluation d'une affection du genre «maladie» accordait à un pensionné l'admissibilité à une pension dont le taux excédait 80 p. 100, il devrait toucher la pension tout entière.

Ils croient également que la pension ne doit pas s'arrêter à 80 p. 100. Maintenant si un homme débute à 50 p. 100 à 55 ans il peut aller en augmentant, mais s'il commence avec 80 p. 100 au tout début, l'augmentation automatique en raison de l'âge ne lui permettra pas d'atteindre 100 p. 100. Celui qui perd une jambe ou un bras est dans la même mauvaise situation, peu importe comment il perd sa jambe ou son bras. Il ne semble que juste que si l'augmentation s'élève de 50 à 80, ça pourrait aller de 80 à 100 p. 100.

M. Peters: Monsieur le président, pourquoi ne pas commencer à 30 p. 100, pour que le type puisse éventuellement recevoir 50 p. 100 et sa veuve une pension?

M. Thompson: Tout ce que je peux vous dire, et j'ai peur d'être ridicule, c'est que si l'on mettait cela en vigueur ce serait une très bonne chose, mais la recommandation de la Commission Woods ne va pas au-dessous de 50 p. 100.

M. Peters: Pourquoi ont-ils choisi 50 p. 100?

M. Thompson: La disposition est là, et règle générale le chiffre de 50 p. 100 est accepté comme le niveau auquel les infirmités commencent à s'aggraver. Évidemment, au début on versait une pension à la veuve d'un homme qui mourrait par suite de son service militaire ou s'il était invalide à 80 p. 100 ou davantage. C'était un moyen de rendre les hommes admissibles à la pension et un peu plus tard, le pourcentage requis a été abaissé à 50 p. 100, mais le chiffre en est resté là, il a fait partie de notre législation sur les pensions. Je crois que nous sommes généralement d'accord que l'infirmité devient plus gênante à mesure qu'un homme vieillit. Il n'y a rien d'extraordinaire dans le choix de 50 p. 100. C'est un pourcentage qui a été choisi arbitrairement.

[*Texte*]

The Chairman: Mr. Weatherhead.

Mr. Weatherhead: Mr. Chairman, I think we were told by Mr. Ward that number 89 has been accepted in the modified form but I cannot recall what the modification was. Does Mr. Thompson have any knowledge of this?

The Chairman: Or Mr. Reynolds...

Mr. Weatherhead: Or perhaps Mr. Reynolds could help us out. I notice Mr. Chairman that in the Legion's summary of whether they are accepted or not they just noted that there was no mention of this in the White Paper...

An hon. Member: Yes.

Mr. Weatherhead: ...but that Mr. Ward, I believe, said that 89 had been modified.

The Chairman: There is something on it but I would not care to comment myself.

Mr. Bigg: Unless I am mistaken, Mr. Chairman, if you have a 50 per cent pension, I believe that there is some opportunity to always be reboarded.

The Chairman: There is never an impediment to reboarding if there is any reason for it. It is not just on a simple reason of amount of pension.

Mr. Weatherhead: I do not know.

Mr. Bigg: Perhaps we can clarify that. There is one question that I would like to ask the witness. Is gassing considered a gunshot wound within the meaning of the Act, being seriously gassed in the lungs? Do you know, or is that a special category?

Mr. Thompson: I am sorry.

Mr. Bigg: In World War I where they were gassed, is this considered in the nature of a gunshot wound, do you know?

Mr. Thompson: I do not believe that it is, Mr. Chairman.

The Chairman: There would be no automatic age increase for gas casualties?

Mr. Bigg: No, and yet this has often been the type of case that is very seriously aggravated as time goes on. They age, I understand, people who were badly gassed...

Mr. Thompson: Well, that condition should increase in assessment as the condition worsens.

Mr. Bigg: Well, this is the type of thing. I am not sure of the details, but I believe just

[*Interprétation*]

Le président: Monsieur Weatherhead.

M. Weatherhead: Monsieur le président, M. Ward nous a dit, je crois, que le n° 89 a été accepté dans sa forme modifiée, mais je ne sais pas au juste quelle était la modification. Est-ce que M. Thompson a des renseignements là-dessus?

Le président: Ou M. Reynolds...

M. Weatherhead: M. Reynolds pourrait peut-être nous aider. Je sais, monsieur le président, que le mémoire de la Légion fait remarquer qu'il n'y a aucune mention à ce sujet dans le Livre blanc.

Une voix: Vraiment?

M. Weatherhead: Je crois que M. Ward a dit que le n° 89 a été modifié.

Le président: La recommandation 89 sans doute.

M. Bigg: Je pense, monsieur le président, qu'avec une pension de 50 p. 100 il est toujours possible d'obtenir un reclassement.

Le président: Rien ne s'oppose à un reclassement, s'il existe une bonne raison d'en demander un.

M. Weatherhead: Je ne sais pas.

M. Bigg: Il y a une question que je voudrais poser. Est-ce que, au sens de la Loi, les gazés de guerre, sont considérés comme ayant été blessés par une balle? ou font-ils partie d'une catégorie spéciale?

M. Thompson: Pardon?

M. Bigg: Les gazés de la Première guerre mondiale sont-ils considérés comme des blessés?

M. Thompson: Je ne crois pas.

Le président: Il n'y aurait pas d'augmentation automatique en raison de l'âge pour les gazés.

M. Bigg: Non. L'état des gazés s'aggrave avec le temps.

M. Thompson: Ils devraient recevoir une allocation grandissante à mesure que leur état s'aggrave.

M. Bigg: Je ne suis pas certain des détails, mais je pense qu'il y a certains cas où il est

[*Text*]

from the wording that in some special cases you can be reboarded under some exceptional circumstances due to your age or to the amount of pension you have, and this is the modification, I understand.

The Chairman: I think we can easily get this information for the Committee members if we make a note of it. Do you want to speak, Mr. Reynolds?

Mr. Reynolds: I can give you something on Recommendation (89). You are quite right in that it was modified; that is, it was really accepted in part. The Woods Committee recommended that consequential disability be added in automatic age increase cases. That was accepted subject to the possibility of establishing an assessment of the consequential disability. It is not always possible, apparently, to distinguish between the main pensionable disability and any consequential disability arising out of it. If they can separate the two disabilities and assess them, then they will do so.

The Chairman: Thank you, Mr. Reynolds. Are there any other comments? Is there anyone else who wants to ask questions? Mr. Guay.

Mr. Guay (St. Boniface): I do not know if I should say any more as it might just prolong the discussion. But actually, in regard to the question raised by Mr. Peters, if I understand right, with reference to the 30 per cent instead of 50 they did not put it in percentage but rather they said it was particularly in reference to those who were severely wounded, or partly wounded, and so on, if you recall.

Mr. Thompson: Mr. Chairman, it does start at 50 per cent.

Mr. Guay (St. Boniface): I know.

The Chairman: And Mr. Thompson has indicated they are supporting the Woods Committee recommendation.

Mr. Guay (St. Boniface): Fine.

The Chairman: Mr. Thompson, do you want to take the next point?

Mr. Thompson: The next one, Mr. Chairman, is on page 17 and deals with awards of legal damages and workmen's compensation.

Explanatory Notes and Comment

The major recommendation was that the Act be amended to replace the existing Sections 20, 21 and 22 with a new section. This would contain a provision to prohibit a per-

[*Interpretation*]

possible d'être entendu une nouvelle fois, selon l'âge ou la pension reçue. C'est là la modification, si j'ai bien compris.

Le président: Je pense que nous pouvons obtenir facilement ce renseignement pour les membres du Comité si nous en prenons note. Vous voulez prendre la parole, M. Reynolds?

M. Reynolds: Je peux vous donner des précisions sur la Recommandation 89. Vous avez raison en ce qui a trait à la modification, en ce sens qu'elle a été acceptée en partie. Le Comité Woods a recommandé que les augmentations relatives aux infirmités secondaires soient ajoutées aux augmentations automatiques en raison de l'âge, mais sous réserve qu'on fasse une évaluation de ces infirmités secondaires. Ce n'est pas toujours possible de distinguer entre l'invalidité pour la pension principale et toutes infirmités secondaires qui peuvent surgir plus tard, mais si la chose est possible, il faudra le faire.

Le président: Merci, monsieur Reynolds. Y a-t-il d'autres commentaires, messieurs? Quelqu'un d'autre veut poser des questions? Monsieur Guay.

M. Guay (Saint-Boniface): Je ne sais pas si je devrais dire autre chose et prolonger la discussion, mais, en ce qui concerne la question de M. Peters, si j'ai bien compris, il s'agit de 30 au lieu de 50 p. 100. On n'a pas parlé de pourcentage, mais plutôt de blessés graves de guerre ou de ceux qui ont des blessures partielles, si vous vous rappelez bien.

M. Thompson: Monsieur le président, il s'agit de 50 p. 100 au début.

M. Guay (Saint-Boniface): Je sais.

Le président: M. Thompson a indiqué qu'on appuyait la recommandation du Comité Woods.

M. Guay (Saint-Boniface): D'accord.

Le président: Monsieur Thompson, voulez-vous passer au point suivant?

M. Thompson: Vient ensuite la page 17. Il s'agit d'indemmiation des dommages légaux et des accidents de travail.

Notes explicatives et observations

La principale recommandation proposait que la Loi soit modifiée de façon que les articles actuels n^{os} 20, 21 et 22 soient remplacés par un nouvel article. Celui-ci com-

[*Texte*]

son from receiving both an award of pension under the Pension Act and an award under Government Employees Compensation Act, or similar legislation of the federal government designed to compensate for death or disability where such is attributable to employment in the government service or has been caused under circumstances which in some manner indicate liability on the Crown.

A second recommendation was that provision be made for the Canadian Pension Commission to review all cases where an amount of legal damages or Workmen's Compensation has been paid into the Crown and, alternatively, pension has been reduced with a view to refunding such amounts directly to the pensioner or his widow.

If a pensioner dies from his pensionable disability or if pension was in payment at 50 per cent or more, the government would have to pay widow's pension.

The Legion has examined closely the argument that the Crown should not be asked to continue paying pension for death where liability has been created by the act of a third party, or as the result of injury or death covered by Workmen's Compensation. It is true that, where recovery can be made from other sources, such could represent a savings in moneys for the federal government. This would, at the same time, be a denial of rights as guaranteed by the Pension Act. Payments from different sources are being made for quite different reasons. The Pension Commission's award was being made because of an implied contract in the Pension Act. Payments made as a result of legal damages would be made because of a legal responsibility to make indemnification for disability or loss of life; those from Workmen's Compensation would be made by reason of a contract between an employer and an employee.

The Woods Committee also questioned whether the Pension Commission had the right to interfere with payments made by reason of loss of expectation of life of the deceased. The Commission's responsibility, in authorizing a pension, was considered to be that of providing compensation for loss of future financial support. Amounts recovered from legal damages should not be taken into consideration by the Pension Commission.

[*Interprétation*]

prendrait une disposition interdisant à une personne de toucher à la fois une pension aux termes de la Loi sur les pensions et une indemnité aux termes de la Loi sur l'indenmisation des employés de l'État ou de toute autre loi féderale semblable, prévoyant une indemnité en cas de décès ou d'infirmité imputables à un emploi au sein de la Fonction publique, ou survenus dans des circonstances qui, de quelque façon, impliquent la responsabilité de la Couronne.

Une deuxième recommandation demandait qu'une disposition prévoie une revision par la Commission canadienne des pensions de tous les cas où le montant des indemnités légales ou d'indemnités pour accidents de travail ont été versées à la Couronne, et des cas où l'on a réduit la pension avec l'intention de rembourser ces montants directement au pensionné ou à sa veuve.

Si un pensionné décède des suites d'une infirmité donnant droit à pension, ou si sa pension était fixée à 50 p. 100 ou plus, le Gouvernement devrait accorder la pension à la veuve.

La Légion a étudié minutieusement l'argument voulant qu'on ne devrait pas demander à la Couronne de continuer à verser une pension pour décès quand la responsabilité a été créée par l'acte d'une tierce personne, ou à la suite d'une blessure ou d'un décès couverts par la loi d'indemnisation des accidents du travail. Il est vrai que si le remboursement peut être effectué à même d'autres sources, cela représenterait une économie pour le Gouvernment fédéral, mais cela constituerait en même temps le déni d'un droit garanti par la Loi sur les pensions. Les indemnités versées à même d'autres sources sont accordées pour des raisons bien différentes. La Commission des pensions accordait des pensions en vertu d'un contrat tacite compris dans la Loi sur les pensions. Les indemnités accordées pour dommages légaux le seraient en vertu d'une responsabilité juridique à l'égard de l'indemnisation d'une infirmité ou d'un décès; celles accordées en vertu de la Loi d'indemnisation des accidents de travail le seraient en vertu d'un contrat intervenu entre l'employeur et l'employé.

Le Comité Woods a aussi mis en doute le droit de la Commission des pensions d'intervenir dans les versements pour le motif que les probabilités de longévité de la personne décédée avaient diminué. On considérait que la responsabilité de la Commission, en autorisant l'attribution d'une pension, était d'accorder une indemnité pour la perte d'un support financier futur. La Commission ne devrait pas prendre en considération les montants recouvrés pour dommages légaux.

[*Text*]

The Woods Committee commented at length, also, on the circumstances which apply where a disability pensioner suffered further injury, the result of which would entitle him to compensation from other sources. The Committee felt that the pensioner should be entitled to retain such moneys and continue to receive the full benefit of his pension.

Concerning awards arising out of Regular Force Service, the Woods Committee observed that a serviceman who was awarded a pension under the Pension Act has a vested right in that pension and the payment should be his, regardless of any third-party liability. In addition, the injured serviceman would be entitled to any legal damages decided by a jurisdiction outside of the Commission.

In summary, the Woods Committee has written what amounts to a "judgment" (as set out in its comment upon these sections of the Act). It is perhaps sufficient for the purposes of this submission to observe that the Committee gave the matter very thorough study, and its conclusion that these sections be removed from the Act are based on sound reasoning.

> The Woods Committee took the view that pension is a matter of right and questioned the propriety of permitting any diminution. A pension is awarded under the Pension Act by right of an implied contract in that disability or death has occurred which is attributable to service. The pension should not be disturbed. Any monetary compensation for injury or death which occurs subsequent to the award of pension should belong to the pensioner or his widow.

Now this point, Mr. Chairman, I know has been discussed in considerable detail before this Committee.

The Chairman: Including this morning.

Mr. Thompson: Including as recently as this morning. I would like to bring to your attention the Royal Canadian Legion's view that we endorse this report of the Woods Committee. We do feel that there is good reason why it is possible to have a situation where the widow of the man killed on the battlefield will not be in as favourable a position as that of a man who is killed by a truck. I know, and

[*Interpretation*]

Le Comité Woods a également discuté longuement des circonstances qui devaient entrer en ligne de compte quand le bénéficiaire d'une pension pour invalidité était frappé d'une seconde infirmité, dont les conséquences pouvaient bien lui donner droit à une indemnité provenant d'autres sources. Le Comité était d'avis que le pensionné devrait avoir le droit de retenir cette indemnité et continuer à toucher le plein montant de sa pension.

En ce qui a trait aux pensions pour service dans les Forces armées régulières, le Comité Woods a fait remarquer qu'un membre des Forces armées à qui une pension avait été attribuée aux termes de la Loi sur les pensions jouissait d'un droit acquis à l'égard de cette pension et qu'elle devrait lui être accordée indépendamment de toute responsabilité d'un tiers. En outre, un membre des Forces armées aurait droit à l'indemnité de tout dommage légale dont l'existence a été établie par une compétence autre que la Commission.

Bref, le Comité Woods a établi ce qui représente un «jugement» (lequel il a exposé dans ses observations sur ces articles de la loi). Il suffira peut-être, aux fins de ce mémoire, de faire remarquer que le Comité a examiné cette question très minutieusement, et ses conclusions à l'effet que ces articles devraient être retranchés de la loi sont fondées sur un raisonnement solide.

> Le Comité Woods a exprimé l'avis que la pension constituait un droit et a mis en doute l'opportunité d'en permettre aucune diminution. Une pension est attribuée aux termes de la Loi sur les pensions en vertu d'un contrat implicite, en ce sens que l'infirmité ou la mort sont survenues de telle façon qu'elles sont imputables au service. Il ne faudrait pas toucher à la pension. Toute indemnité en espèces d'une blessure ou d'un décès qui surviennent après l'attribution d'une pension devraient appartenir au pensionné ou à sa veuve.

Monsieur le président, je sais que la question a été étudiée amplement par le Comité.

Le président: Encore ce matin.

M. Thompson: J'aimerais faire observer que la Légion royale canadienne appuie le rapport du Comité Woods. Nous comprenons pourquoi la situation à laquelle doit faire face la veuve de celui qui meurt sur le champ de bataille est moins avantageuse que celle de celui qui est écrasé par un camion. Je sais, et on l'a souligné ce matin, que cette question est débattue depuis des années au sein de

[*Texte*]

it was explained to you this morning, that even within our own organization this has been discussed for years in considerable detail. But I think that because you cannot take action against any individual person in

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the one instance is no reason to deprive the widow or, in some cases the pensioner, of something which we believe is rightfully his. As has been mentioned, this does not exist in the U.S.A. legislation and we do feel that the time is long overdue for changing these sections of the Pension Act.

The Chairman: I believe Mr. Whicher had a pungent comment this morning that wives of veterans should pray that their husbands are killed by trucks and not by bullets.

Mr. Whicher: That sounds like one of my educational remarks.

Mr. Thompson: Well, Mr. Chairman, this is a valid comment but I suggest that if you deprive the widow whose husband was killed by a truck, it is not going to enrich the widow of the man who was killed on the battlefield.

Mr. Whicher: It just seems, you know, if she has used the fellow for $100,000, which is common in these days, and has collected it and then she gets a pension too—I know it is a case of right and I am not denying that one bit—but she gets that $100,000 and then a full pension besides. When I think of the hundreds of mother's allowance cases that I have put through in the Province of Ontario and disability pensions and blind pensions for so-called civvies, it just makes a man think about just how far we can go. That is all.

The Chairman: Well, I do not know whether we can add to the discussion. As you indicated, Mr. Thompson, this is one of the points that we have reviewed, and in some detail, with other briefs. I do not know that there is anything to be added that has not been said.

Mr. Thompson: I would just add, Mr. Chairman, that we do hope that when you look at this you will not look at it just in the way that Mr. Whicher has put it. We are aware of this situation which he mentioned, but we hope that you will look at it in the light of what is really right and fair to the widow and the veteran here, because again if you continue to deprive them of these insurance adjustments and so on, it still is not

[*Interprétation*]

notre organisation. Même si l'on ne peut poursuivre dans un cas particulier, il n'y a pas raison de priver la veuve, ou, en certains cas, le pensionné de ce qui leur revient.

Comme on l'a souligné, il n'y a rien de tel dans la législation américaine. Je crois que nous sommes en retard dans les modifications à apporter à ces articles de la Loi sur les pensions.

Le président: M. Whicher avait un commentaire piquant à ce sujet ce matin. Il a dit que les femmes des anciens combattants devraient prier pour que leurs maris soient écrasés par des camions plutôt que tués par des boulets de canon.

M. Whicher: Une de mes observations intelligentes.

M. Thompson: C'est un commentaire valable, mais j'estime que si l'on enlève à la veuve la pension dont elle bénéficie parce que son mari est mort écrasé par un camion, cela n'améliorera en rien le sort de la veuve de celui qui est mort à la guerre, tué par un boulet de canon.

M. Whicher: C'est comme si elle poursuivait quelqu'un pour $100,000—ce qui est commun de nos jours—qu'elle obtiendrait cette somme et toucherait une pension en plus. Je pense qu'elle a le droit de l'avoir; je ne nie pas ce droit-là du tout, mais rien n'empêche qu'elle reçoit les $100,000 et le plein montant de la pension. Quand je pense aux centaines de mères nécessiteuses en Ontario, par exemple, à ceux qui touchent des pensions pour invalidité ou cécité, la situation est ridicule. C'est tout.

Le président: Je ne vois pas ce qu'on pourrait ajouter à la discussion. C'est un des points que nous avons étudiés en détail, dans les autres mémoires également. Je ne pense pas qu'on puisse y ajouter quoi que ce soit.

M. Thompson: Je dirai tout simplement, monsieur le président, que nous espérons qu'en examinant cette question, vous ne l'étudierez pas simplement dans l'optique de M. Whicher. Nous sommes au courant de la situation qu'il a mentionnée, mais nous espérons que vous étudierez la question à la lumière de ce qui est juste et raisonnable pour les veuves et les anciens combattants, parce que si on leur enlève les ajustements

[*Text*]

going to help the other person being discussed. So we do ask you to look at this in that light.

Mr. Marshall: I think Mr. Thompson can be assured of that, Mr. Chairman.

The Chairman: Do you want to go to the next point dealing with retroactive awards, Mr. Thompson?

Mr. Thompson: Mr. Chairman, on pages 18, 18A and 18B, the question of retroactive awards is in Recommendations (116) to (122).

Explanatory Notes and Comment

In summary, the recommendations were that:

(1) an award be retroactive from a date not more than five years prior to the date of grant or from the date of original applica'ion, whichever period of time is the lesser;

(2) where, through an error in administration, procedure or other performance of the Commission (excluding the exercise of discretion in adjudication) entitlement may be granted from the date of the original application notwithstanding the limitation of five years;

(3) retroactivation of five years be granted, notwithstanding any evidence to the effect that the applicant was responsible for the delay;

(4) in processing the application, the Commission staff be required to request a decision from the Commission in all instances concerning the possibility of retroactive pension;

(5) the retroactive provisions apply to increases in the degree of aggravation and to increases in assessment;

(6) where the Commission considered the applicant did not have an assessable degree of disability during the retroactive period in the same extent as the assessment which was given him on the basis of a medical examination at the time of the award, the Commission not be allowed to reduce the assessable degree for the retroactive period by more than 50 per cent of the amount of assessment deemed to exist at the date of the award;

(7) the Commission ensure, where practical, pension medical examination be carried out on a pensioner undergoing treatment in hospital for a pensionable condition.

[*Interpretation*]

d'assurance, ceci n'aidera pas les autres personnes dont nous avons parlé. Il faudrait donc étudier cette question sous ce jour.

M. Marshall: Je puis en assurer M. Thompson, monsieur le président.

Le président: Allons-nous passer maintenant à l'autre point, M. Thompson, c'est-à-dire celui des attributions rétroactives.

M. Thompson: Monsieur le président, les pages 18, 18A et 18B traitent de la question des attributions rétroactives—Recommandations 116-122.

Notes explicatives et observations

En résumé, les recommandations portaient:

(1) que l'attribution ait un effet rétroactif à compter d'une date qui ne soit pas plus de cinq ans antérieure à la date de l'attribution ou à compter de la date de la requête initiale, soit la plus récente des deux dates;

(2) que, en cas de retard de l'attribution du fait d'une erreur d'administration, de procédure ou d'autres actes de la Commission (sauf l'exercice de sa discrétion), l'admissibilité puisse s'accorder à compter de la date de la requête initiale, nonobstant la limite de cinq ans;

(3) que la rétrocativité de cinq ans soit accordée, nonobstant preuve que le retard tient au requérant;

(4) que le personnel de la Commission, dans l'instruction de la requête, soit tenu de demander à la Commission de statuer dans tous les cas sur la possibilité de l'octroi d'une pension rétroactive;

(5) que les dispositions de rétroactivité s'appliquent aux aggravations de l'invalidité et aux augmentations de l'évaluation;

(6) que, lorsqu'elle décide que le requérant n'avait pas, durant la période de rétroactivité, une invalidité évaluable aussi élevée que celle qui est constatée à la suite d'un examen médical au moment de l'attribution, la Commission ne puisse réduire le degré évaluable d'invalidité à l'égard de la période de rétroactivité de plus de 50 p. 100 de l'invalidité réputée exister à la date de l'attribution;

(7) que la Commission, dans la mesure du possible, fasse subir un examen médical de pension au pensionné traité dans un hôpital à l'égard d'une affection ouvrant droit à pension.

[*Texte*]

The Woods Committee found that the real issue in regard to retroactivation was not the amount of money involved, but whether there has been delay in granting the award. It is considered that an applicant should be entitled to pension from the date of his application, but the Committee did accept the feasibility of a five year limitation, as a general rule.

The Woods Committee viewed the existing provisions for retroactivation with considerable criticism. It was felt that they had been developed, and were applied, in a haphazard fashion. The first provision, which allows twelve months retroactivation, was a denial of rights in a case where pension had been awarded more than twelve months after the date of application and the Committee felt that, except in unusual circumstances, the pensioner was entitled to have his pension made retroactive to the date of application. The second provision permits a further six months retroactivation in cases of hardship and distress. The Committee observed that the principle of awarding an additional six months pension on such a basis had no place in the Pension Act, as it implied the use of a means test. The third provision, which made it possible for the Commission to grant an additional 18 months pension where there had been an error in administration was again imposing an arbitrary limitation which the Woods Committee felt had no place in pension administration. The Woods Committee considered that the only practical method of handling retroactivation was to establish the principle that pension be paid from the date of application, with certain reasonable restrictions such as the five year limitation.

The government proposes to amend the legislation to provide for retroactivation of three years, but it is not clear whether it is intended to retain the provisions of the existing legislation to permit an additional six months and eighteen months retroactive awards in certain cases.

Gentlemen, we feel these recommendations deserve your most careful consideration. In appearing before the Woods Committee the Legion provided details of many cases wherein pensioners had suffered severe financial losses because of the failure of the Commission to concede entitlement for years despite good evidence on the veteran's file, particularly that of medical specialists. When a favourable decision on the basis of little or no new evidence is eventually rendered, the award is generally effective twelve months prior to the date of the latest decision. Why should the veteran and his dependents suffer in these cases? Why should the government

[*Interprétation*]

Le Comité Woods a conclu que la question réellement en cause dans la rétroactivité n'était pas la somme dont il s'agissait, mais celle de savoir si l'attribution avait retardé. A notre avis, le requérant devrait avoir droit à une pension dès sa requête, mais le Comité n'a pas admis la possibilité d'une limite de cinq ans à titre de règle générale.

Le Comité Woods a trouvé beaucoup à redire aux dispositions de rétroactivité. A son avis, elles avaient été établies et appliquées beaucoup au petit bonheur. La première disposition, qui accorde douze mois de rétroactivité, frustrait de droits dans un cas où la pension avait été attribuée plus de douze mois après la date de la requête; de l'avis du Comité, sauf dans des circonstances exceptionnelles, le pensionné avait droit à une pension rétroactive à compter de la date de sa requête. La deuxième disposition autorise une autre rétroactivité de six mois dans les cas de privations et de gêne. Selon le Comité, le principe de l'attribution de six mois additionnels de pension sur cette base ne pouvait s'inscrire dans la loi parce qu'il implique une justification des ressources. La troisième disposition, qui permettait à la Commission d'accorder dix-huit autres mois de pension en cas d'erreur administrative, imposait elle aussi une limitation arbitraire qui, de l'avis du Comité, ne pouvait jouer dans l'administration des pensions. Aux yeux du Comité, la seule façon pratique de traiter la rétroactivité était d'établir en principe que la pension doit se servir dès la date de la requête, sauf certaines restrictions raisonnables telles que la limite de cinq ans.

Le gouvernement entend modifier la Loi de façon à assurer une rétroactivité de trois ans, mais il n'est pas clair s'il veut conserver les dispositions de la loi actuelle afin de permettre une rétroactivité additionnelle de six mois et de dix-huit mois dans certains cas.

Messieurs, nous estimons que ces avis méritent votre étude on ne peut plus attentive. Quand elle s'est présentée devant le Comité Woods, la Légion a fourni des détails sur de nombreux cas de pensionnés qui avaient subi de fortes pertes financières parce que la Commission n'avait pas reconnu l'admissibilité durant de nombreuses années malgré le fait que le dossier de l'ancien combattant renfermait de bons éléments de preuve, surtout les témoignages de spécialistes médicaux. Lorsque la Commission statue favorablement en se fondant sur peu ou pas de preuves nouvelles, l'attribution vaut généralement pour les douze mois antérieurs à la dernière décision.

[*Text*]

propose limiting the veteran's right of recovery to a period of only three years?

The government itself does not hesitate to recover overpayments for periods in excess of three, five or even ten years. Our Service Bureau is frequently asked to come to the rescue of veterans and widows attempting to exist on War Veterans Allowance (and you all know how little that is), who have been ordered to repay moneys involving much lengthier periods than three years.

The Legion submits changes in the pertinent sections (31 and 42) of the Pension Act are long overdue. We have for many years suggested that awards be effective as from 1946, where a person was then an "applicant" under the Act. The Woods Committee, however, recommended a period of at least five years retroactivation where a person was at that time an "applicant".

Another very important recommendation (117) covering this matter is that which would permit retroactivation in excess of five years where it has been established that there was an error in administrative procedure or other performance of the adjudicating body.

We believe you are all familiar with the provision of Section 13(1)(a) of the Pension Act, commonly referred to as the "Insurance Principle". Although this had existed in the Pension Act for many years prior to the outbreak of World War II, it was in fact not extended to those who served during that war and subsequently, until 1946. The government introduced this measure for World War II veterans by Privy Council Order 2077. The Pension Commission was required to review all unfavourable rulings and grant entitlement which had been denied on the basis that the disability or death was not directly attributable to service even though it had been "incurred during service". Unfortunately, some claims were overlooked. As a result of such cases having come to the attention of the Woods Committee, it was recommended that provision be made to correct these errors, thus ensuring that a veteran or his dependents would not suffer because of the Commission having missed reviewing the veteran's file. Surely, gentlemen, the legislation must be amended to provide the Commission with authority to correct errors of this nature!

[*Interpretation*]

Pourquoi l'ancien combattant et les personnes à sa charge devraient-ils en souffrir en pareil cas? Pourquoi le gouvernement entend-il limiter le droit de recouvrement de l'ancien combattant à trois ans seulement?

Le gouvernement n'hésite pas, lui, à recouvrer les paiements en trop de périodes supérieures à trois, cinq et même dix ans. Il est souvent demandé à notre Bureau d'entraide d'intervenir au bénéfice d'anciens combattants et de veuves d'anciens combattants qui ont toutes les peines du monde à subsister avec leur allocation de guerre aux anciens combattants (vous savez tous combien l'allocation est minime) et à qui il a été ordonné de rembourser des sommes relatives à des périodes beaucoup plus longues que trois ans.

De l'avis de la Légion, il est grand temps d'apporter des modifications aux articles en cause (31 et 42) de la Loi sur les pensions. Nous proposons depuis plusieurs années que les attributions vaillent à compter de 1946 alors qu'une personne était un «requérant» aux termes de la loi. Le Comité Woods a proposé, cependant, une période de rétroactivité d'au moins cinq ans lorsque la personne était alors un «requérant»

Une autre proposition très importante (117) à cet égard est celle qui permettrait une rétroactivité de plus de cinq ans lorsqu'il est établi qu'il y a eu erreur dans la procédure administrative ou autres actes de l'organisme qui a statué.

Vous connaissez tous, croyons-nous, la disposition de l'article 13 (1) *a*) de la Loi communément dit «principe de l'assurance». Même si cette disposition existait dans la loi depuis de nombreuses années avant l'ouverture de la Deuxième Guerre mondiale, elle n'a pas été étendue aux personnes qui ont servi durant la guerre et subséquemment avant 1946. Le Gouvernement a édicté cette mesure au bénéfice des anciens combattants de la Deuxième Guerre mondiale par le décret du conseil 2077. Obligation a été faite à la Commission des pensions de revoir toutes les décisions défavorables et d'accorder l'admissibilité à ceux auxquels elle avait été refusée pour la raison que l'invalidité (ou le décès) ne découlait pas directement du service, même si elle était «intervenue durant le service». Malheureusement, certaines réclamations ont été oubliées. Mis au fait de cas de ce genre, le Comité Woods a proposé qu'il soit pourvu à corriger ces erreurs et à assurer ainsi qu'un ancien combattant ou les personnes à sa charge n'en souffrent pas si la Commission n'a pas revu le dossier de l'intéressé. Il faut sûrement, messieurs, modifier la Loi afin d'autoriser la Commission à corriger des erreurs de cette nature.

[*Texte*]

This question of retroactivation of pension has been a long-standing problem with the Royal Canadian Legion because we have seen so many cases over the years where people have lost money because of delays. Many of them can well be unavoidable delays in adjudication but what it finally boils down to is that the state saves money and the applicant for pension loses money because there are delays in adjudication and not a proper legislation to permit of adequate retroactivation payment. We feel that the Woods Committee Report proposal was a fair and sound one in that the normal retroactivation would be five years, but where there was an error—not an error in decision but rather where there was a fault that caused a further delay period—the five-year restriction would not apply.

We have, as I say, many cases where people have lost thousands of dollars and there is just no way that the Canadian Pension Commission can rectify this situation. From one thing that was said, I thought there was some doubt as to whether the White Paper really means to go back three years and leave in the existing subsections whereby you can get an additional two years, meaning a total of five years, or whether it merely means three years and no discretionary amount. And this is not clear as there is some conflict in what the Minister of Veterans Affairs said in a press kit and what the White Paper says. So we are not positive on that point but we do feel that the Woods Committee Report recommendation of five years normally is sound and we would like to see that implemented because there is just no question about it that these claims, when they are finally established, are show to be just claims.

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In most other situations that you have, when a claim is made and is proven to be valid, the money is paid from the date of the application and the person does not lose out through the delay of the process. But in the case of the pension applicant this is not so, and we have a very recent case which illustrates this. We would like to give you an example of the injustice of the present legislation.

Earlier this year a widow was referred to the Legion's Service Bureau and it was discovered that her husband had died while serving in 1940. Her claim had been ruled on unfavourably in 1941, as it was concluded that his death was not directly connected with service. The Pension Commission did not review his file after the introduction of P.C. 2077. That was a Privy Council Order that

[*Interprétation*]

Cette question des attributions rétroactives est une question que nous étudions depuis très longtemps à la Légion. Nous avons vu tellement de cas au cours des années où les gens avaient perdu de l'argent parce qu'il y avait eu des retards. Nombre de retards étaient inévitables parfois dans le rendement des décisions, mais finalement, cela se résume à ceci: l'État sauve de l'argent, mais le requérant perd de l'argent de pension parce qu'il y a eu des retards dans les décisions et que la Loi ne prévoit pas le paiement d'attributions rétroactives. Nous estimons que la recommandation Woods est tout à fait juste et raisonnable, en ce sens que la rétroactivité serait de cinq ans, mais lorsqu'il y a eu une erreur, non pas une erreur de décision, mais une erreur qui a été cause d'un autre délai la période de cinq ans ne doit pas s'appliquer.

Nous avons eu tellement de cas où les gens ont perdu des milliers de dollars et où la Commission n'a pu rectifier cette situation. D'après ce qu'on a dit, il y a lieu de se demander si le Livre blanc veut vraiment retourner trois ans en arrière et laisser le paragraphe qui permet d'avoir deux ans de plus, c'est-à-dire un total de cinq ans, ou s'il signifie tout simplement trois ans sans préciser le montant. Ceci n'est pas clair, il y a certain conflit d'interprétation dans ce que renferme le communiqué de presse du ministre des Affaires des anciens combattants et ce que dit le Livre blanc. Nous ne sommes pas très sûrs à ce sujet-là. Nous pensons toutefois que la Recommandation Woods relative aux cinq ans de rétroactivité est juste et raisonnable et nous voudrions qu'elle soit mise en vigueur parce qu'il ne fait aucun doute que ces demandes, une fois établies, se révèlent simplement des demandes.

Dans la plupart des cas, quand une demande est faite et qu'elle est jugée valide, l'argent est versé à compter du jour où la demande a été envoyée et la personne ne perd pas d'argent par suite des retards administratifs. Ce n'est pas toujours le cas cependant pour les pensionnés ou ceux qui font des demandes de pensions. Nous avons eu un cas récemment qui illustre cette chose. Je vais vous donner un exemple de l'injustice de la loi.

Au début de l'année, le cas d'une veuve a été référé au Bureau des services de la Légion et on a constaté que son mari était mort en 1940 durant son service dans l'armée. La demande de pension qu'elle avait alors formulée avait été refusée en 1941, parce que la mort de son mari, lui avait-on dit, n'était pas reliée au service militaire. La Commission des pensions n'a pas révisé le dossier, après

[*Text*]

re-instated the insurance principle for service in the forces during wartime. The Commission did automatically review many cases that had been previously turned down before the Privy Council Order came into effect, but this was one that was overlooked. The widow had been told she was not eligible. The case was not reviewed. She did not know she was eligible under the change in law.

Whe a Service Officer made representations to the Commission the widow was granted a pension effective from 1966, three years prior to the date of the decision. In other words, in this case the Commission used the maximum that the Act permitted. They were only able to go back to 1966. The widow, therefore, has lost 20 years' pension because of an error by the Commission. This represents $26,000 that this widow has lost, and there is no provision in the legislation—with the best will in the world the Commission cannot go back and make good on what was an error by somebody in 1940.

There are cases such as this. We do not pretend there are thousands of them, but there are enough to justify this being looked at very seriously and provision being made to go back.

There is no reason, as we said, gentlemen, that the widow should lose, and the state should gain, $26,000. That is what it amounts to in this case.

There are other cases involving $6,000 or $8,000, and we feel that this is not a just situation. Therefore, again, we would like to see you go back on the Woods recommendation. We believe it should go back five years. But in such cases as this, where there has been oversight and error—which will happen in the best regulated organizations—we believe that authority should be in the Act to permit the Commission to go back and make good on the error.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: I can recall questionning Mr. Ward on these points at some length. My recollection is that he said that he understood the government was prepared to go back for a five-year period.

I am not aware of the contradiction Mr. Thompson is referring to; and Mr. Ward, I think it should be made clear, never pretended that his was the last word in any of these matters. Some of us questionned him rather closely on them and he did his best and we appreciated that, but he never pretended that his was the final word on it.

I also recall asking him whether there were other cases that would go back for more

[*Interpretation*]

l'adoption du décret du Conseil, C.P. 2077, qui remettait en vigueur le principe de l'assurance pour les militaires pendant la guerre. La Commission a procédé à une révision immédiate de plusieurs cas qui avaient été rejetés avant que ce décret ne soit mis en vigueur, mais on avait oublié cette chose. On avait dit à la veuve qu'elle n'était pas admissible. Le cas ne fut pas révisé. Elle ne savait pas qu'elle était admissible aux termes de la Loi modifiée, mais lorsqu'un agent de service fit des représentations auprès de la Commission, la veuve reçut la pension avec effet rétroactif à 1966, soit trois ans avant la date de la décision. Bref la Commission, dans ce cas, a tout pris ce que la Loi permettait. On n'a rendu la pension rétroactive qu'à 1966 seulement. La veuve a ainsi perdu une pension pendant 20 ans, à cause d'une erreur de la Commission. Ceci représente une perte de $26,000 pour cette veuve. Il n'y a pas de disposition dans la Loi permettant à la Commission de compenser cette erreur qui remonte à 1940, il y a d'autres cas identiques. Nous ne disons pas qu'il y en a des milliers, mais il y en a suffisamment pour justifier que l'on étudie cette question et que des dispositions soient prises pour que l'on retourne en arrière.

Il n'y a pas de raison pour qu'une veuve perde $26,000 et que ce soit l'État qui ait ce montant, et pourtant, c'est ce qui est arrivé dans ce cas-ci. Il y a d'autres cas où des montants de $6,000 ou $8,000 étaient en cause. Nous estimons que ce n'est pas juste. Je répète que nous devrions nous en remettre à cette recommandation du Rapport Woods et adopter une rétroactivité de cinq ans. Dans le cas cependant où il y a eu une erreur ou un oubli—ce qui peut se produire dans la meilleure des organisations—je pense que la Loi devrait autoriser la Commission à reprendre le cas et à réparer l'erreur.

Le président: M. Whetherhead?

M. Whethernead: Je me rappelle avoir questionné M. Ward sur toutes ces questions et, si je me souviens bien, le gouvernement était prêt à accepter la rétroactivité pour cette période de cinq ans. Je ne suis pas au courant des illogismes mentionnés par M. Thompson et M. Ward n'a jamais dit qu'il détenait le dernier mot sur ces questions. Certains d'entre nous lui avons posé des questions là-dessus, il a répondu au meilleur de sa connaissance, mais il n'a jamais prétendu qu'il avait le dernier mot. Je me souviens également lui avoir demandé s'il connaissait d'autres cas de rétroactivité à plus de cinq années en arrière. Il a admis qu'il y en avait. Nous nous sommes

[*Texte*]

than five years, and he admitted there were. But we left it at that.

I certainly hope that the White Paper will indicate that it will go back at least five years.

Mr. Thompson: Mr. Chairman, we welcome the proposal of the five years, but we would like to see it five years without strings. It seems to us that you should not have to get three years, then have to prove hardship to get another six months and then have to prove administrative difficulties beyond your control to get another 18 months. We also earnestly ask you to look at the situation of cases such as this—and there are a number of them—where, as I say, you can never repay this woman. You can never soften the hardship that she must have suffered over these years in getting along without this. There was $26,000 that she was entitled to under the law of the land, but unfortunately the Commission's powers do not allow them to go back any further than three years.

•2125

The Chairman: Mr. Marshall?

Mr. Marshall: Mr. Chairman, further to what Mr. Weatherhead said I have a note on Recommendation No. 116 to the effect that Mr. Ward's explanation was that it was modified to three years.

Mr. Weatherhead: Plus two.

Mr. Marshall: And No. 117, No. 118, No. 119 and No. 120 are not adopted.

The Chairman: We will be able to clarify the facts on that, Mr. Marshall. I may be in error, relying only on memory, but my recollection agrees with Mr. Weatherhead's.

Mr. Weatherhead: Mr. Chairman, I do not think we are really apart. There was a three-year provision as of right, and up to two years' discretionary, which would mean a total of up to five years. I think that is what the idea was.

The Chairman: Perhaps this would be a convenient point at which to adjourn. We have done very well. We have sat for two and a half hours this evening.

Mr. Bigg: Are we going to be able to finish tomorrow, do you think?

The Chairman: I certainly hope that we can finish tomorrow. Mr. Thompson and I seem to think that that would be the case. Before we adjourn, Mr. Thompson, the suggestion has been made that we entertain a motion that the brief presented by The Royal Canadian Legion, Dominion Command, be taken as read

[*Interprétation*]

arrêtés là. J'espère bien que le Livre blanc indique une rétroactivité d'au moins cinq ans.

M. Thompson: Nous sommes enchantés de voir cette proposition visant une rétroactivité de cinq ans, libre de toutes entraves. Il ne devrait pas y avoir une étape de trois ans puis une de six mois, sous réserve de privation et une autre de 18 mois en raison de circonstances indépendantes de la volonté des administrateurs. De plus, nous vous demandons très sincèrement de vous pencher sur ces cas. Jamais nous ne pourrons rembourser cette femme. Nous ne pourrons jamais adoucir les privations qu'elle a endurées au cours de ces années. Elle ne peut recouvrer les $26,000 auxquels elle avait droit aux termes de la loi du pays et malheureusement la Commission ne peut rendre la pension rétroactive à plus de trois ans.

Le président: M. Marshall?

M. Marshall: Pour faire suite aux paroles de M. Whetherhead, j'ai ici une note relative à la recommandation 116 et selon laquelle M. Ward a dit que la modification apportée à la Loi ne portait pas la rétroactivité à plus de trois ans.

M. Whetherhead: Plus deux.

M. Marshall: Les recommandations n^{os} 117, 118, 119 et 120 n'ont pas été adoptées.

Le président: On peut certainement éclaircir toutes ces questions, M. Marshall. Je puis être dans l'erreur, mais je crois que M. Weatherhead a raison.

M. Whetherhead: Je ne crois pas que nous divergions tellement. Il y a cette période de trois ans reconnue par la Loi et une de deux ans à la discrétion du commissaire, ce qui fait un total de cinq ans.

Le président: Est-ce que ce serait un bon moment de lever la séance? Nous avons fait du bon travail au cours de cette séance qui a duré deux heures et demie.

M. Bigg: Allons-nous pouvoir en finir demain?

Le président: Je le crois bien et M. Thompson est de mon avis. Avant d'ajourner toutefois, M. Thompson, on a proposé sur une motion que le mémoire de la Légion soit versé comme témoignage au dossier. Les membres sont d'accord? J'ai noté que vous n'avez pas traité de toutes les questions qui

[*Text*]

and inserted into the evidence. Would that be agreeable to you? I note that you have not covered verbatim a number of the points it contains, and I think the members of the Committee would like to have it all in the evidence. Would someone move that?

Mr. Marshall: I so move.

Mr. Guay (St. Boniface): I second the motion.

Motion agreed to.

The Chairman: Then the brief will be taken as read and it will be reproduced in the transcript of today's proceedings.

Mr. Thompson: Thank you. We tried to avoid burdening you with the reading of it, and I appreciate your motion to place it in the record.

Mr. Chairman: The Committee is adjourned until 9.30 tomorrow morning in this room. Mr. Marshall?

Mr. Marshall: Before we adjourn, Mr. Chairman, in both copies of the proceedings I notice that there are certain omissions in relation to those who have been in attendance. Several members of the Pension Commission who have been here throughout the proceedings have not been recognized. Is this just an error, or is only those who appear at the table as witnesses who are marked as attending?

The Chairman: Mr. Marshall, I suggest that you have a discussion with Mr. Levesque. If you feel that you want to entertain a motion, we could do so tomorrow. Mr. Peters?

Mr. Peters: Will other witnesses be appearing before us?

The Chairman: The present intention, Mr. Peters, is to hear The Royal Canadian Legion's brief and then to adjourn until the transcripts catch up with us. It possibly might be for two weeks. We would then deal with the Steering Committee and bring forward a proposal for other witnesses to be called and other evidence to be prepared.

Mr. Bigg: You will let us know by mail as soon as you can?

The Chairman: You will be notified.

[*Interpretation*]

figurent au mémoire. Je crois que les membres aimeraient que le mémoire complet figure comme témoignage. Quelqu'un voudrait proposer cette motion?

M. Marshall: Je propose.

M. Guay (Saint-Boniface): J'appuie la motion.

La motion est adoptée.

Le président: Le mémoire tel qu'il a été présenté sera versé au compte rendu des délibérations.

M. Thompson: J'aimerais vous dire que j'apprécie votre motion portant que cet exposé soit versé au compte rendu du Comité.

Le président: Le Comité s'ajourne à demain à 9 heures et demie du matin. M. Marshall?

M. Marshall: Avant d'ajourner, monsieur le président, dans les deux exemplaires du compte rendu je vois qu'il y a des omissions relativement à certaines personnes présentes. Plusieurs membres de la Commission des pensions qui ont assisté à toutes les délibérations n'ont pas pris la parole. Y a-t-il erreur ou n'indique-t-on comme présents que ceux qui témoignent?

Le président: Monsieur Marshall, vous pourriez peut-être en parler avec M. Levesque. Si vous voulez proposer une motion à cet effet, M. Peters, nous pourrions nous en occuper demain.

M. Peters: D'autres témoins vont-ils témoigner devant le Comité?

Le président: Nous voulions prendre connaissance du mémoire de la Légion royale canadienne, puis ajourner jusqu'à ce que nous ayons le compte rendu. Il peut s'écouler deux semaines. Nous étudierons ensuite la question du Comité de direction et la proposition d'interroger d'autres témoins.

M. Bigg: Vous nous en informerez par courrier, dès que la chose vous sera possible?

Le président: D'accord.

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First Session

Twenty-eighth Parliament, 1968-69

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CHAMBRE DES COMMUNES

Première session de la

vingt-huitième législature, 1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

COMITÉ PERMANENT

DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Llyod Francis *Président*

NOV 2 1969

MINUTES OF PROCEEDINGS AND EVIDENCE

PROCÈS-VERBAUX ET TÉMOIGNAGES

No. 23

FRIDAY, OCTOBER 3, 1969

LE VENDREDI 3 OCTOBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir Procès-verbaux)

STANDING COMMITTEE ON
VETERANS AFFAIRS

COMITÉ PERMANENT
DES
AFFAIRES DES ANCIENS
COMBATTANTS

Chairman — Mr. Lloyd Francis — *Président*

Vice-Chairman — M. Carl Legault — *Vice-président*

and Messrs. — et Messieurs

Badanai,
Bigg,
[5] Borrie,
[6] Foster,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
[4] Hopkins,
[7] Howard (*Okanagan-Boundary*),
Latulippe,
[3] Mahoney,
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Thomas (*Moncton*),
Turner (*London East*),
Whicher—20.

Le greffier du Comité,

D. E. Levesque,

Clerk of the Committee.

Pursuant to S.O. 65(4)(b)

[3] Replaced Mr. Groos on October 2, 1969.
[4] Replaced Mr. Laniel on October 2, 1969.
[5] Replaced Mr. LeBlanc (*Rimouski*) On October 2, 1969.
[6] Replaced Mr. Weatherhead on October 2, 1969.
[7] Replaced Mr. Stafford on October 2, 1969.

Conformément à l'article 65(4)(b) du Règlement

[3] A remplacé M. Groos le 2 octobre 1969.
[4] A remplacé M. Laniel le 2 octobre 1969.
[5] A remplacé M. LeBlanc (*Rimouski*) le 2 octobre 1969.
[6] A remplacé M. Weatherhead le 2 octobre 1969.
[7] A remplacé M. Stafford le 2 octobre 1969.

REPORT TO THE HOUSE

WEDNESDAY, October 22, 1969.

The Standing Committee on Veterans Affairs has the honour to present its

FOURTH REPORT

Pursuant to its Order of Reference of Thursday, June 26, 1969;

"That the report of the Committee appointed September 8, 1965, to survey the organization and work of the Canadian Pension Commission, tabled on March 26, 1968, be referred to the Standing Committee on Veterans Affairs."

Your Committee has held twenty-three meetings and heard fifty-seven witnesses from the following:

1. Department of Veterans Affairs;
2. Canadian Pension Commission;
3. The Nationally Chartered Veterans Organization;
4. National Council of Veterans Association in Canada;
5. The War Amputations of Canada;
6. Hong Kong Veterans Association of Canada;
7. The National Dieppe Prisoner of War Association;
8. The Nursing Sisters' Association of Canada;
9. Canadian Corps Association;
10. The Canadian Paraplegic Association;
11. The Sir Arthur Pearson Association of War Blinded;
12. War Pensioners of Canada;
13. Army, Navy and Air Force Veterans in Canada;
14. Royal Canadian Legion (Dominion Command).

Your Committee has made considerable progress in its study of the "Woods Committee Report" but has not completed its Order of Reference.

RAPPORT À LA CHAMBRE

Le MERCREDI 22 octobre 1969.

Le Comité permanent des affaires des anciens combattants a l'honneur de présenter son

QUATRIÈME RAPPORT

Conformément à l'ordre de renvoi du jeudi 26 juin 1969 disant:

«Que le rapport du comité d'enquête sur l'organisation et le travail de la Commission canadienne des pensions nommé le 8 septembre 1965, déposé le 26 mars 1968, soit renvoyé au Comité permanent des affaires des anciens combattants.»

Le Comité a tenu vingt-trois séances et entendu cinquante-sept témoins représentant les organismes suivants:

1. Ministère des Affaires des anciens combattants;
2. Commission canadienne des pensions;
3. Les organisations d'anciens combattants à charte nationale;
4. Conseil national des associations d'anciens combattants du Canada;
5. Amputés de guerre du Canada;
6. Association canadienne des anciens combattants de Hong Kong;
7. Association nationale des prisonniers de guerre de Dieppe;
8. The Nursing Sisters' Association of Canada;
9. Association du Corps canadien;
10. Association canadienne des paraplégiques;
11. Association Sir Arthur Pearson des aveugles de guerre;
12. Pensionnés de guerre du Canada;
13. Association des anciens combattants des armées de terre, de mer et de l'air du Canada;
14. Légion Royale canadienne.

Le Comité a avancé considérablement dans l'étude du «Rapport du Comité Woods» mais n'a pas été à même de compléter son mandat.

20783—1½

Therefore, your Committee recommends that it be reconstituted as early as possible during the Second Session of the Twenty-eighth Parliament, and that its present Order of Reference and the evidence adduced be again referred.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 11 to 23*) is tabled.

Respectfully submitted,

Ainsi le Comité recommande qu'il soit reconstitué aussitôt que possible au cours de la Deuxième session du vingt-huitième parlement, et que son mandat actuel et les témoignages y afférant soient reconduits.

Un exemplaire des procès-verbaux et témoignages pertinents (*fascicules n°s 11 à 23*) est déposé.

Respectueusement soumis,

Le président,

LLOYD FRANCIS.

Chairman.

MINUTES OF PROCEEDINGS

[*Text*]

FRIDAY, October 3, 1969
(34)

The Standing Committee on Veterans Affairs met this day at 9.35 a.m., the Chairman, Mr. Llyod Francis, presiding.

Members present: Messrs. Badanai, Bigg, Borrie, Foster, Francis, Guay (*St. Boniface*), Hopkins, Howard (*Okanagan Boundary*), Latulippe, MacRae, Mahoney, Marshall, Peters (13).

Other Member present: Mr. Knowles, M.P. (*Winnipeg North Centre*).

Witnesses: From the Royal Canadian Legion (Dominion Command): Mr. Arthur Adams, 2nd Vice-President, Mr. Donald M. Thompson, Secretary, and Mr. Murray MacFarlane, Director, Service Bureau.

The Committee continued the study of the Explanatory Notes and Comments of the brief submitted by the Royal Canadian Legion (Dominion Command). Messrs. Thompson and MacFarlane answered questions posed by the Committee.

At 11:55 a.m., the Committee adjourned to Monday, October 20, 1969.

PROCÈS-VERBAL

[*Traduction*]

LE VENDREDI 3 octobre 1969
(34)

Le Comité permanent des affaires des anciens combattants se réunit aujourd'hui à 9 h. 35 du matin sous la présidence de M. Lloyd Francis.

Députés présents: MM. Badanai, Bigg, Borrie, Francis, Foster, Guay (*St-Boniface*), Hopkins, Howard (*Okanagan-Boundary*), Latulippe, MacRae, Mahoney, Marshall, Peters (13).

Aussi présent: M. Knowles, député (*Winnipeg-Nord-Centre*).

Témoins: du *Quartier général de la Légion royale canadienne:* M. Arthur Adams, deuxième vice-président, M. Donald M. Thompson, secrétaire, et M. Murray MacFarlane, directeur.

Le Comité continue l'étude des notes explicatives et des commentaires du mémoire soumis par la Légion royale canadienne (Quartier général).

MM. Thompson et MacFarlane répondent aux questions que leur posent les membres du Comité.

A 11 h. 55 du matin, le Comité ajourne jusqu'au lundi 20 octobre 1969.

Le greffier du Comité,

D. E. Levesque,

Clerk of the Committee.

[*Texte*]

EVIDENCE

(*Recorded By Electronic Apparatus*)

Friday, October 3, 1969

•0938

The Chairman: I will call the Committee to order. I believe last night Mr. Thompson was discussing pages 18, 18A, 18B and 18C, and while we may or may not have concluded our comments, I felt that we should open the subject to questions in case any member of the Committee has any point he wants to raise this morning. Are there any questions on pages 18 to 18C inclusive? Is there any comment you wanted to add, Mr. Thompson?

Mr. Thompson: In connection with those pages, Mr. Chairman, you will remember that we raised the case of a widow who, because of the existing legislation, had lost $26,000 and I would like to bring to your attention the fact that Recommendation (117) in the Woods Report is the recommendation that would specifically provide for relief in a situation such as that. That is one of the recommendations that is covered in this group on pages 18 to 18C. This recommendation provides:

> (117) That the Act be amended to provide that, where a delay in an award of pension has occurred through an error in administration, procedure or other performance of the Canadian Pension Commission or an appellate body, excluding the exercise of discretion in adjudication, entitlement may be granted from the date of the original application notwithstanding, the limitation of five years as proposed in Recommendation (116) above.

The Chairman: Is there any further comment? If not, would you like to proceed, Mr. Thompson?

Mr. Thompson: Thank you. Mr. Chairman, the next item on pages 19 and 19A has to do with the stablization of pensions.

Explanatory Notes and Comment

The Woods Committee felt that stabilization of pension was an essentially sound principle. A pensioner in receipt of pension at a certain rate for at least three years, should not be faced with financial problems which might follow a reduction in pension rate.

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le vendredi 3 octobre 1969

Le président: A l'ordre. Nous avons fini l'étude des pages 18, 18A, 18B, et 18C. Je crois que nous n'avions pas complètement terminé les commentaires. Je pense que nous devrions passer aux questions au cas où quelques membres du Comité auraient des questions à poser ce matin. Y a-t-il des questions sur les pages 18 à 18C inclusivement? Avez-vous des commentaires, monsieur Thompson?

M. Thompson: En rapport avec ces pages, je vous rappellerai que nous avons soulevé le cas d'une veuve qui, à cause de la présente législation, a perdu $26,000. Nous voulons vous reporter à la recommandation n° 117 du Rapport Woods qui stipule qu'il doit y avoir une allocation de versée pour commisération dans un tel cas. Nous en avons traité aux pages 18 à 18C inclusivement. Cette déclaration recommande:

> (117) Que la loi soit modifiée, afin que lorsqu'il s'est produit un retard dans l'attribution d'une pension par suite d'une erreur administrative, du mode de procédure ou d'autres formalités au sein de la Commission canadienne des pensions ou d'un organisme d'appel, mais à l'exclusion de l'exercice du pouvoir discrétionnaire en ce qui concerne la décision, l'admissibilité puisse être accordée à compter de la date de la requête initiale, nonobstant la limite de cinq ans proposée dans la recommandation n° 116 ci-dessus.

Le président: Y a-t-il d'autres commentaires? S'il n'y en a pas, voudriez-vous continuer, monsieur Thompson?

M. Thompson: Merci, monsieur le président. Le prochain point, aux pages 19 et 19A, traite de la stabilisation des pensions.

Notes explicatives et observation

Le Comité Woods a estimé que la stabilisation des pensions constituait un principe essentiellement judicieux. Le pensionné qui touche une certaine pension depuis au moins trois ans ne devrait pas avoir à se soucier des problèmes financiers qui suivraient une réduction du chiffre de sa pension.

[*Text*]

The White Paper proposed that statutory authority would be given to the policy of stabilization. The Government intends to provide that pensions, arising out of service subsequent to W.W.I, will be stabilized after the pensioner reaches age sixty only when and if the pension has been in effect for ten years or more. Although this proposal does represent some benefit, it certainly is much less than what was recommended in the Woods Report.

The Legion cannot understand why the legislation should contain two sets of rules—one for W.W.I pensioners and another for *all* remaining disability pensioners.

As shown on page 19, the white sheet, a policy of stabilization has been in effect since 1936 and the proposal in the White Paper

• 0940

would provide for a different system of stabilization for World War II pensioners than already exists for World War I pensioners. There has been some question about the 1936 date. We would like to refer you to the Woods Committee Report, which is the Committee to survey the organization and work of the Canadian Pension Commission, Volume III, page 993, where it states:

> Brigadier J. L. Melville, Chairman of the Commission, stated to this Parliamentary Committee . . .

This was in 1948:

> . . . that the Commission had had a policy in effect since February, 1936, concerning medical re-examination of pensioners.

In this respect Brigadier Melville quoted to the Committee an excerpt from a memorandum issued by Mr. Justice F. G. Taylor, Chairman of the Canadian Pension Commission, under date of February 12, 1936, a reference to which may be found on page 991 of Volume III of the Committee's Report. Mr. Justice Taylor's memorandum stated:

> Generally speaking, it is the intention of the Commission that, in the future, periodical examinations should be eliminated except in those cases where there is a substantial probability that there has been an increase in the disability and that, therefore, the soldier might be entitled to more pension as a result of a further examination. In other words, we propose to treat our present pension list as more or less permanent in character.
>
> What we want to accomplish is, first, to give the soldier some assurance of the

[*Interpretation*]

Le Livre blanc propose d'inscrire dans les lois la politique de la stabilisation. Le gouvernement entend édicter que les pensions, découlant d'un service subséquent à la Première Guerre mondiale, soient stabilisées, après que le pensionné a atteint 60 ans, seulement si la pension lui est servie depuis dix ans et plus. Même s'il comporte un certain avantage, le projet est certainement beaucoup moins favorable que la proposition du Rapport Woods.

La Légion ne peut comprendre pourquoi la loi devrait comprendre deux séries de règles: l'une pour les pensionnés de la Première Guerre et l'autre, pour tous les *autres* pensionnés pour invalidité.

Comme on le remarque à la page 19 (page blanche), il existe une politique de stabilisation depuis 1936 et le Livre blanc prévoit une politique de stabilisation pour les pensionnés de la Seconde Guerre mondiale différente de celle des pensionnés de la Première Guerre mondiale. Je ne suis pas certain quant à la date de 1936. Nous vous reportons au rapport du Comité Woods, comité d'enquête sur l'organisation et le travail de la Commission canadienne des pensions, plus précisément à la page 1136 du volume III, où il est dit:

> Le président de la Commission, le brigadier J. L. Melville, a déclaré au Comité parlementaire...

C'était en 1948.

> ...que la Commission avait institué une ligne de conduite en février 1936, relativement aux examens périodiques que subissent les pensionnés.

A ce sujet, le brigadier Melville a cité au Comité un extrait d'un mémoire du juge F. G. Taylor, président de la Commission canadienne des pensions, daté du 12 février 1936 et dont il est fait mention à la page 1136 du volume III du rapport du Comité. Le juge Taylor disait ceci:

> En général, la Commission a l'intention d'éliminer, à l'avenir, les examens périodiques, sauf dans les cas, où il est très probable que l'invalidité a augmenté, permettant ainsi au pensionné, à la suite d'un examen médical, de percevoir une pension plus élevée. En d'autres termes, nous nous proposons de considérer comme quasi permanente la liste actuelle des pensionnés.
>
> Notre but est de, premièrement, rassurer le soldat au sujet de la stabilité de sa

[*Texte*]

permanency of his pension and, secondly, to avoid the tremendous expense which has occurred in the past by the large number of periodical examinations made in the districts, with no resulting change in the soldier's assessment.

The matter of stabilization of World War I pensions was brought before the 1948 parliamentary committee in the form of a recommendation from the Royal Canadian Legion to the effect:

That the Pension Act be amended so as to stabilize the pensions of World War I pensioners.

That is found in the Minutes of Proceedings of the Special Committee on Veterans Affairs, 1948, page 11. The matter was further clarified when Mr. Victor Quelch, member of Parliament for Acadia, stated in the Minutes of Proceedings at page 419:

The recommendation of the Legion was to the effect that notwithstanding anything contained in the Pension Act the revision of pensions of veterans of World War I shall be upward only.

That was the effect of the recommendation.

In speaking to the matter, Brigadier Melville stated at page 420:

The commission has had no opportunity —not to make a defence, but to explain— and I am very, very glad indeed that that opportunity was sought, first of all by the Legion in their presentation to this committee, and secondly, that it was brought up by members of the committee; and because of this I am very anxious indeed that the commission should place before this committee the definite information as to the policy which has been in effect, a very definite policy, with respect to all disability pensioners of World War I.

Brigadier Melville then went on to quote the 1936 memorandum of his predecessor, Mr. Justice Taylor. Brigadier Melville then proceeded to provide details on the application of that general policy, and he stated:

(2) Pensions for all diseases should be considered generally as permanent and the pensioner should not be called in for further examination except in cases of complaints or discharge from hospital following treatment.

[*Interprétation*]

pension, et deuxièmement, de réduire les frais élevés qu'a entraînés dans le passé le grand nombre d'examens périodiques faits dans les districts, sans changement de l'évaluation du soldat.

La question de la stabilisation des pensions de la Première Guerre mondiale a été portée, en 1948, à l'attention du comité parlementaire sous forme d'une recommandation de la Légion royale canadienne voulant:

Que la Loi des Pensions soit modifiée de façon à stabiliser les pensions des pensionnaires de la Première Guerre mondaile.

Cet extrait est tiré des procès-verbaux du Comité spécial des affaires des anciens combattants, 1948, page 11 du fascicule n° 1.

La question a été éclaircie davantage par M. Victor Quelch, député d'Acadia, qui disait à la page 24 du fascicule n° 13 des procès-verbaux:

La Légion recommandait que, quelles que soient les dispositions de la Loi des pensions, la révision des pensions des anciens combattants de la première guerre mondiale ne se fasse que dans le sens d'une augmentation.

Tel était le but de la recommandation.

A ce sujet, le brigadier Melville disait à la page 25 du même fascicule:

La Commission n'a eu aucune occasion non de se défendre, mais de s'expliquer—et je suis en effet très heureux, d'abord que cette occasion ait été recherchée par la Légion dans son mémoire soumis au Comité, et en second lieu, que l'affaire ait été soulevée par les membres du Comité, et à cause de cela, je désire beaucoup voir la Commission soumettre au Comité les renseignements précis concernant la procédure suivie, une ligne de conduite très définie, à l'égard de tous les pensionnaires invalides de la première guerre mondiale.

Le brigadier Melville a ensuite cité le mémoire de 1936 de son prédécesseur, le juge Taylor. Le brigadier Melville a ensuite donné des détails sur l'application de cette politique générale et a dit:

(2) En général les pensions pour toutes maladies devraient être permanentes; on ne devrait pas faire subir un nouvel examen au pensionnaire sauf en cas de plainte ou lorsqu'il sort de l'hôpital à la suite de traitements.

[*Text*]

(3) In cases of high disability pensioners, but not total disability, who are pensioners for such progressive conditions as Diabetes, Nephritis, Cardio-vascular Diseases, Advanced Bronchial conditions other than Tuberculosis and advanced generalized Arthritis, the Pension Medical Examiner should call in for examination only those cases in which he would expect the condition to have progressed since the last examination.

(5) Where the assessment for diseases are small or moderate and have remained more or less stationary for the previous examination or two, they should always be considered as permanent and not brought in for further examination except upon complaint.

Brigadier Melville than goes on to say at page 421:

Gentlemen, that policy of the Commission as so stated was set out in February of 1936. It has been religiously followed since that time.

Stabilization for World War I pensioners was introduced some 18 years after the end of World War I. It will be seen that the memorandum of Mr. Justice Taylor of February 12, 1936, sets out an actual policy of stabilization and this would appear to have been confirmed by the statements of Brigadier Melville before the parliamentary committee in 1948.

We wanted to make this clear because there has been some doubt about when this policy was established and someone might well raise the question, Mr. Chairman, when it was established in 1936, why the Legion raised the question in 1948 before a parliamentary committee. The answer is that these policies were not made public, it was not public knowledge, it was not clear to the Legion, and in additional evidence Brigadier Melville pointed out that there had been a changeover in the medical advisory staff in some of the districts and because of this changeover it could well be that there were some people who were not fully aware of it, and in 1948 the Commission restated the policy clearly and he undertook to advise all the pension medical examiners. This question has come up and we wanted to make this 1936 date clear. Incidentally, in assembling this piece of information I want to say that we appreciated Mr. Chadderton's co-operation because he had prepared this as executive secretary of the War Amputees of Canada and the point was raised when they mentioned 1936 in their brief. We feel that it is clear and the Woods Committee felt from the

[*Interpretation*]

(3) Dans les cas de pension pour invalidité grave, mais non totale, comme dans le cas des pensions accordées pour maladies progressives telles que diabète, néphrite, maladies cardio-vasculaires, bronchites avancées autres que la tuberculose et une arthrite générale avancée, le médecin examinateur des pensions n'examinera que ceux dont l'affection a pu évoluer depuis le dernier examen.

(5) Lorsque l'évaluation des maladies est légère ou modérée et qu'elle n'a pas à vrai dire varié lors des derniers examens, on la tiendra pour permanente et on n'examinera plus le patient sauf en cas de plainte.

Le brigadier Melville poursuit, encore à la page 26:

Messieurs, cette ligne de conduite de la Commission, que je viens de vous exposer, fut tracée en février 1936. On l'a suivie depuis, avec un soin minutieux.

La stabilisation a été instituée, dans le cas des pensionnés de la Première Guerre mondiale, 18 ans après la fin de la Première Guerre. Le mémoire du juge Taylor préconise une politique de stabilisation, qui a été confirmée par les déclarations du brigadier Melville devant le Comité parlementaire, en 1948.

Nous voulions clarifier cette situation parce qu'il semblait exister certains doutes quant au moment où cette politique a été établie. Certaines personnes pourraient poser la question, à savoir quand elle a été établie en 1936 et pourquoi la Légion a soulevé la question en 1948 devant le comité parlementaire. C'est que ces politiques n'ont pas été rendues publiques et que la Légion ne les comprenait pas clairement. De plus, le brigadier Melville a mentionné qu'il y avait eu un remaniement du personnel des examens médicaux dans certains districts et qu'à cause de ce remaniement, nous n'avons pas pu avoir un aperçu complet de la politique. En 1948, la Commission a clairement indiqué sa politique et a entrepris de renseigner tous ses examinateurs médicaux. Cette question a été soulevée et nous voulions préciser que cela avait été institué en 1936. En réunissant ces renseignements, je voudrais dire que nous désirons remercier M. Chadderton de sa collaboration. Les amputés de guerre du Canada ont mentionné la date de 1936 dans leur mémoire, et cela nous a servi de point de base. Ceci existe donc depuis 1936 pour les pensionnés de la Première Guerre mondiale.

[*Texte*]

evidence of the parliamentary committee and the records that it had been in existence for World War I pensioners since 1936.

The Chairman: Thank you. I have the names of three people, Mr. Howard, Mr. Badanai and Mr. Marshall, who have indicated they would like to speak. Are there any others? Mr. Howard.

Mr. Howard (Okanagan Boundary): Mr. Chairman, this provision seems to be eminently fair and it is one that was mentioned in other briefs. I am looking forward to hearing what the departmental officials have to say when we hear from them on this particular item. I wonder if there is some reluctance on the part of the Department in this regard because of changes in medical ability these days. We now have a situation where diseases which heretofore have been considered incurable have suddenly become a matter of no serious concern and they can be cured very quickly. I suggest T.B. as an example, and I wonder if you have any comments to make on this. Do you know of any situations where it has worked this way, that veterans who thought they were incurable suddenly found the problem was completely cleared up?

The Chairman: Or improved to some degree.

Mr. Howard (Okanagan Boundary): Yes, or markedly improved. Has this situation occurred very often?

Mr. Thompson: In the case of the pensioners, Mr. Chairman, we are dealing with a set age group and I think this has a bearing. Many of these disabilities were incurred 50 years ago—or 25 years ago in the case of World War II people—and medical conditions, where there is a period of fluctuation, would not remain permanent for the three years. I think it would be the very rare case indeed where, at the age level we are speaking of now, there would be a sudden miracle cure or near miracle cure as a result of a change in medical practice or knowledge. There certainly could be some but in most cases, because of the age group we are dealing with, you will not find this. For instance, after World War II the tubercular people were in a much better position from a treatment standpoint than were those people after World War I because of the very thing that has been mentioned. There were much better facilities, new drugs and as a result a much smaller number of people were disabled from tuberculosis proportionately after World War II than there were after World War I.

The proposal in the Woods Report is that after it has been in effect for three years at

[*Interprétation*]

Le président: Merci. Je crois que MM. Howard, Badanai et Marshall voudraient parler. Y a-t-il quelqu'un d'autres? Monsieur Howard.

M. Howard (Okanagan Boundary): Cette disposition semble éminemment juste. Elle a été mentionnée d'ailleurs dans d'autres mémoires. Je me demande ce que diront les gens du ministère à ce sujet. Il semble y avoir une certaine réticence de la part du ministère à agir en ce domaine, à cause de l'évaluation de la science médicale aujourd'hui. Il y a des cas qui semblaient incurables et qui peuvent être traités aujourd'hui. Je prends, par exemple, la tuberculose. Avez-vous des cas à citer ou des commentaires à faire à ce sujet? Connaissez-vous des cas de ce genre, c'est-à-dire des anciens combattants qui étaient auparavant incurables mais qui soudainement peuvent être guéris?

Le président: Ou du moins traités.

M. Howard (Okanagan Boundary): Y a-t-il beaucoup de cas de ce genre?

M. Thompson: Dans le cas des pensionnés, monsieur le président, nous traitons d'un groupe d'âge déterminé. Cela est important. Plusieurs des invalidités ont été contractées il y a 50 ans ou 25 ans dans le cas des pensionnés de la Seconde Guerre mondiale. Il n'y a que très peu de cas, au niveau d'âge dont nous parlons, qui pourraient être miraculeusement guéris, ou à peu près, grâce aux progrès de la science médicale. Par exemple, les gens atteints de tuberculose lors de la Seconde Guerre mondiale ont eu de plus grandes possibilités de traitement que ceux de la Première Guerre mondiale. Il y avait de meilleures installations, de nouveaux produits pharmaceutiques et il y a donc moins de personnes qui ont souffert de tuberculose après la Seconde Guerre.

La proposition du rapport Woods est la suivante. Une fois que la pension a été versée

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the same rate, it has not fluctuated in three years, then it should be made permanent, and this was the basis that was established in 1936 for World War I veterans. As has been pointed out—and it was pointed out at that time—it saves the expense of calling in and it also gives the pensioner peace of mind. We are not suggesting that the Commission is looking for a chance to cut a man's pension, but when people live away from the centre of things they sometimes do not have all that much trust in the government and government people, and there are cases of people who are reluctant to go to hospital or to go for re-examination. I know in my active work in our service bureau when I travelled around the country to meetings I used to find a number of World War I men whose conditions had worsened and I would say to them, "Why do you not go for re-examination?", and the first thing they would say—and I think this is a carry-over from the attitude of the hungry, depression years—is that they were afraid their pension would be cut. I explained the stabilization pension to them and I explained that they could only gain, they could not lose, and then they were quite happy to go in. So, it does give a pensioner peace of mind, and as far as his money is concerned it gives him peace of mind, and if he does worsen he need have no fear of going in for treatment or for examination. The Woods recommendation would simply do for the World War II veterans what has been done for the World War I veterans.

[*Interpretation*]

pendant trois ans au même taux, elle devrait devenir permanente, s'il n'y a pas eu de changement. C'est ce qu'on a fait, en 1936, dans le cas des anciens combattants du premier conflit mondial. Et cela évite des réexamens et offre au pensionné une certaine sécurité. Il sait qu'il peut compter sur sa pension, qu'elle ne peut pas être coupée. Nous n'insinuons rien contre la Commission, mais souvent les pensionnés n'ont pas tellement confiance dans le gouvernement et dans les fonctionnaires. Certaines personnes n'aiment pas aller à l'hôpital ou subir un nouvel examen.

Je me souviens de pensionnés de la Première Guerre mondiale dont le cas s'était aggravé. Ils disaient qu'ils avaient peur de subir un nouvel examen parce qu'ils avaient peur qu'on leur coupe leur pension. Je leur ai expliqué que tout ce qu'ils pouvaient obtenir c'était une augmentation de pension. Ils étaient ravis. Ils étaient rassurés et ne s'opposaient plus au traitement ou au nouvel examen.

La recommandation du rapport Woods recommande tout simplement qu'on fasse pour les pensionnés de la seconde guerre ce qu'on a fait pour ceux de la Première.

Mr. Badanai: Mr. Chairman, it seems to me that this particular request of the Legion is a reasonable one and I am very sympathetic to it, especially in view of the fact that it deals with World War I veterans. I am confident that the Committee will favourably consider this proposal by the Legion and I will certainly support it. The matter is not a very serious one and I do not think it should be overlooked in the final consideration by the Committee.

M. Badanai: Monsieur le président, cette demande de la Légion me semble très raisonsonnable et je suis très sympathique à leur cause vu qu'il s'agit d'anciens combattants de la Première Guerre mondiale. J'espère que le Comité étudiera favorablement cette proposition et lui donnera son accord. Moi, je l'appuie pleinement. Il s'agit d'une question importante, que le Comité devrait étudier sérieusement.

The Chairman: Mr. Marshall.

Le président: Monsieur Marshall.

Mr. Marshall: I think I was pre-empted, Mr. Chairman, by Mr. Howard. He asked the same question I was going to ask.

M. Marshall: Je crois que M. Howard a posé la question que je me proposais de poser moi-même.

The Chairman: Very well. I am calling upon the people in the order in which they indicated. Are there any other questions? In that case, Mr. Thompson, do you want to go on to the next point.

Le président: Très bien. Y a-t-il d'autres questions? Voudriez-vous alors, monsieur Thompson, passer au point suivant.

Mr. Thompson: Thank you, Mr. Chairman. The next item on pages 20, 20A and 20B

M. Thompson: Merci, monsieur le président. Le point suivant, aux pages 20, 20A et 20B, se

[*Texte*]

deals with recommendations 127 and 128 and has to do with the question of improper conduct.

Explanatory Notes and Comment

The Woods Committee recommended that the Act be amended so that the provisions in regard to improper conduct would not apply where a member of the Forces has suffered total disablement assessed at 100 per cent or greater, and that this provision be retroactive, subject to the principles enunciated in the recommendations dealing with retroactive awards.

A second recommendation was that the Act be amended to provide that death or disability arising from venereal disease contracted during service should not be considered as due to improper conduct within the meaning of the Pension Act.

The Report also raises an interesting point regarding the Pension Commission's interpretation that the contracting of venereal disease constitutes improper conduct. Volume III of the Report, p. 1050, indicates that it was arguable, however, whether such was the intent of the framers of the original legislation. It was noted that the Act provided authority to pay pension for an aggravation of a pre-enlistment condition of venereal disease. This raised the question of whether it was reasonable to refuse pension for a disability where the disease was incurred during service.

Under this grouping come both the question of people who have been injured because of what has been ruled improper conduct and also the question of people suffering from venereal disease.

In commenting upon its recommendation that pension be paid where total disablement has occurred, regardless of the possibility that improper conduct took place, the Woods Committee noted that compensation coverage for employees of the federal government, under the Government Employees Compensation Order, provides pension if total disablement occurs and that all provincial workmen's compensation acts include this principle.

It was felt that where total disablement has occurred the severity of the disability had to be taken into account and allowances made despite the fact that improper conduct may have been partly or wholly responsible for that disablement.

One point, Mr. Chairman, that we would like to make is that we see cases where a

[*Interprétation*]

rapporte aux recommandations 127 et 128 et traite de la mauvaise conduite.

Notes explicatives et observations

Le Comité Woods a proposé de modifier la loi afin que les dispositions relatives à la mauvaise conduite ne jouent pas lorsqu'un membre des Forces armées a subi une invalidité totale évaluée à 100 p. 100 au moins et que cette disposition soit rétroactive, sous réserve des principes énoncés dans les recommandations relatives aux attributoins rétroactives.

Une seconde recommandation portait de modifier la loi de façon que le décès ou l'invalidité dus aux maladies vénériennes contractées durant le service ne soient pas considérés comme tenant à la mauvaise conduite au sens de la loi sur les pensions.

Le Rapport soulève aussi un point intéressant au sujet de l'interprétation de la Commission des pensions selon laquelle le fait de contracter une maladie vénérienne constitue une actuelle mauvaise conduite. D'après le volume III du Rapport, p. 1200, on peut contester, cependant, que telle était l'intention des auteurs de la loi primitive. Le Comité note également que la loi autorise à servir une pension dans le cas de l'aggravation d'une maladie vénérienne datant d'avant l'enrôlement. C'est un point qui soulève la question de savoir s'il est raisonnable de refuser une pension d'invalidité lorsque la maladie a été contractée durant le service.

Font partie de ce groupe les personnes qui ont été blessées par suite de ce qu'on a appelé un acte de mauvaise conduite et aussi les personnes atteintes de maladie vénérienne.

Dans ses observations sur sa recommandation portant que la pension soit servie en cas d'invalidité totale, indépendamment de la possibilité qu'il y ait eu mauvaise conduite, le Comité Woods a noté que l'indemnisation assurée aux employés du gouvernement fédéral (en vertu de l'ordonnance sur l'indemnisation des employés du gouvernement) prévoit le service d'une pension en cas d'invalidité totale et que les lois sur la réparation des accidents du travail de toutes les provinces renferment ce principe.

Selon le Comité, advenant invalidité totale, il fallait tenir compte de la gravité de l'invalidité et accorder une allocation, même si la mauvaise conduite a pu causer partiellement ou en totalité l'invalidité.

Nous connaissons des cas où un homme a fait quelque chose, durant son service, qui ne

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man has done something during the service that was not strictly speaking proper conduct. It may be involved with the case of taking a vehicle. That man is seriously disabled because of this and if you calculate that he has lost his ability to earn for the rest of his life, I think you would agree that the punishment hardly suits the crime because the punishment is a terrible one in comparison to the crime. In the forces often times I think, certainly during wartime—it may be a sorry thing to have to admit—but I think that sometimes during wartime we had to be more concerned with discipline than with justice. In the pressure of war it is not always easy to make sure that things are just, but discipline is of paramount importance. This philosophy follows through in the Forces although there are provisions for review and so on that did not exist during wartime. So we would like you to look at this on the basis that to deprive this man who is totally disabled, as the Woods Committee recommends, to deprive him of pension and if he had been working for an employer and covered by the Compensation Act he would have had the pension, but because he was in the services instead of in private employment, at present he is deprived of this. We feel that this is something which should be rectified and would be in keeping with the more enlightened approach that generally exists in our society today.

Mr. Guay (St. Boniface): I do not believe, Mr. Chairman, if I may say a word on that, that the example used is solely the reason. I am sure you will agree with me that if we are going to say a serviceman because of a misconduct in that he took a vehicle away without permission, that it is held against him. Let us not forget that there are many vehicles being taken away and the black mark stays against the individual. Sometimes they are teenagers and even if they get in a crash and they cause a lot of problems to society, it stays with them for a long time. They are not insured or anything else. I am thinking of the other aspect of it too. Yet I understand very well what you are trying to say. However, I do not think I would tie my case to the particular example you have mentioned because I think it is a poor one.

Mr. Thompson: Mr. Chairman, it may be that one falls into the trap of giving the easy

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example. Let us take one that is a little more complicated. Take a chap who is flying an aircraft and who does something that is against orders. If you look at the age group of

[*Interpretation*]

révélait pas une conduite parfaite, par exemple, il peut avoir pris un véhicule sans en avoir l'autorisation. Cette personne est devenue gravement invalide à cause de ce fait. S'il a perdu sa capacité de gain pour le reste de sa vie, je crois que vous devez convenir que la punition est assez forte vu l'infraction. En temps de guerre, c'est très malheureux que cela se produise, mais, souvent, on se préoccupe davantage de la discipline que de la justice. Cela est nécessaire à cause des pressions qui sont exercées en temps de guerre, et parce que la discipline est d'un importance capitale. Il y a maintenant des dispositions qui permettent de rouvrir ces cas et de leur accorder une plus grande justice. Devrions-nous enlever à ces personnes la pension en se fondant sur la clause de la mauvaise conduite. S'il avait travaillé, dans l'industrie privée, il aurait reçu une indemnité pour accident de travail, mais, parce qu'il faisait partie des Forces armées plutôt que du secteur privé, on lui refuse sa pension. Il faudrait corriger la situation; il s'agirait de tenir compte de la nouvelle façon d'aborder ces problèmes qui existent dans votre société aujourd'hui.

M. Guay (St-Boniface): Nous avons un exemple que nous pouvons utiliser, mais qui n'est pas le seul que nous puissions utiliser. Un membre des services qui est coupable de mauvaise conduite, disons qu'il prend un véhicule sans permission doit être puni. N'oubliez pas qu'il y a bien des véhicules qui sont subtilisés et que cette tâche suit longtemps le coupable. Des adolescents prennent des véhicules ici et là et occasionnent parfois de graves problèmes pour la société, mais ils en souffrent pendant longtemps. Je prends l'autre aspect du problème également, mais je comprends quand même votre problème. Toutefois, je n'appuyerais pas non argumentation sur cette exemple, qui est assez pauvre.

M. Thompson: Peut-être que l'exemple était un peu simpliste. Prenons un exemple un peu

plus complexe. Prenez le cas d'un pilote d'avion qui enfreint les ordres qu'il a reçus. Si l'on regarde le groupe d'âge des pilotes dans l'aviation aujourd'hui, vous vous aperce-

[*Texte*]

the pilots in the air force today you will find there is no room for an old man with mature judgment. This is a role for a young man who does not know fear and who, let us say, treats life lightly. Now, he breaks some regulation. He may fly at the wrong level; he may fly at the wrong speed; he may do something that is not right. This is improper conduct. If that man is disabled, crippled for this, some of these things are more errors in judgment than they are improper conduct, but because a regulation is broken in the military sense it is improper conduct. I think you would agree some of them are really more errors of judgment than misconduct this is not as simple a case as the one I mentioned earlier, although I would say, Mr. Chairman, that even in the case of the man who has had considerable service and who makes a mistake, takes a vehicle and is smashed up and crippled for life that considering his civilian counterpart in private employment who, if he is totally disabled, is provided for, we suggest that the serviceman should be in no less favourable position than the employee of private industry on Civy Street. That is the present situation today.

[*Interprétation*]

vez qu'il n'y a pas de place pour un homme âgé jouissant d'un jugement mûr. Il y a là des jeunes fringants qui ne savent pas ce que c'est que la peur. Supposons qu'ils aillent à l'encontre d'un certain règlement, disons qu'ils ne volent pas à la bonne altitude ou que la vitesse soit différente de celle qui est autorisée, alors cela est classé dans la catégorie mauvaise conduite. Si cette personne est rendue invalide par son acte, qui pourrait être une erreur de jugement plutôt que de mauvaise conduite, on appellera ça mauvaise conduite parce qu'il a enfreint un règlement au sens militaire du mot. Vous serez d'accord que certaines erreurs sont des erreurs de jugement plutôt que de mauvaise conduite. Même dans le premier exemple que j'ai mentionné, je crois que le membre des Forces armées devrait être aussi avantagé que sa contre-partie dans l'industrie privée qui deviendrait invalide. Nous prétendons que de soldat devrait être aussi favorisé que l'employé dans le secteur privé.

Mr. Bowrie: Mr. Chairman, if I may make a comment also I think that there is a difference between error in judgment and misconduct; is there not?

M. Borrie: Monsieur le président, j'aurais un commentaire. Je crois qu'il y a une différence entre l'erreur de jugement et la mauvaise conduite, quand même.

Mr. Thompson: There is, but often times, sir, it depends on where you are sitting. The man may have actually contravened regulations and there may be no question about that. Now from a military disciplinary point of view this is improper conduct, but from where he sat he may not have felt this was a very serious thing. There are considerable matters of degree in this. You do have out and out cases of improper conduct, a man who has a self-inflicted wound, a man who shoots a hole in his foot. There is little doubt, unless this man is later found to be suffering from a mental condition. There are not many black and whites in this, sir, a number of them are inbetween and because of this we feel, as I say, that if a man is totally disabled—we are not saying he should get a 10 per cent pension or a 15 per cent pension, but if he is totally disabled—then we feel he should be in as good a position as the person who is under the compensation acts in any of the provinces.

M. Thompson: Oui, mais tout dépend du point du vue où on se place. La personne peut avoir enfreint des règlements, cela peut être absolument évident et irréfutable. Au point de vue militaire, il s'agit de mauvaise conduite, mais peut-être que pour lui, la chose n'était pas aussi sérieuse. Il y a là une question de degré. Il y a un tas de cas de mauvaise conduite, par exemple, où la personne s'est infligée des blessures ou s'est tiré une balle dans un pied. Il n'y aura pas de doutes, sauf si on se rend compte plus tard qu'il souffre d'affectation mentale. Il n'y a pas tellement de cas évidents, mais beaucoup de cas se situent entre les deux extrémités. Si un individu est totalement invalide, nous ne disons pas qu'il devrait recevoir une pension de 10 p. 100 ou de 15 p. 100, mais nous croyons qu'il devrait recevoir une pension ordinaire, une pension égale à celle qui est versée en vertu des lois sur les indemnités dans n'import laquelle des provinces.

Mr. Hopkins: Mr. Thompson mentioned a while ago that during wartime discipline must more or less come before justice and I think we can see his point in that regard. However, I think what he is trying to say also is that even though this is the case in war-

M. Hopkins: On a mentionné qu'en temps de guerre, la discipline passait avant la justice. Nous pouvons comprendre cela, mais je crois que ce qu'il veut nous faire comprendre, c'est que, même si cela est le cas en temps de guerre à cause des conditions spéciales, il faut

[*Text*]

time, under these particular conditions justice should follow the man home. Is this correct?

Mr. Thompson: Yes, if this happened in wartime there is provision now for him to be pensioned, but in the peacetime situation it does not exist.

Mr. Hopkins: I know of one particular case that I would like to ask your opinion on. It may not be based exactly on this particular case, Mr. Chairman, but if I may, I would like to present it at this time. A man whose case come to my hand had a total of 380 days of overseas service, but somewhere along the line he had been penalized 20 days because he had gone AWOL which left him with a total of 360 days overseas service. This followed him back home and as a result he was turned down on any benefit that he had claimed on having had at least one year or more overseas service. Will this clear up instances such as that? To my way of thinking this is not justice following the man home. I think that when the man came home under those condi-

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tions, I think, the 20-day penalized period should have been wiped out and he should have been reinstated with the 380 days service that he had so that he could claim benefits that required one year of overseas service. I would like to know if this is going to clear up situations such as that.

Mr. Thompson: Mr. Chairman, if I understand Mr. Hopkins correctly, what he is referring to is that the man would have lost certain rehabilitation benefits and so on that were calculated on a certain rate for overseas services and a certain rate for service in Canada. There was a review board established after the war and cases where possibly justice in its fullest sense had not been done could be reviewed and there were adjustments made. However, that situation has no bearing on the one presently before you because you are referring to re-establishment benefits and war service gratuities, whereas this deals strictly with the question of the man who is seriously disabled or is killed in peacetime service and the veteran or the widow is not pensionable because of a misconduct ruling. The one deals with rehabilitation benefits, but this deals solely with the question of pension under those circumstances.

Mr. Hopkins: Thank you.

The Chairman: Mr. Howard.

Mr. Howard (Okanagan Boundary): May I ask what the military forces think about this

[*Interpretation*]

que la justice s'applique jusqu'au retour au foyer. Est-ce exact?

M. Thompson: Oui, cela doit s'appliquer en temps de guerre. Il y a des dispositions qui prévoient cela. La situation en temps de paix est très différente.

M. Hopkins: Je connais un cas particulier sur lequel j'aimerais vous demander votre opinion. Cela n'est peut-être pas fondé sur votre cas particulier, mais j'aimerais vous le soumettre. Un individu avait 380 jours de service outre-mer, mais, un jour, on lui a retiré 20 jours parce qu'il s'était absenté sans autorisation, ce qui lui donnait un total de 360 jours de service outre-mer. Il est rentré chez lui et on lui a refusé les avantages qui auraient découlé du fait qu'il aurait servi plus d'un an outre-mer. Est-ce que ce que vous proposez permettrait de rendre justice à des personnes dans un tel cas? D'après moi, ce n'est pas du tout de la justice jusqu'au foyer. Je crois qu'à son retour au foyer, cette période de pénalisation de 20 jours aurait due être effacée et qu'on aurait dû lui donner ses 380 jours de service pour lui permettre de retirer les avantages rattachés à un an de service outre-mer. Est-ce que ce que vous proposez permettrait de clarifier une telle situation?

M. Thompson: Monsieur le président, si j'ai bien compris ce qu'a dit M. Hopkins, cet homme aurait perdu certains avantages de réadaptation et ainsi de suite qui étaient calculés suivant un certain taux de service outre-mer et un certain taux de service au Canada. Il y a eu une Commission d'examen qui a été établie après la guerre et qui était chargée de revoir les cas où justice n'aurait pas entièrement été faite. Toutefois, cette situation n'a aucun effet sur le cas que nous étudions, parce que vous parlez d'avantages de réadaptation et de prestations de service, tandis que notre cas traite d'une personne rendue gravement invalide ou tuée en temps de paix et de l'ancien combattant ou de la veuve qui ne peut recevoir de pension à cause de ce jugement de mauvaise conduite. L'un traite des avantages de réadaptation, mais celui-ci seulement de la pension à accorder dans ces circonstances.

M. Hopkins: Merci.

Le président: Monsieur Howard.

M. Howard (Okanagan-Boundary): Quelle est l'opinion des Forces militaires au sujet de

[*Texte*]

recommendation? The forces are in a position to use this condition—this existing rule—as a method of maintaining discipline because they are able to say to the people under their command that if you break the rules, this and this and this will happen including loss of pension if you are injured. If this were changed are the forces going to feel that they have lost a method of discipline?

Mr. Thompson: Mr. Chairman, I believe this was dealt with in the submission to the Woods Committee from the armed forces, but I think you would find that the armed forces would not feel that this was a deterrent any more than the House felt that capital punishment was a deterrent. I think there are always some people who are deterred by the fact that something is right or something is wrong. I certainly cannot speak for the armed forces, but I would think that their concern would be more that they would be happy to see these kind of cases taken care of. As I said, I certainly am not in a position to speak for them, but I do believe that the record of their submission to the Woods Committee would bear this out.

Mr. Howard (Okanagan Boundary): That is fine, thank you.

The Chairman: Are there other questions? Would you like to continue, Mr. Thompson?

Mr. Thompson: Thank you. The other point dealt with in this group of recommendations is the one concerning venereal disease.

The Woods Committee found no indication to the effect that contact leading to venereal disease would have come about by reason of wilful disobedience of orders, or other acknowledged forms of improper conduct in the armed forces. Further, the Canadian Armed Forces operated an educational program for the prevention of venereal diseases and provided prophylactics. The medical services furnished treatment facilities on a twenty-four hour basis for members of the forces who felt they had been exposed and required preventive treatment. The view has been advanced also that some allowance should be made in the Pension Act because military service takes a youth away from his home environment at an early age.

The Pension Commission usually referred to Section 14(4) of the Pension Act, which made provision for pension in a specific circumstance involving venereal disease and this

[*Interprétation*]

cette recommandation? Les Forces sont en mesure de faire appel à ces conditions pour maintenir la discipline; si vous enfreignez le règlement, cela peut entraîner des conséquences fâcheuses, dont la perte de pension si vous êtes blessé. S'il y a un changement quelconque, les Forces militaires vont-elles penser qu'elles ont perdu une façon d'assurer la discipline?

M. Thompson: Monsieur le président, je crois qu'il en est question dans le mémoire présenté au Comité Woods par les Forces armées, mais je crois que les Forces armées considéreraient cela comme un désavantage, pas plus que la Chambre des communes lorsqu'elle a aboli la peine de mort.

Je ne peux pas parler au nom des Forces armées, mais je crois que leur préoccupation porte surtout sur le fait qu'il faudrait résoudre ces cas. Je ne peux parler en leur nom, mais je crois que selon leur mémoire présenté au comité Woods, c'est là leur pensée.

M. Howard (Okanagan-Boundary): C'est bon, merci.

Le président: Y aurait-il d'autres questions? Aimeriez-vous poursuivre, monsieur Thompson?

M. Thompson: Merci. L'autre question dont il est fait mention dans ce groupe de recommandations est celle qui concerne les maladies vénériennes.

Le Comité Woods n'a rien trouvé qui indique que le contact entraînant une maladie vénérienne ait été la conséquence d'une désobéissance volontaire aux ordres ou d'autres formes reconnues de mauvaise conduite dans les Forces armées. En outre, les Forces armées canadiennes dirigeaient un programme d'éducation visant à la prévention des maladies vénériennes et fournissaient des moyens prophylactiques. Les services médicaux fournissaient des moyens de traitement fonctionnant vingt-quatre heures sur vingt-quatre aux militaires qui estimaient avoir été exposés à une maladie vénérienne et qui demandaient à bénéficier d'un traitement préventif. Le Comité a aussi fait valoir que la loi sur les pensions devrait faire la part des choses parce que le service militaire enlève les jeunes à leur milieu familial à un âge précoce.

La Commission des pensions avait coutume de s'en remettre à l'article 14 (4) de la loi sur les pensions, article qui prévoyait la pension dans un cas spécifique intéressant les mala-

[*Text*]

led the Commission to the view that no other circumstances arising from this type of disability could be taken into account. The explanation of the Commission was that the "specific overrides the general" and because a specific condition is laid down in legislation, the Commission would not be empowered to award pension under any other circumstance. The Woods Committee felt, if this interpretation were correct, that the result was "highly undesirable" and suggested the legislation be amended accordingly.

That specific provision is if a man had venereal disease prior to enlistment and during service suffered an aggravation then he can receive pension for the degree of aggravation that occurred during service. If he did not have venereal disease on enlistment and it occurred during service the Commission has said that because there is a specific provision of venereal disease that the only venereal disease that can be compensated under the Pension Act is that which is aggravated during service and not incurred.

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The Woods Committee said that if this interpretation is correct the result is highly undesirable and suggested the legislation be amended accordingly. There is no question that service life does take people away from a home environment and creates a situation to which people would not normally be exposed. Mind you, we realize that venereal disease is not something that is confined to the forces; we realize it is quite a factor in the civilian population, too, but it is felt that this particular condition should not be excluded from the coverage under the Pension Act.

Mr. Bigg: Mr. Chairman, I think the failure to disclose venereal disease would be a clear case of misconduct, but unfortunately that does not help the fellow once he has contracted it.

The Chairman: Are there further comments? Do you wish to continue Mr. Thompson?

Mr. Thompson: Thank you. The next group, Mr. Chairman, Divided Pension, on pages 21, 21A and 21B deals with Recommendation 125.

Explanatory Notes and Comment

The recommendations were:

(a) That the Commission allocate part of a pensioner's pension to his dependent

[*Interpretation*]

dies vénériennes, ce qui conduisait la Commission à penser qu'elle ne pouvait tenir compte d'aucun autre cas découlant de ce genre d'invalidité. L'explication de la Commission, c'était que «le particulier prime le général» et qu'elle n'était pas autorisée, parce que la loi mentionne une affection particulière, à accorder une pension dans les autres cas. De l'avis du Comité Woods, si cette interprétation était juste, le résultat en était «fort peu souhaitable»; le Comité a proposé de modifier la loi en conséquence.

Cette stipulation précise que, si un homme était atteint de maladie vénérienne et qu'il subisse une aggravation durant son service, il devrait recevoir une pension proportionnelle au degré d'aggravation en cours de service. S'il n'avait pas de maladie vénérienne avant de s'enrôler et qu'il en ait contracté une en cours de service, la Commission dit que, puisqu'il existe un article précis sur la maladie vénérienne, la seule maladie vénérienne qui puisse donner lieu à une indemnité en vertu de la loi sur les pensions est celle qui s'est aggravée en cours de service mais non celle qui a été contractée.

La Commission a dit que si l'interprétation est exacte, les résultats sont tout à fait indésirables et que la loi devrait être modifiée. Il est évident que le service militaire arrache l'homme à son foyer et l'expose à des situations auxquelles il ne serait pas normalement exposé. Il faut dire que les maladies vénériennes ne sont pas limitées aux forces militaires, elles sont courantes parmi la population. On estime que cette condition ne devrait pas être exclue de la Loi sur les pensions.

M. Bigg: Monsieur le président, je crois que le fait de ne pas dévoiler une maladie vénérienne serait une preuve d'inconduite, mais ceci n'aiderait en rien celui qui l'a contractée.

Le président: Y a-t-il d'autres commentaires? Vous voulez continuer, monsieur Thompson?

M. Thompson: Merci. Le prochain point a trait aux pensions divisées, pages 21, 21A et 21B, et se rapporte à la recommandation n° 125.

Notes explicatives et remarques

Les recommandations étaient les suivantes:

a) Que la Commission n'attribue, à la personne à charge qui vit séparée, une partie

[*Texte*]

who is living separately, only if the dependent's right to be maintained has been established by Court Order.

(f) Where a small pension is in payment and a pensioner requests that the additional pension for a dependent, plus an equal amount from his basic pension, should be paid directly to the dependent, the Commission may act on this request without having to determine whether the pensioner pays additional monies from other sources to his dependent.

Possibly the main conclusion of the Woods Committee in this type of case is that the Pension Commission should not be required to take upon itself the function of a matrimonial court. Accordingly, in all cases where the question of a dependent's right to maintenance arises, the Commission should insist that the dependent pursue these rights through a court of competent jurisdiction.

The Woods Committee held also that the Pension Commission should not be responsible to ensure that the pensioner is maintaining his dependent, as a prerequisite to the payment of pension to a separated spouse.

Possibly the main conclusion of the Woods Committee in this type of case where there is to be a divided pension—where the pensioner and his wife are living apart and the Commission rules to pay part of the pension to the wife, often without the pensioner's approval—was that the Pension Commission should not be required to take upon itself the function of a matrimonial court. Accordingly, in all cases where the question of a dependent's right to maintenance arises, the Commission should insist that the dependent pursue these rights through a court of competent jurisdiction.

The Woods Committee held also that the Pension Commission should not be responsible for ensuring that the pensioner is maintaining his dependent as a prerequisite to the payment of pension to a separated spouse. That is, if a man and wife are separated and there is an allowance for a married rate, the Commission should pay that—the married portion—whether or not the man contributes from his own. They should not stipulate that he must provide "x" number of dollars towards the maintenance.

This situation has created a lot of problems for the Commission down through the years and the main intent of the Woods recommendation as we see it would be to ensure that the veteran's wishes and rights were paramount and that any other action should be decided in the proper court system so that the Commission would not be caught in this bind

[*Interprétation*]

de la pension du pensionné que si le droit de la première à être entretenue a été établi par une ordonnance de la cour.

f) Lorsqu'un pensionné qui reçoit une pension modeste demande que le supplément de pension pour personne à charge et une somme égale prélevée sur sa pension de base soient versés directement à une personne qui est à sa charge, la Commission peut acquiescer à sa demande sans être tenue de déterminer s'il lui verse des sommes d'autres provenances.

Il semble que la principale conclusion du Comité Woods en la matière, c'est que la Commission des pensions ne doit pas se substituer à un tribunal matrimonial. Il s'ensuit donc que dans tous les cas où se pose la question du droit à la pension alimentaire d'une personne à charge, la Commission doit insister pour que la personne à charge fasse reconnaître ses droits par un tribunal compétent.

Le Comité Woods a aussi émis l'opinion que la Commission des pensions n'est pas tenue avant de verser la pension à une épouse séparée, de s'assurer que le pensionné fait vivre la personne à sa charge.

Peut-être la principale conclusion du Comité Woods dans ce genre de cas où il y a pension divisée, où le pensionné et sa femme vivent séparés et où la Commission décide de verser une partie de la pension à l'épouse, souvent sans l'approbation du pensionné, est-ce que la Commission des pensions n'est pas tenue de se constituer en tribunal matrimonial. De même, dans tous les cas où une personne à charge demande à être soutenue, la Commission devrait insister sur le fait que cette personne à charge porte sa cause devant les tribunaux compétents.

Le Comité Woods recommande également que la Commission des pensions ne soit pas tenue de s'assurer, avant de verser la pension à l'épouse séparée, que le pensionné fait vivre la personne à charge. Si l'homme et la femme sont séparés et qu'il soit prévu une allocation au taux des personnes mariées, la Commission devrait payer la partie de ce taux, que l'homme contribue ou non. Elle ne devrait pas stipuler que l'homme doit contribuer «X» dollars pour faire vivre sa femme.

Cette situation avait engendré de nombreux problèmes pour la Commission au cours des années et le but de la recommandation Woods, selon nous, est d'assurer les droits des anciens combattants et que ce sont les tribunaux qui devraient prendre les décisions pour que la Commission ne soit pas impliquée dans les questions matrimoniales.

[*Text*]

of having to adjudicate on matrimonial mat'ers.

The Chairman: Are there any comments or questions from any members of the Committee? Mr. Borrie.

Mr. Borrie: There is only one comment that I have to make. Your explanation really does not settle well in my mind and if there is any further explanation that you may want to give on it I would be quite happy to hear it. It just does not seem to sit well that the onus should be entirely upon the courts or upon the pensioner to look after his dependents when there is the opportunity of using the vehicle of the Pension Commission to provide support for his family.

Mr. Thompson: Possibly, Mr. Chairman, I could briefly review the situation. I was moving along on the assumption that most of these recommendations had been dealt with a number of times before the Committee and I was trying not to dwell too long on the actual recommendation themselves. It might be helpful, possibly, to outline the recommendations which were that the Commission allocate part of a pensioner's pension to his dependent who is living separately only if the dependent's right to be maintained has been established by court order. In other words, the Commission could not arbitrarily take a part of that man's pension and say that regardless of what he wants he should be paying so much money to his separated wife. The Woods Committee felt, and we agree, that this should be a decision that the man should be free to make and the Commission should not arbitrarily take a part of the pension.

If the person, the separated wife, wants maintenance from her husband then the Woods Committee suggested she should go to the proper court, get a court order and then the Commission should comply with that. It also recommended that

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If no court order is obtained the Commission authorize part of the pension to be paid to a dependent if she is willing to submit a request to the appropriate court for a maintenance order, but it is not practicable for her to do so.

If no court order has been obtained and the Commission decides to award pension to the dependent, the award would be restricted to that amount represented by additional pension for a dependent under the Pension Act.

[*Interpretation*]

Le président: Y a-t-il des questions ou des commentaires? Monsieur Borrie.

M. Borrie: Je n'aurais qu'un commentaire. Ce point n'est pas très clair dans mon esprit, et, si vous pouviez nous donner d'autres explications à ce sujet, j'aimerais les entendre. C'est tout simplement que je trouve étrange que le poids repose entièrement sur le tribunal ou sur le pensionné, alors que c'est la Commission des pensions qui pourrait servir à assurer l'entretien de la famille.

M. Thompson: J'aimerais résumer la situation, monsieur le président. J'ai supposé que la plupart de ces recommandations avaient déjà été étudiées par le Comi'é et je ne voulais pas entrer dans les détails. La recommandation veut que la Commission n'accorde une partie de la pension à la personne à charge qui vit séparée que si les droits de la personne à charge ont été établis par un tribunal. Autrement dit, la Commission ne peut arbitrairement prendre une partie de sa pension, sans son gré, et lui imposer de verser un certain montant à sa femme. Le comité Woods estime, et nous sommes d'accord, que c'est l'homme lui-même qui devrait être libre de prendre cette décision et non la Commission.

Si le pensionné est séparé de sa femme et si celle-ci veut recevoir une pension quelconque, elle devrait s'adresser au tribunal approprié; la Commission s'en tiendrait alors à la décision du tribunal. On recommande également:

S'il n'y a pas eu d'ordonnance de la cour, que la Commission autorise le paiement d'une partie de la pension à la personne à charge pourvu que celle-ci consente, sans cependant être en mesure de le faire, à soumettre une requête au tribunal compétent en vue d'obtenir une pension alimentaire.

Si une personne à charge n'a pas obtenu d'ordonnance de la Cour et que la Commission décide de lui accorder une pension, que cette pension ne dépasse pas la somme prévue dans les dispositions de la loi pour le supplément de pension aux personnes à charge.

[*Texte*]

In other words, should the Commission decide to go ahead if for some very good reason the person were not able to go the courts or could show that she did not want to go to a court, the Commission then could use its discretion and could award her the part of pension that is additional for a wife, but they could not touch the part that belongs to the man.

Where a portion of a pension is paid to a dependent by reason of a court order, that amount should not exceed twice the amount of additional pension allowed for a dependent under the Pension Act.

Also, that where a court order is less than the total amount of additional pension, the Commission may pay an amount in excess of the court order, but in no circumstances more than the amount provided for in the Pension Act as additional pension for a dependent.

The other recommendation is that where a small pension is in payment and a pensioner requests that the additional pension for a dependent plus an equal amount from his basic pension should be paid directly to the dependent, the Commission may act on this request without having to determine whether the pensioner paid additional money from other sources to his dependent. The whole point, as I mentioned earlier, is that the Woods Committee felt that the pension is paid because of the man's service, his disability, and that the Commission should not be put in a position of taking a part of his away from him unless he wanted it to go. If he wanted to assign a part to his wife, this was fine, but if the Commission were going arbitrarily to grant a pension to the separated wife, then the amount that they can grant should be limited to the amount the Act provides for as additional for a married pension.

The Chairman: Are there any further questions? Mr. Bigg?

Mr. Bigg: This question has come up many times before the Committee and if the Committee wanted to pursue it further later I think we might, but we decided, I think, long ago that it is not one of the duties of the Pension Commission to act as a court.

The Chairman: Are there further questions or comment? Do you want to proceed, Mr. Thompson?

Mr. Thompson: On pages 22, 22A and 22B we deal with recommendations 132 to 137.

[*Interprétation*]

Autrement dit, si la Commission décide que, pour une bonne raison, la personne ne peut pas aller devant les tribunaux ou ne veut pas y aller, la Commission pourrait alors lui accorder le supplément de pension prévu pour la femme, sans toutefois couper la pension de l'homme.

Lorsque, en vertu d'une ordonnance de la cour, une partie de la pension est versée à une personne à charge, la somme versée ne doit pas dépasser le double du supplément de pension prévu par la loi pour une personne à charge.

Lorsque l'ordonnance de la cour accorde un montant inférieur à la somme totale du supplément de pension, la Commission peut verser un montant supérieur à celui que prévoit l'ordonnance de la cour; mais en aucun cas, elle ne versera plus que la somme prévue par la Loi sur les pensions comme supplément de pension au profit d'une personne à charge.

L'autre recommandation veut que, si un pensionné réclame qu'une pension additionnelle à l'intention d'une personne à charge soit versée directement à cette personne à charge en même temps qu'un montant identique provenant de sa pension originale, la Commission accède à sa demande sans s'inquiéter du fait que le pensionné ait pu ou non verser une somme additionnelle d'argent, puisée ailleurs, à cette personne à charge. Tout le problème, c'est que le point de vue du Comité Woods est le suivant: la pension est accordée parce que l'ancien combattant a servi son pays et parce qu'il est invalide et la Commission ne devrait pas lui en enlever une partie sans son consentement. S'il peut en donner une partie à sa femme, c'est son affaire, mais si la Commission doit accorder arbitrairement une pension à la femme séparée, celle-ci devrait être limitée au montant stipulé dans la Loi sur les pensions, qui est celui d'une pension additionnelle pour personne mariée.

Le président: Y a-t-il d'autres questions? Monsieur Bigg.

M. Bigg: Cette question a été soulevée plusieurs fois devant le Comité et si le Comité décide de l'approfondir plus tard, il en a bien le droit. Mais je crois qu'on a décidé il y a bien longtemps que la Commission des pensions ne devrait pas agir en tant que tribunal.

Le président: Y a-t-il d'autres questions ou observations? Voudriez-vous continuer, monsieur Thompson?

M. Thompson: Les pages 22, 22a) et 22b) (texte anglais) traitent des recommandations 132 et 137.

[*Text*]

Explanatory Notes and Comment

In summary, the recommendations in this Chapter were that:

(1) a reasonable number of professionally trained personnel be appointed to the Commission but that the policy of establishing a quota of approximately one-third medical doctors, one-third lawyers, and one-third laymen be discontinued. It was recommended also that an attempt be made to staff the Commission with a reasonable number of persons who could be considered as representative of the interests of veterans and members and exmembers of the Armed Forces;

(2) appointments be made on recommendations of the Commission Chairman;

(3) the Chairman shall have control and direction over the disposition of staff assigned to the Commission;

(4) the Chairman be responsible to develop and operate quality control systems;

(5) the Chairman take such steps as may be necessary to ensure maximum standardization of adjudication, including a filing system to record a digest of relevant decisions, together with an established practice of issuing memoranda and general directives for the guidance of Commissioners in regard to Commission policies;

(6) the Act be amended to provide that Commissioners, except an "ad hoc" Commissioner, not require re-appointment at ten year intervals.

It was proposed that specific quality control systems were required, particularly if the Committee's recommendations concerning the delegation of decision-making powers to Commission staff were accepted. Also, the recommendations concerning the expansion of personal appearances and the adoption of a new system for Appeal Boards (to be called Entitlement Boards) would contribute to the need for more adequate measures of quality control.

This has to do with appointments to the Commission, control of the Commission and the tenure of office of the Commission. Among the recommendations made by the Woods Committee were that the Act be amended to provide that the people appointed to the Pension Commission not be appointed necessarily on a ratio of one-third doctors, one-third lawyers and one-third laymen,

[*Interpretation*]

Notes explicatives et remarques

En résumé, les recommandations de ce chapitre étaient les suivantes:

1) qu'on recrute en nombre convenable à la Commission un personnel possédant une formation professionnelle et qu'on abandonne la politique du contingent formé d'un tiers de médecins, un tiers d'avocats et un tiers de non-spécialisés; en outre, qu'on tâche de doter la Commission d'un nombre convenable de personnes qui sauraient représenter les intérêts des anciens combattants et ceux des membres et des anciens membres des Forces armées;

2) que les nominations se fassent sur la recommandation du président de la Commission;

3) que le président exerce direction et autorité en matière d'affectation du personnel nommé à la Commission;

4) que le président soit chargé de mettre en place et en œuvre des méthodes de contrôle de la qualité;

5) que le président prenne les mesures qui s'imposent pour assurer le plus possible la normalisation en matière d'attribution des demandes, y compris une méthode de classement des décisions partinentes, ainsi que l'établissement de la pratique de l'envoi de notes de service et de directives générales aux commissaires pour les orienter quant aux politiques de la Commission;

6) qu'on amende la loi de façon à ce qu'il ne soit plus nécessaire de réengager les commissaires tous les dix ans, sauf les commissaires «ad hoc».

On a aussi reconnu la nécessité de méthodes bien définies de contrôle de la qualité, plus particulièrement en cas d'adoption des recommandations du Comité relatives à la délégation, au personnel de la Commission, des pouvoirs de prise de décision. En outre, l'augmentation des comparutions et l'adoption d'un nouveau régime de commissions d'appels (qu'on désignerait comités de l'admissibilité), que propose le rapport, accentueraient le besoin de mesures adéquates de contrôle de la qualité.

Ceci a trait aux nominations au sein de la Commission ainsi qu'au contrôle de la Commission et au mandat de 10 ans. Des recommandations du comité Woods préconisent que la Loi soit modifiée de façon que les commissaires ne soient pas nécessairement des médecins pour un tiers, des avocats pour l'autre tiers et des hommes de loi, mais qu'ils aient de l'expérience dans le domaine des

[*Texte*]

but that there be an attempt to place people on the Commission with a background knowledge of veterans work and people who have been closely associated with the current Armed Forces picture.

They also recommended that appointments be made on the recommendation of the Commission Chairman. This was an attempt to bring a group to the Commission that was selected and screened with the idea of placing people there who could get on efficiently with the work and that the Chairman would have, in a sense, a hand in picking his team. Then he could get on with his team and do the job that was required of him.

It also recommended that the Act be amended to provide that Commissioners, except ad hoc Commissioners, not require reappointment at ten-year intervals.

We are disappointed to learn that the Government has not adopted Recommendations 133, 134 and 137. In its Report in page 1086 the Woods Committee outlined its reasons for having the Chairman of the Commission responsible for nomination of candidates. Final decision on appointments would be left with the Governor in Council.

The Woods Committee stressed the need to establish the independence of the Commission. To accomplish this, the Report states:

• 1015

> Your Committee considers that the independence of the Commission is an essential element in its administration. The Chairman of the Commission should have full and unrestricted powers in regard to the assignment of staff, and to their disposition within his organization. The Chairman, by virtue of Section 3(13), has the rank and powers of a deputy head of a department in the Government. In this respect your Committee considers that he should have the same responsibility in regard to staff as deputy heads, and that his staff requirements should be within the control of the Chairman, subject of course, to the authority of the Governor in Council and the Treasury Board as required.

With regard to the tenure of office of the Commissioners, the Woods Committee said:

> The Commissioner, appointed on other than an ad hoc basis, should be able to consider his employment as being in the nature of a career. This is hardly possible if he must concern himself with the question of whether his appointment will be

[*Interprétation*]

affaires des anciens combattants et qu'ils soient au courant de la situation dans les forces armées.

Il est aussi recommandé que ces nominations se basent sur les recommandations du président de la Commission.

Le but recherché est d'avoir des personnes compétentes et efficaces et que le président puisse choisir lui-même son équipe afin qu'avec leur aide il puisse s'acquitter de ses fonctions.

Il est aussi recommandé que la Loi soit modifiée afin que les commissaires, à l'exception des commissaires spéciaux, ne doivent plus être nommés à intervalles de dix ans.

Nous sommes grandement déçus que le gouvernement n'ait pas adopté les recommandations 133, 134 et 137. A la page 1086 de son rapport, le Comité Woods donne les raisons de confier au président de la Commission les nominations, qui relèveraient en dernier ressort du gouverneur en conseil.

Le Comité Woods a fait valoir la nécessité de l'indépendance de la Commission et, dans son rapport, propose le moyen suivant d'assurer cette indépendance:

> Le Comité considère que l'indépendance de la Commission est un facteur essentiel dans son administration. Le président devrait avoir tout pouvoir quant à l'affectation et aux attributions du personnel au sein de cet organisme. En vertu du paragraphe 13 de l'article 3, le président a le rang et les pouvoirs d'un sous-chef de ministère. Pour cette raison, le Comité juge qu'il devrait jouir des mêmes pouvoirs qu'un sous-chef, face au personnel, et que ses besoins en personnel devraient relever de sa propre juridiction, sous réserve de l'autorité du gouverneur en conseil et du Conseil du Trésor, tel que prescrit.

Pour ce qui est du mandat de 10 ans, le rapport Woods préconise ce qui suit:

> Le commissaire qui est engagé à un titre autre que commissaire *ad hoc* devrait pouvoir envisager son emploi en terme de carrière. Ceci est impossible quand il doit toujours s'interroger sur le renouvellement de son mandat après ses six années

[*Text*]

renewed at the end of each ten year period. Security of tenure is necessary to independence of mind.

We do endorse this. We feel that if the Commissioners did not have to be concerned with re-appointment every ten years there would be a more secure situation and that the work of the Commission could be done on a better basis. We have illustrations of this and it is difficult for us to understand, when judges are appointed to the bench with security of tenure and within the Department, on the War Veterans Allowance Board which is in a way a lesser board than the Pension Commission, the members of that Board are appointed on this basis, why the distinction is made and the Pension Commission are not appointed on the same basis as are War Veterans Allowance Board Commissioners and judges. It seems to us inconsistent and we think it would be a good thing to have them given security of tenure.

The Chairman: Just a question here; are War Veterans Allowance Board members appointed for life?

Mr Thompson: Up to retirement age 65.

The Chairman: Are they? I did not realize that.

Mr. MacRae: They do not come up at the end of ten years?

The Chairman: Are you sure of this?

Mr. Thompson: Yes.

Mr. MacRae: I did not think so.

The Chairman: I did not either. I have a very distinct contrary impression.

Mr. Thompson: No; they are there. The Act does not provide for the necessity of reappointment.

The Chairman: Mr. Mahoney, Mr. Badanai and Mr. Bigg.

Mr. Mahoney: I wonder, Mr. Thompson, if you could expand to some extent on the reason for The Royal Canadian Legion's support of the recommendation that Commissioners be appointed only on the recommendation of the Chairman of the Commission. Frankly I can understand why you want most of the things you are supporting and I can sympathize with most of them, but this one rather escapes me. Just why do you feel strongly that this particular recommendation is a good one?

[*Interpretation*]

de service. La sécurité d'emploi est nécessaire à la liberté d'esprit.

Nous appuyons cette recommandation et nous croyons que le Commissaire ne devrait pas être préoccupé par cette question de renomination tous les dix ans. Le passé devrait être assez sûr, ce qui permettrait à la Commission de bien pouvoir accomplir ses fonctions. Il nous est difficile de comprendre que les juges de la Commission de pensions ne soient pas nommés de façon permanente, comme le sont les juges des tribunaux ou du Ministère ou de la Commission des allocations aux anciens combattants, qui est en fait une commission moins importante que la Commission canadienne des pensions.

Le président: Une question, s'il vous plaît. Les commissaires de la Commission des allocations aux anciens combattants sont-ils nommés à vie?

M. Thompson: Oui, jusqu'à 65 ans, qui est l'âge de la retraite.

Le président: Vraiment? Je ne croyais pas.

M. MacRae: Ils ne doivent pas être réélus tous les dix ans?

Le président: Vous en êtes sûr?

M. Thompson: Oui.

M. MacRae: Je ne croyais pas.

Le président: Moi non plus j'avais la nette impression qu'il n'en était rien.

M. Thompson: Non. Ils sont élus à vie. La loi ne prévoit pas qu'ils doivent être réélus.

Le président: Messieurs Mahoney, Badanai et Bigg.

M. Machoney: Je me demande, monsieur Thompson, si vous pourriez nous parler plus longuement des raisons pour lesquelles la Légion appuie les recommandations voulant que les commissaires ne soient nommés que sur la recommandation du président de la Commission. Je dois dire que je comprends toutes nos revendications et je suis d'accord avec la plupart d'entre elles, mais je ne comprends pas celle-ci. Je me demande pourquoi vous estimez qu'il s'agit d'une bonne recommandation?

[*Texte*]

Mr. Thompson: Mr. Chairman, in answer to Mr. Mahoney's question, we have studied this problem over a number of years and we have had different ideas on how some of these problems could be solved. We have seen the system in the United States where the veterans appeal board is, if you like, taken out of the realm of politics. It is put on a career basis where the chairman of this board is responsible for recommending the appointment of people who will make a team that will function efficiently. We believe that it makes sense in these days to organize it on that basis instead of leaving it to the present method of appointment where people are appointed from various backgrounds, but in many, many instances bring little related experience to the job at hand. We feel that if the Commission Chairman had a hand in the nomination of the appointees he would then be accepting a responsibility and being given an authority that would enable him to shape the team that could do the job that was required.

Mr. Mahoney: Would you not agree that the recommendation goes quite a way beyond giving the Chairman a hand in it? Actually it puts him in almost the same position as the Governor in Council, as the recommendation requires that he nominate them and the Governor in Council appoint them. You cannot separate the two acts and you cannot end up with a Commissioner without the Commission Chairman's agreeing to his identity. That is going quite a way beyond giving a person a hand in it.

• 1020

Mr. Thompson: That is true, Mr. Chairman, except that it depends on whether you approach it in a positive or a negative way. If you approach it in a negative way you say he has a veto. If you approach it in a positive way you say he has a responsibility to recommend the people that he feels are best qualified for the job. I think it depends on whether you look at it in a positive or negative way.

Mr. Mahoney: Yes, I grant you that, but I wonder, really—there are politics and politics. You refer to taking it out of the political realm. I think you would agree that there are politics in the Royal Canadian Legion and there are politics in the Canadian Bar Association when you start to talk about that body having power to nominate judges, and so on.

I had better make it very clear that I am not acquantied with the present Chairman of this Commission but I would be very surprised if there are not politics in the Pension

[*Interprétation*]

M. Thompson: Monsieur le président, pour répondre à la question de M. Mahoney, nous avons étudié cette question depuis des années et nous avons eu bien sûr des divergences d'opinions à ce propos; nous avons étudié le système aux États-Unis hors du contexte politique à la division des appels des anciens combattants. La personne que le président de la division recommande fera une carrière dans cette Division et fera partie d'une équipe qui travaillera avec efficacité. Nous croyons qu'il serait sensé de nos jours de concevoir de telle façon les nominations à la Commission. Car présentement, les commissaires proviennent de différents milieux, mais n'ont en fait que peu d'expérience du travail qu'ils ont à faire. Nous croyons que le président serait bien placé pour nommer les commissaires; il accepterait ses responsabilités et aurait l'autorité nécessaire pour réunir une équipe compétente.

M. Mahoney: Ne croyez-vous pas que cette recommandation va beaucoup plus loin que simplement permettre au président d'avoir son mot à dire? En fait cela lui donne des pouvoirs presque aussi élargis que ceux du gouverneur en conseil puisque la recommandation prône que ce soit lui qui désigne les commissaires, mais que le gouverneur en conseil les nomme. Il est impossible de séparer les deux et aucun commissaire ne pourra être engagé sans que le président ne soit d'accord. N'est-ce pas aller trop loin, selon vous?

M. Thompson: Jusqu'à un certain point, monsieur le président, c'est vrai. Mais cela dépend si l'on envisage la chose de façon positive ou négative. De façon négative, on peut dire qu'il a le droit de veto. De façon positive on peut dire qu'il lui incombe de recommander les personnes qui sont les plus compétentes selon lui. Tout dépend de la façon d'envisager la chose.

M. Mahoney: Oui, évidemment. Vous avez parlé du domaine politique, et vous avez dit qu'il ne devrait pas y avoir d'ingérence politique. Mais on retrouve la politique partout, dans la légion royale canadienne et même dans l'Association du barreau qui a le pouvoir de nommer des juges, etc. . . J'aimerais spécifier que je ne connais pas le président actuel de cette Commission, mais je serais surpris qu'il n'y ait pas d'ingérence politique à la Commission des pensions et au ministère des Affaires des anciens combattants, etc.. Ne croyez-vous pas que puisque la politique

[*Text*]

Commission and in the Department of Veterans Affairs, and so on. Do you not think that politics—and politics exists in almost every human activity—should be at a level where they are accountable to the public? Should this not be where the political element comes into it?

Mr. Thompson: Mr. Chairman, I certainly agree that where you have people you have politics, because they cannot be separated. However, this is not what we are talking about. If you want a good job done and you make some person responsible for it I suggest to you that, normally, the thing to do is to let him have a hand in the selection of the team. This will get the job done better than by bringing people in in different ways. We are not casting any reflections on the present commissioners or on the way in which appointments are made. We realize that these are facts of life, Mr. Chairman. But we are suggesting that there is merit in one taking the positive approach of getting on with the job and doing it efficiently. I would suggest, too, that Mr. Justice Woods and Judge Lindal are men with long experience in public life. They, too, are aware of these facts, but after giving this much study it was their considered opinion that this was the most positive way of getting on with it.

Mr. Mahoney: I do not want to perpetuate this or get into an argument but it does strike me that the tenor of the recommendation really goes quite a ways beyond giving the Commission Chairman a hand in it and really puts him in a position where he shares authority but not responsibility with the Governor in Council in this matter.

The Chairman: Could I just interrupt at this point, Mr. Thompson?

We did have a look at the sections of the War Veterans' Allowance Act. There is a provision for one year temporary appointments, a number of which are made. Also I would like to have an opinion from someone better qualified to judge than myself as to what appointment at pleasure means, which is the way I read the appointment of the War Veterans' Allowances Board. Mr. MacRae is nodding.

Mr. MacRae: That is the way I understood it.

The Chairman: That was always my understanding, too.

Mr. MacRae: "At pleasure" is my understanding.

Mr. Bigg: Again, this is a pretty complicated matter on which we will have to do more

[*Interpretation*]

intervient dans les décisions de la Commission,—comme elle intervient d'ailleurs dans presque toute les activités humaines—il faudrait rendre compte de ces décisions au public?

M. Thompson: N'oubliez pas qu'il est humain de faire de la politique. Partout où il y a des hommes, ils font de la politique. Mais là n'est pas notre problème. Si vous voulez qu'un travail s'accomplisse de façon satisfaisante, il faut que les personnes responsables de l'exécution du travail puissent choisir l'équipe avec laquelle ils pourront faire le travail. Le travail se fera mieux que si les personnes sont choisies de différentes façons. Nous ne faisons pas de commentaires sur les commissaires actuels des pensions, ni sur la façon dont les nominations se font. Nous savons que ce sont des faits qu'il est presque impossible de changer. Nous voulons simplement dire qu'il est bon d'envisager les choses de façon positive afin que le travail soit accompli avec efficacité. Je soutiens aussi que les juges Woods et Lindal, qui ont beaucoup d'expérience dans la vie publique sont fort conscients de ce fait, et après avoir étudié la question, ils estiment que la recommandation prônée est la bonne.

M. Mahoney: Je ne voudrais pas poursuivre cet argument, mais il me semble que cette recommandation va plus loin que de permettre au président de participer au choix, mais qu'elle lui permet en fait de partager une certaine responsabilité avec le gouverneur en conseil, bien qu'il ne partage pas la responsabilité.

Le président: Puis-je vous interrompre ici, monsieur Thompson? Nous avons traité de la disposition de la Loi sur les allocations aux anciens combattants. Elle prévoit les nominations temporaires d'un an. Plusieurs nominations de ce genre sont faites. J'aimerais aussi obtenir l'avis de quelqu'un de mieux qualifié que moi pour juger ce que signifie l'expression «nomination durant bon plaisir». Je crois que M. MacRae est d'accord.

M. MacRae: C'est comme cela que je le comprends.

Le président: Moi aussi.

M. MacRae: Selon moi la nomination est à titre amovible.

M. Bigg: Oh, je crois que c'est quelque chose de très complexe. Je ne suis pas très

[*Texte*]

study. However, there are one or two areas here that I am not very happy about. First of all, it is not exactly parallel to the powers of the Deputy Minister, nor would the tenure be the same. The Deputy Minister, as I understand it, can be removed and apparently this does not interfere with the efficiency of our government departments—it is quite the contrary. I would say that the very fact that the Deputy Minister might be removed keeps him on his toes. What are you going to do with a Commissioner, once he is appointed for life, who slacks on the job, when there is no machinery here for removing him. What are you going to do with his Board once he appoints them for life? Apparently they are going to be appointed for life as well. If not, they are appointed at pleasure and this then makes them veritable dictators. If they are appointed at pleasure by the Commissioner then they only work as long as they do what they are told. Surely most of the briefs we have had so far object to this very thing because the veterans feels that he is in the toils of the establishment and cannot get his case heard because he has been prejudged. The Commission have already said he does not get a pension and he can argue all he likes and so on. However, on the other hand, he has an opportunity to appoint other people for life.

It seems to me that there is a woodenness about the whole situation which, after appointment, would be impossible. I am going to try to take a positive approach. I would suggest that he certainly should be given a hand in picking his staff. Is there not an alternative? Should there not be consultation? Although the Chairman, once he is picked in the proper way and his tenure is settled, should be consulted on who is going to be on his board, I think other people should be consulted—for instance, the Legion. After you have appointed your Commission you might find in a very short time that you are not at all in favour of them and you would want some small say in the matter. I think this could be done by consultation in the way I have suggested. The final appeal board, with the real final power, is going to be a board of

• 1025

five. What would be wrong with saying that two of these must be approved from a slate and that you keep on adding them like you do when picking a jury? Every normal citizen in Canada is welcomed for jury duty but the poor accused has a right to go down the slate and say not that one or that one, until he gets 12 good and true men.

True, there may be men passed up in this way but I would like to see the Legion con-

[*Interprétation*]

heureux de ce libellé. Les pouvoirs ne sont pas les mêmes que ceux d'un sous-ministre. Un sous-ministre peut être démis de ses fonctions et cela ne semble pas nuire à l'efficacité de nos ministères. Bien au contraire, ce fait même le force à être efficace. Que se passera-t-il si un commissaire qui est nommé pour la vie cesse de s'acquitter convenablement de ses fonctions? Il n'y aura aucun moyen de le démettre de celles-ci. Si les commissaires sont nommés à vie, ils pourront devenir de véritables dictateurs. S'ils sont nommés à titre amovible, par contre, ils garderont leur emploi aussi longtemps qu'ils feront le travail qu'on leur demande.

La plupart des mémoires qui nous ont été présentés sont opposés à ce que les commissaires soient nommés à vie car l'ancien combattant s'aperçoit qu'il ne peut pas faire entendre sa cause: il pense que l'Establishment n'est pas en mesure de lui rendre justice ou de l'écouter.

La Commission a déjà décidé qu'il ne bénéficierait pas d'une pension. Il me semble que la situation mentionnée ne soit pas raisonnable. Je vais prendre le côté positif: je crois qu'il faut que le président puisse avoir son mot à dire dans le choix de son personnel, mais il doit y avoir des consultations préalables. Quand le président a été choisi et que la durée de son mandat a été déterminée, il devrait le consulter pour savoir qui devra être nommé au Conseil, mais il faudrait aussi consulter d'autres personnes et l'un des organismes à consulter serait la Légion. Si un certain temps après la nomination de la Commission on s'aperçoit qu'on n'est pas en faveur des commissaires, il faudrait pouvoir avoir son mot à dire. Il pourrait y avoir consultation, comme je l'ai signalé. La commission d'appel sera composée de 5 membres. Ne pourrait-on en prendre deux dans la liste de candidats puis en ajouter d'autres progressivement, comme on le fait dans le cas d'un jury. Tous les Canadiens peuvent faire partie d'un jury, mais l'accusé a le droit de refuser certaines personnes pourvu qu'il en reste douze.

Il peut évidemment y avoir des abus de cette façon, mais il faudrait qu'il y ait consul-

[*Text*]

sulted and with some real power of appointment. It would be asking too much to give politicians the power to pick the whole five, but if there are two alert men on this Board their kind of work is going to show up and you are going to be satisfied with them. We would still have public opinion, we would still have open hearings, and when these two men come up with the kind of statesmen-like decisions we expect, it would rub off on the other three, be they politicians or otherwise. My worry is that if you put in a little dictator of pensions and he is allowed to pick men like himself for life they can become a pretty "ivory tower" crew.

Mr. Chairman, we have tried in other departments. We have tried to take the CNR out of politics; we have tried to take the Bank of Canada out of politics; we have tried to keep the Mounted Police out of politics, but we all know of glaring instances where three "ivory towers" from time to time have given us considerable headaches.

The Chairman: They do not always agree, witness the Economic Council.

Mr. Bigg: No, they do not, nor with the government in power nor the people.

The Chairman: Mr. MacRae.

Mr. MacRae: Mr. Chairman, I want to ask one of the legal fraternity who may be around the table—perhaps Mr. MacFarlane might be able to answer this one—if there is not quite a strong movement in the Canadian Bar Association at this particular moment to give this association a great deal more to say in the appointment of the judiciary, both provincially and federally.

The Chairman: I think that is a loaded question.

Mr. MacRae: No. It has been very much in the news this last while.

The Chairman: I am sure you are right.

Mr. Murray MacFarlane (Director of Service Bureau, The Royal Canadian Legion): Mr. Chairman, I think probably some of your other members of the Bar would be more up to date on this than I am. I have not practised law for 15 years and really have very little knowledge of the goings-on in the Canadian Bar Association or in my own province, of which I am member. I would assume that some of the other members of the committee would know more about this. I think there has been a suggestion made that the Canadian Bar Association or, perhaps, the provincial societies would like to have something to say about appointees to the Bench.

[*Interpretation*]

tation avec la Légion, par exemple. Il ne faut pas demander trop à un politicien. Je le sais. Mais s'il y a deux personnes alertes à cette Commission, on remarquera rapidement leur travail et on en sera satisfait lors des auditions publiques, car ils seront meilleurs commissaires que les autres. Mon seul souci est qu'un commissaire des pensions qui peut nommer des commissaires à vie, peut devenir une sorte de dictateur et s'enfermer dans sa tour d'ivoire. J'aurais un autre argument. Nous avons tenté d'éliminer la politique au National-Canadien; nous avons tenté de faire la même chose à la Banque du Canada, et à la Gendarmerie royale, mais nous savons tous par expérience, que ces organismes nous ont causé beaucoup de souci.

Le président: Ils ne sont pas toujours d'accord avec le Conseil économique.

M. Bigg: Non. Ni avec le gouvernement au pouvoir ni avec les citoyens.

Le président: Monsieur MacRae.

M. MacRae: Monsieur le président, j'aimerais demander à un membre des associations juridiques qui pourrait se trouver ici—peut-être à monsieur MacFarlane—si l'Association du Bureau canadien n'est pas en train d'essayer de jouer un rôle beaucoup plus grand dans la nomination des juges au niveau provincial et fédéral?

Le président: C'est une question assez dangereuse.

M. MacRae: Non, on en a parlé dans la presse dernièrement.

Le président: Très certainement.

M. Murray MacFarlane (Directeur, Légion royale canadienne): Monsieur le président, je crois que d'autres membres du Barreau connaissent davantage cette question que moi. Je n'ai plus pratiqué depuis 15 ans, et je connais fort peu la situation au Barreau canadien, même dans ma province où j'en suis pourtant membre. Il y a peut-être d'autres membres du Comité qui seraient plus au courant de la situation que moi. On a laissé entendre que le Barreau ou les sociétés provinciales aimeraient avoir leur mot à dire dans les nominations au Barreau.

[*Texte*]

Mr. MacRae: They have very little to say now.

Mr. MacFarlane: That is right; I would agree with you.

The Chairman: I do not think we should comment further on that. Are there any other questions? I think this is a fundamental problem and one the Committee will have to do some thinking about.

Mr. Peters: I am not sure that I would like to go as far as the Legion has suggested but I would like, somewhere along the line, for it to be more balanced than the way it is now. We have all seen political appointments that have been of little value to the Commission.

The Chairman: And some that were not so bad.

Mr. Peters: Yes, and some that were very good. It is true that although it is a haphazard way of doing it, it has not been that bad. There have been some that you could object to but, on the other hand, some that you could certainly welcome. I do not think there is an ideal setup; I do not think we can devise a formula that is going to be A-1. I have seen political appointments that have turned out exceptionally well, I have seen others who seemed to be there as a reward and did not turn out so well. There have been important appointments made on a much different basis to public boards which have turned out terrible, too. I do not really think that we are going to come up with any solution that is going to solve this problem because, if we did, we would have a formula that would work in a number of other cases as well. I would not disagree with what Mr. Bigg says, that public bodies who are interested might be given an opportunity to make representations with a name or two on occasion. This is done on a number of other boards, and I think satisfactorily done. On certain other boards that I can think of where it has been done it has been totally unsatisfactory. They unload their deadwood into this particular field of work.

The Chairman: That is a word I am very sensitive to, Mr. Peters!

Mr. Peters: It seems to me there is really no easy solution, but probably we could give consideration to some of the agencies that are directly involved. I am thinking, in this case, of the associations that are involved in making recommendations for a number of positions. I am sure when the government makes the appointments direct it is often in the posi-

[*Interprétation*]

M. MacRae: Ils ont fort peu de choses à dire actuellement.

M. MacFarlane: Oui, je suis d'accord avec vous.

Le président: Je ne pense pas que nous puissions faire des commentaires à ce sujet. Y a-t-il d'autres questions? Il s'agit là d'un problème fondamental sur lequel le Comité devra se pencher.

M. Peters: La Légion a fait d'excellents commentaires à ce sujet bien que je ne sois pas d'accord d'aller aussi loin qu'elle. Il faudrait que la composition de l'organisme soit mieux balancée. Il y a déjà eu des nominations politiques qui n'ont pas été de grande utilité à la Commission.

Le président: Peut-être mais d'autres étaient bonnes.

M. Peters: Oui, et certaines étaient même très bonnes. Bien que certaines nominations aient été faites au petit bonheur, le résultat n'a pas été mauvais. On peut ne pas être d'accord avec certaines nominations, mais il y en a d'autres, qui sont très désirables. Il est impossible à mon avis, de déterminer une formule idéale! J'ai vu des nominations politiques qui se sont révélées exceptionellement fructueuses. Il y a eu des cas où c'est l'inverse qui s'est produit car les nominations ont été faites pour récompenser le candidat choisi. Mais il y a des nominations officielles importantes qui sont fondées sur d'autres critères et qui ne sont pas meilleures quant aux résultats qu'elles donnent. Je ne crois pas que nous puissions trouver des solutions qui permettront de régler le problème, parce que si nous réussissions nous posséderions une formule applicable à d'autres cas également. Je ne suis pas en désaccord avec ce qu'a dit M. Bigg. Il y a des organismes publics qui devraient avoir l'occasion de soumettre des instances et fournir le nom de quelques candidats. Cela se fait dans d'autres commissions avec succès. Cela s'est fait parfois aussi d'une façon très insatisfaisante, quand la Commission en question veut se débarrasser de ses moins bons éléments.

Le président: Oui, oui, nous sommes très conscients de ce problème, M Peters.

M. Peters: Alors, il me semble qu'il n'existe pas de solution facile, mais il faudrait étudier le problème dans le cas de quelques organismes en cause qui recommandent des candidats à différents postes. Je suis certain que le gouvernement veut nommer un haut fonctionnaire, il n'a pas toujours quelqu'un qui soit suffisamment compétent pour remplir le poste.

[*Text*]

tion, too, of not really having anybody available, and when it comes time to appoint it is a matter of, "Let's reward Joe". Perhaps if it had somebody worthwhile brought to its attention it would be willing to accept him. Perhaps that system would work better. Because if the Board becomes totally independent then I really think we would be in exactly the same position as we are now.

The Chairman: I am sure Mr. Thompson will have to agree that this is a non-partisan discussion.

Mr. Thompson: This is true; and we realize that the majority of the discussions before this Committee are.

The Chairman: Mr. Foster?

Mr. Foster: Mr. Thompson, in relation to this idea of life appointment for the chairman, if we have a ten-year appointment and the man is not satisfactory to the government, or to the Legion, on recommendations made to the government a new appointment can automatically be made. When this happens it causes some reverberations, or at least it can, in other boards and commissions. If he is appointed for life and becomes unsatisfactory to the Royal Canadian Legion, or to the government, how would he be removed? You are suggesting that it be a sort of life appointment, or until retirement. Would there be recommendations from the Legion and from other groups to remove the chairman?

Mr. Thompson: Mr. Chairman, we assume this would be done through the House; that the machinery is there for a joint address from both the House and the Senate, and that this would not be an impossible situation. You are faced with this situation in the courts and it does not seem to be a deterrent to the present system of appointment, which we are not suggesting is at fault. This situation that is raised as liable to happen with the Pension Commission does not seem to be a deterrent to such appointments in the courts.

I would ask you to bear in mind that you are faced with a situation of appointments to the Commission of persons on a ten-year basis. What happens at the end of ten years when they are ten years older? We suggest to you that this is not a sound way to do it, because not everyone can leave their businesses or their professions.

Mr. Badanai: He would be eligible for reappointment at the end of the ten years if he were satisfactory, would he not?

Mr. Thompson: But he would have no guarantee of re-appointment.

[*Interpretation*]

Il en profite alors pour récompenser Joe ou quelqu'un d'autre qui a rendu service au parti. Mais peut-être que s'il connaissait quelqu'un de plus compétent, il le nommerait à la place. Ce serait une meilleure façon de procéder. Car en fait, si la Commission devenait totalement indépendante, nous serions dans la même position que celle où nous sommes actuellement.

Le président: Il faut que vous spécifiez, monsieur Thompson, qu'il s'agit là d'une discussion impartiale et objective de la question.

M. Thompson: Oui. Comme d'ailleurs le sont la plupart des discussions du Comité.

Le président: Monsieur Foster.

M. Foster: Monsieur Thompson, en ce qui concerne la nomination à vie du président. Quand les nominations sont faites pour dix ans, si le candidat choisi ne convient pas au gouvernement ou à la légion, il est possible d'élire un autre président. Cela peut évidemment causer quelques remous dans les autres commissions. Mais s'il est nommé à vie, comment pourra-t-on changer le titulaire? La Légion ou d'autres groupes recommanderont-ils de remplacer le président?

M. Thompson: Monsieur le président, nous présumons que cela pourrait se faire par l'intermédiaire de la Chambre des Communes. Il existerait des rouages nécessaires à la Chambre et au Sénat pour régler une telle situation, qui n'est pas inextricable. Cela se présente régulièrement pour les tribunaux et cela ne semble pas devoir nous faire changer le système de nominations qui, selon nous, n'est pas à blâmer. Une telle situation qui risque de se produire à la Commission des pensions ne nous dissuade pas d'employer la même méthode de nomination dans les tribunaux. J'aimerais vous rappeler que les nominations à la Commission sont pour dix ans. Et que se produit-il dix ans plus tard, alors que les commissaires ont dix ans de plus? Tout le monde ne peut ainsi quitter facilement son emploi ou sa profession.

M. Badanai: Enfin si on est satisfait de son travail on peut toujours renouveler son mandat pour dix autres années?

M. Thompson: Oui, mais la personne qui accepterait n'aurait pas de garantie que cela se fera.

[*Texte*]

Mr. Badanai: No; but if he was satisfactory...

Mr. Thompson: Situations change, and it seems to us that many people who could be well qualified and bring ability to the Com-

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mission just cannot take the risk of taking a ten-year chunk out of their lives with no guarantee at the end of that period. It seems to us that the other proposal does mean that there would be a wider basis of selection for appointments.

Mr. Bigg: Surely this is partly academic. Considering the qualifications that will be required of the chairman of this board I cannot quite see a boy of 30 getting the job. I presume he would be in his early or perhaps late 50's before he got it. *Anno Domini* is going to handle that. He is going to retire at 65, we are going to have a ten-year period and then a new commissioner. If you made it 12 years, perhaps that would handle it.

Mr. Knowles (Winnipeg North Centre): In this new regime, if he stays until he is 65 he is lucky.

Mr. Bigg: I think he is going to have to be a mature man; and I presume he is going to be a senior official of some kind or a man with some 20 years' experience in veterans affairs, or in rehabilitation work, or in pension work. As I said I cannot quite see a boy getting this job, with the worry about being cut off from a senior post in the flower of his youth.

Mr. Thompson: Mr. Chairman, a man of 50 with a ten-year appointment which is not renewed when he is at the age of 60 does not find it easy to fit back into business.

Mr. Bigg: No; and that is one of the reasons I said it should "with consultation". I am quite sure if there is consultation, and this man has made a very fine chairman of the Pension Commission, the Legion are going to be very much behind him, and there will be improvement all down the line. If there is not, I think there should be some opportunity of getting him out. We do not want deadwood in there for life. It is going to be an encouragement to him to perform. True, it will be a human judgment whether or not he is recommended for an early retirement, or a gratuity from a grateful nation, to help ease the situation or he can be put on some other less important job at the same salary.

[*Interprétation*]

M. Badanai: Non, mais s'il est compétent ..

M. Thompson: Oui, mais les conditions changent et beaucoup qui seraient très compétents et pourraient mettre leur compétence au service de la Commission ne veulent tout simplement pas prendre le risque de ne venir que pour dix ans sans garantie qu'au bout de ces dix ans, on leur offrira à nouveau du travail. Il me semble que l'autre proposition signifie qu'on aurait un plus grand choix.

M. Bigg: Tout cela est fort bien en théorie. Étant donné les qualifications qu'on demande au candidat, je ne crois pas qu'un homme de 30 ans pourrait se présenter. Il devrait être dans la cinquantaine. Prenez le cas d'une personne de cet âge. Il doit se retirer à 65 ans. Cette période de dix ans pourrait devenir une période de 12 ou 15 ans dans certains cas et cette personne pourrait alors être prête à accepter le poste.

M. Knowles (Winnipeg Nord-Centre): Avec le nouveau régime il aura de la chance s'il reste jusqu'à 65 ans.

M. Bigg: Enfin, il devra être un homme mûr et posséder une excellente expérience. Il peut avoir une longue expérience dans le domaine des affaires des anciens combattants, dans le travail concernant la réadaptation et les pensions. Alors, on doit tenir compte de tout cela.

Je ne vois pas comment un jeune pourrait être à même d'occuper un tel poste, ni comment il voudrait accepter ou quitter un bon emploi dix ans après.

M. Thompson: Prenez une personne de 50 ans, donnez-lui une nomination de 10 ans, sans renouvellement. Que lui arrive-t-il une fois rendu à 60 ans? Ce n'est pas facile pour lui de trouver du travail à cet âge.

M. Bigg: Voilà l'une des raisons pour laquelle je propose des consultations. Il faut qu'il y ait des consultations, si cette personne a fait un excellent travail en tant que président de la Commission des pensions, la Légion sera certainement d'accord pour qu'il soit nommé à nouveau. Mais li devrait aussi exister la possibilité d'éliminer une personne si elle n'est pas utile. Il faut que cela incite le président à se rendre efficace. Il faut tenter d'utiliser notre jugement pour savoir si une personne ne devrait pas être mise à la retraite plus rapidement ou si elle devrait bénéficier d'une gratification parce qu'elle a bien servi son pays. Ou si elle ne devrait pas faire un travail moins important tout en recevant le même salaire?

[*Text*]

Mr. Thompson: Mr. Chairman, in the 24 years I have been associated with this work I have known more than one commissioner who was a very worried man for the year prior to his re-appointment.

Mr. Bigg: Have you known of cases where they were not re-appointed?

Mr. Thompson: There have been cases of people not being re-appointed.

The Chairman: Yes.

Mr. Thompson: This situation just does not seem to make sense to us.

Reference was made to the War Veterans Allowance Act. I would like to make it clear, Mr. Chairman, that there was no intention on our part to mislead the Committee about the War Veterans Allowance Act.

The Chairman: I am sure of that.

Mr. Thompson: But the War Veterans Allowance Act provides for the appointment of the board, and Section 25(1) states:

> There shall be a Board to be known as the War Veterans Allowance Board which, subject to subsection (3), shall consist of not less than three nor more than five members to be appointed by the Governor in Council.

Then in subsection (3) it says:

> The Governor in Council may from time to time appoint not more than three additional temporary members, and in addition, may appoint . . .

The Chairman: That is right; for one year.

Mr. Thompson:

> . . .to be additional members. . .

Then it says in (4):

> Every temporary member shall be appointed for a period not exceeding one year, but on the expiration of his term of office he is eligible for re-appointment.

We take it from the wording that the others are permanent members when temporary . . .

The Chairman: They are at pleasure.

Mr. Thompson: That is right.

The Chairman: But surely that is not what you are proposing, is it?

[*Interpretation*]

M. Thompson: Oui, j'ai connu bien plus d'un commissaire au cours des 24 années que j'ai passées à m'occuper de cette question des pensions, et j'aimerais dire que j'ai connu de nombreux commissaires qui étaient bien inquiets pendant l'année qui précédait le renouvellement de leur mandat.

M. Bigg: Est-ce qu'il y a eu des cas où une personne n'a pas été nommée de nouveau?

M. Thompson: Il y a eu des cas où une personne n'a pas été renommée de nouveau?

Le président: Oui.

M. Thompson: Nous ne comprenons pas qu'une telle situation puisse se produire. On a fait allusion à la Loi sur les allocations aux anciens combattants. Je voudrais préciser, monsieur le président, que nous n'avons jamais eu l'intention d'induire le Comité en erreur au sujet de la Loi sur les anciens combattants.

Le président: J'en suis sûr.

M. Thompson: Mais nous voulions vous donner notre opinion sur la nomination des commissaires. La Loi sur les allocations aux anciens combattants qui voit la nomination des commissaires et l'article 25(1) prévoit ce qui suit:

> Est établie une commission dénommée la Commission des allocations aux anciens combattants, laquelle, sans réserve du paragraphe (3), se compose d'au moins trois et d'au plus cinq membres, nommés par le gouverneur en conseil.

Au paragraphe (3)

> Le gouverneur en conseil peut, de temps à autre, nommer au plus trois autres membres temporaires, et, en outre, nommer . .

Le président: C'est exact, pour un an.

M. Thompson: . . . à titre de membres supplémentaires. . .

Au paragraphe (4):

> Chaque membre temporaire est nommé pour une période d'au plus un an, mais à l'expiration de la durée de ses fonctions il peut être nommé de nouveau.

Le président: Les autres sont des membres nommés à titre amovible.

M. Thompson: Oui.

Le président: Enfin, ce n'est pas exactement ce que vous proposez, n'est-ce pas?

[*Texte*]

Mr. Bigg: We knew we were going to receive thousands and thousands of applications for War Veterans Allowance as soon as the Act was passed and we needed perhaps ten extra for a year. When the load dropped off we had these long-term appointments which could carry on with their tenure of office. And there is no exact parallel between the War Veterans Allowance and the Pension Commission, because their responsibility for adjudicating in justice is practically nil.

The Chairman: Mr. Thompson, I am not competent to say. Perhaps what you are proposing is the same, but I would like to have an opinion on that from someone more competent than I to say. We can readily get that opinion for the Committee. Would that be agreeable? Would that be a means of disposing of it?

Some hon. Members: Agreed.

The Chairman: We can insert it in the transcript at a later stage.

Mr. Knowles (Winnipeg North Centre): I think you will find that "pleasure" means that it is at the say of the body that appointed the man. In other words, there is no guarantee of permanent tenure. On the other hand, there is no certainty that you are out in ten years.

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The Chairman: Yes; but it is quite different from what I understand to be Mr. Thompson's proposal to us today, which would be tenure, comparable to a judge's position, to retirement, which is, I think, quite different.

Mr. Thompson: The pattern in the War Veterans Allowance Board, of course, is that they have continued on.

Mr. Marshall: I see a current of appointing commissioners on the Pension Commission as if we were putting them in there under suspicion. Take any chain store in the country. A manager is appointed and given full responsibility to hire a staff and everything else, because when he is put in there he is thought to be competent. He is there as long as he can make it work and does the job. I cannot understand this suspicion that is in the air all the time. People are appointed to very important public places and I am sure they do their job.

Mr. Mahoney: I wonder if Mr. Marshall knows of any company president who is given full authority to appoint his own board of

[*Interprétation*]

M. Bigg: Nous savions que nous allions recevoir des milliers et des milliers de demandes d'allocations aux anciens combattants où que la loi serait adoptée et que nous aurions peut-être besoin de dix autres membres pour une période d'un an. Quand il y avait moins de travail, nous avions les membres élus pour longtemps qui pouvaient accomplir le travail. On ne peut pas dresser de parallèle entre la Commission des combattants et la Commission des pensions, car leur responsabilité en matière de décision est pratiquement nulle.

Le président: Monsieur Thompson, je n'ai pas la compétence voulue pour pouvoir donner mon opinion là-dessus. J'aimerais mieux avoir l'avis de quelqu'un de compétent en ce domaine. Et je suis sûr que nous pourrions promptement fournir cet avis au Comité. Cela vous convient-il de résoudre ainsi la question?

Quelques voix: D'accord.

Le président: Nous pourrions l'inscrire au compte rendu plus tard.

M. Knowles (Winnipeg-Nord-Centre): Je crois que l'expression «à titre amovible» signifie au bon plaisir de l'organisme qui nomme le Commissaire. Il n'y a aucune garantie que le mandat soit permanent, mais d'autre part il n'y a aucune certitude qu'il faille abandonner le poste après dix ans.

Le président: Bien sûr, mais c'est tout à fait différent de la proposition faite par M. Thompson aujourd'hui qui propose une période d'activité semblable à celle d'un juge, c'est à dire jusqu'à la retraite.

M. Thompson: En pratique, les membres du Comité des allocations aux anciens combattants ont toujours été réélus.

M. Marshall: Monsieur le président, il me semble que toutes les nominations sont faites dans un climat de suspicion. Quand on engage un gérant de grand magasin, on l'autorise également à nommer son personnel, etc ..car quand on le nomme, on part du principe qu'il est compétent. Et il reste en place tant qu'il peut travailler. Je ne comprends pas pourquoi il règne ici tout le temps un climat de défiance. Les personnes qui sont nommées aux plus hauts postes s'acquittent bien de leurs fonctions.

M. Mahoney: Je me demande si M. Marshall connaît un seul administrateur de société qui a toute autorité de nommer son propre

[*Text*]

directors. I think the parallel is a little closer than to hiring staff.

Mr. Bigg: You can fire the general manager without warning.

Mr. Marshall: But I cannot see anyone here sitting on any job for 10 years and being thrown out on reaching the age of 58. The only reason they would be thrown out is for not doing their job properly. But as long as they can make it work until retirement, they should stay there, I feel.

The Chairman: I think the point has been made about the arbitrary 10-year term which is, I suspect, Mr. Thompson's purpose—that the arbitrary 10-year term has problems and he would like to see something other than this.

Mr. Thompson: Yes, this is right. We feel that the base of selection would be broadened if this 10-year period were not as it is.

Mr. Peters: Mr. Chairman, before we leave that, could we have some statistics on the operation of the Commission? I am curious to know if some of the backlog that develops from time to time results from the fact that some Commissioners handle a lot more cases than other Commissioners and therefore you may come to a period when there are four or five who are not really active and the others are carrying the workload. Is this information available?

The Chairman: I do not think it would be easy to secure it in the way in which you have asked for it, Mr. Peters. I do not know whether or not Mr. Thompson cares to comment.

Mr. Thompson: Mr. Chairman, this would be a question that only the Chairman of the Pension Commission would be in a position to answer if it can be answered.

The Chairman: And we might consider calling other witnesses later, Mr. Peters.

This might be a convenient time to have some coffee.

(Recess)

(Following Coffee Break)

The Chairman: Could we call the Committee to order, please? Mr. Thompson, I think you were at page 23, is that not right?

Mr. Thompson: Yes, Mr. Chairman. This section deals with the continuation of pensions on the death of the pensioner.

[*Interpretation*]

conseil de direction. Ce n'est pas la même chose que d'engager du personnel.

M. Bigg: On peut renvoyer le gérant en chef sous notification.

M. Marshall: Mais je ne peux concevoir qu'une personne qui ait fait le travail pendant dix ans soit renvoyée à l'âge de 58 ans. La seule raison au renvoi serait l'incompétence. Mais à mon avis, il faudrait pouvoir rester au poste jusqu'à l'âge de la retraite s'ils sont compétents.

Le président: Je crois qu'on a soulevé la question d'une période arbitraire de 10 ans—c'est M. Thompson qui en a parlé—et on voudrait avoir une autre solution.

M. Thompson: Oui. Nous croyons que cela pourrait agrandir notre choix.

M. Peters: Monsieur le président, est-ce que nous avons des données statistiques sur la façon de travailler de la Commission? J'aimerais bien savoir si le travail en retard est dû au fait que certains commissaires traitent un beaucoup plus grand nombre de cas que d'autres et qu'ils ont à faire tout le travail. Est-il possible d'obtenir de tels renseignements?

Le président: Je ne crois pas qu'on puisse obtenir les statistiques de la façon que vous indiquez. Monsieur Thompson, aimeriez-vous donner vos commentaires là-dessus?

M. Thompson: Je crois que seul le président de la Commission pourrait répondre à cette question, si toutefois il est possible d'y répondre.

Le président: Nous pourrions faire témoigner d'autres personnes plus tard, monsieur Peters. Je me demande si nous ne pourrions pas ajourner maintenant pour la pause-café.

(Pause-café)

(Reprise)

Le président: J'aimerais rappeler les membres du Comité à l'ordre. Monsieur Thompson je crois que vous en étiez à la page 23 n'est-ce pas?

M. Thompson: Oui, monsieur le président. Cette section a trait au maintien des allocations des pensions à la mort du pensionné.

[*Texte*]

Explanatory Notes and Comment

The Report recommends:

(a) That pension be paid for a period of twelve months following the death of a member of the Forces for a wife, child or parent at the full rate and

(b) That Attendance Allowance continue to be paid for a period of two months following the death of a member of the Forces.

In support of its recommendation the Woods Committee observed that the pensioner and family would have established a certain standard of living based on total income including pension. It was not considered practical for the widow to attempt to make a readjustment in living expenses in a period of thirty days or less following the death of her husband.

A further observation was that pensioners who have a disability of 50 per cent or greater may have difficulty in obtaining adequate life insurance. This is an added justification to continue the pension at the married rate for one year for a widow.

The Woods Committee considered that the same principle should apply to Attendance Allowance and that a suitable period of readjustment would be two months. Based on information in the White Paper, the government proposes to continue this allowance for one month only following the pensioner's death. The Woods Committee studied this matter at length and we submit its recommendation should not be turned aside merely because a small amount of money would be saved by restricting payment to one month.

At the present time when a pensioner dies his pension payment ceases at the end of the month in which he dies which does cause a sudden drop in the family income. There is no provision for an adjustment period. If the pensioner were in receipt of 48 per cent or more, or dies of his pensionable condition, of course, widow's pension comes into operation. However, the Woods Committee recommended and the Legion supports their view that the Pension Act should be amended to provide for the continuation of payment following the death of a pensioner, and the reasonable period suggested by the Woods Committee was one year. This would help to provide for the period of adjustment and it would give the widow, in the case of the 100 per cent pensioner, that full pension for one year. At the present time, as I said, it ceases at the end of the month in which the pensioner dies.

[*Interprétation*]

Notes explicatives et remarques

Le rapport recommande:

a) que la pension soit versée en entier, pendant la période de douze mois qui suit le décès du pensionné, à sa veuve, à son enfant, à son père ou à sa mère; et

b) que l'allocation de soins soit maintenue pendant les deux mois qui suivent le décès d'un membre des Forces armées.

A l'appui de cette recommandation, le Comité Woods allègue que le pensionné et sa famille sont habitués à un certain niveau de vie basé sur leur revenu total qui comprend la pension. Il ne semble pas possible qu'une veuve réussisse à réduire sensiblement son train de vie en moins de trente jours après la mort de son mari.

Une autre considération c'est que le pensionné qui a un coefficient minimum d'invalidité de 50 p. cent peut difficilement obtenir une assurance sur la vie et c'est là une raison de plus de continuer de verser la pension à la veuve pendant un an au taux des personnes mariées.

Le Comité Woods a étudié la question dans principe à l'allocation de soins et que deux mois constitueraient, en l'occurrence, une période convenable de rajustement. Sur la foi des renseignements contenus dans le Livre blanc, le Gouvernement propose de maintenir cette allocation pendant un mois après la mort du pensionné.

Le Comité Woods a étudié la question dans le détail et nous sommes d'avis qu'il ne faut pas faire fi de ses recommandations simplement pour épargner une somme insignifiante en limitant les versements à un mois.

Pour l'instant, à la mort d'un pensionné, on cesse de verser la pension à la fin du mois de sa mort, ce qui entraîne une baisse soudaine du revenu familial. Aucune période d'adaptation n'est prévue. Si le pensionné touchait une pension de 48 p. 100 ou plus ou s'il est mort des suites des infirmités qui lui ouvraient droit à pension, la veuve reçoit alors une pension. Le Comité Woods appuyé par la Légion, a recommandé que la Loi sur les pensions soit modifiée de façon à continuer de verser les allocations de la pension après la mort du pensionné pendant une période de temps suffisante, soit une année. Cette période d'adaptation permettrait à la veuve d'un pensionné qui reçoit une pension de 100 p. 100 de toucher toute la pension pendant une année. Comme je l'ai dit, à l'heure actuelle, on cesse de toucher la pension à la fin du mois de la mort du pensionné.

[*Text*]

The Woods Committee observed that the pensioner and his family would have established certain standards of living and it was not considered practical for the widow to attempt to make a readjustment in living expenses in a period of 30 days or less following the death of her husband.

Another one of the recommendations in this group deals with attendance allowance and you have heard quite a bit of discussion in the last few days about attendance allowance. The recommendation of the Woods Committee was that attendance allowance continue to be paid for a period of two months following the death of a member of the forces. We understand that the government's White Paper proposes to continue this allowance for one month only following the pensioner's death. The Woods Committee who studied this matter at length recommended that it be continued for two months and we suggest that the difference here is not surely that important to the state and that the two months would provide that much additional assistance to the widow if the helpless aid and attendance allowance were continued for that period to help with this period of readjustment that follows the death.

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The Chairman: Are there any questions or comments on this recommendation from members of the Committee? Mr. Peters.

Mr. Peters: Mr. Chairman, we have discussed this pretty thoroughly on other occasions and I think there is general agreement with the premise.

The Chairman: Do you want to continue, Mr. Thompson?

Mr. Thompson: Fine, Mr. Chairman. The next item, Mr. Chairman, on pages 24 and 24A deals with the disclosure of information from pensioners' files.

Explanatory Notes and Comment

The Woods Committee recommended that the provisions of the Pension Act and the Department of Veterans Affairs Instructions which permit access to files and disclosure of information to medical advisers of firms or of other governments, and to the medical directors of insurance companies be cancelled.

There was a grave danger, as seen by the Woods Committee, of a pensioner being unaware of the meaning, and perhaps the portent, of a diagnosis used to describe a medical condition. The Report cites, as an

[*Interpretation*]

Le Comité Woods a fait remarquer que le pensionné et sa famille ont adopté certains modes de vie et on estime qu'en trente jours ou moins, après la mort du pensionné, la veuve ne peut s'adapter à sa nouvelle situation.

Une autre recommandation a trait aux allocations de soins dont on a pas mal discuté au cours des derniers jours. Le Comité Woods recommandait que les allocations de soins continuent à être payées pendant une période de deux mois après la mort d'un membre des Forces. Nous croyons comprendre que le Livre blanc du gouvernement préconise le maintien de cette allocation pendant un mois seulement après la mort du pensionné. Le Comité Woods qui a étudié cette question en détail a recommandé qu'elle soit maintenue pendant deux mois. A notre avis, la différence entre ces deux propositions n'est pas assez importante aux yeux de l'État et l'aide aux nécessiteux et le maintien des allocations de soins pendant deux mois permettraient à la veuve de s'adapter à sa nouvelle situation.

Le président: Les membres du Comité aimeraient-ils apporter des commentaires ou poser des questions à ce sujet? Monsieur Peters.

M. Peters: Monsieur le président, nous avons discuté assez longuement de cette question à d'autres occasions et je crois que nous sommes en général d'accord avec ce principe.

Le président: Aimeriez-vous continuer, monsieur Thompson?

M. Thompson: Très bien, monsieur le président. La prochaine section qui figure aux pages 24 et 24A a trait à la sécurité du dossier d'un pensionné.

Notes explicatives et remarques

Le Comité Woods a recommandé de rapporter les dispositions de la Loi sur les pensions et les directives du ministère des Anciens combattants qui permettent l'accès aux dossiers et la divulgation de renseignements aux conseillers médicaux de sociétés ou d'autres gouvernements, ainsi qu'aux directeurs médicaux de compagnies d'assurance.

Ainsi que l'a constaté le Comité Woods, il avait un grand danger que le pensionné connaisse peu ou point le sens et peut-être la portée d'un diagnostic décrivant un état maladif. Le rapport cite à l'appui les nombreux

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example, the many different forms of arthritis and suggested that a pensioner suffering from this disease might be under the impression that disclosure of information from his file could not be harmful to him. The Report suggested, however, that the description of the disability in medical terms might tell a prospective employer or insurer a much different story than that which the pensioner envisaged.

The Woods Committee noted also that the files of pensioners often contained information relative to medical conditions other than those for which the pension was in payment. This occurred, for example, where a pensioner obtained medical treatment from the Department of Veterans Affairs for a non-pensionable condition on a repayment basis. This had the result of building up, on the pensioner's file, considerable medical history which had no direct relationship to his pensionable condition. Also, in making application for a pension, a pensioner may describe a condition in the gravest possible terms, in attempting to establish a pension claim. These statements became part of his record. In describing his condition for a prospective employer or for an insurance company, he might well have described the condition differently.

The main point that is seen in the Woods Report in this regard, and we endorse it, is that a veteran is asked on occasion by insurance companies or by employers and, indeed, by the Public Service of Canada, to make available any information that is on his file. The Woods Committee in studying this felt that this definitely was putting the man in a very difficult position because if he refused an insurance company this information they, I think quite naturally, would assume he had something to hide. If he refused a prospective employer this right, then they would feel that he had something to hide. The proposal was that this information should not be made available.

During the discussions here some questions have come up about it being made available to a court and these kinds of exceptions are provided for in the American regulations. I know it has been said that if a man wants it made available to an insurance company or to an employer that he should be able to have it. However, we do suggest that many times here is medical information on file that the man himself does not know about. There may be information that has no connection with his pensionable condition obtained while he was in hospital during service or while being treated or there may be other conditions for which he was treated and for which opinions

[*Interprétation*]

formes d'arthrite et émet l'avis qu'un pensionné atteint de cette maladie pourrait bien ne pas se douter que la divulgation de renseignements contenus dans son dossier lui serait préjudiciable. Le rapport fait valoir, toutefois, que la description de l'invalidité en termes médicaux pourrait rendre un son de cloche bien différent pour un employeur éventuel ou un assureur.

Le Comité Woods a aussi fait remarquer que les dossiers des pensionnés souvent contenaient des renseignements relatifs à des maladies autres que celles qui établissent le droit à la pension. Le cas se produit, par exemple, lorsqu'un pensionné se fait soigner à ses frais dans un hôpital du ministère des Anciens combattants pour une maladie qui ne donne pas droit à la pension. Il en résulte un dossier médical d'importance qui n'a aucun rapport direct avec l'invalidité. De surcroît, en faisant une demande de pension, l'intl'intéressé peut décrire son état de la façon la plus pessimiste en vue d'établir son droit à la pension. Ces déclarations font partie du dossier. Dans la description de son état à un employeur éventuel ou à une compagnie d'assurance, il peut fort bien décrire cet état de façon différente.

Le Rapport Woods indique à ce sujet qu'à l'occasion, des sociétés d'assurance des employeurs et même la Fonction publique du Canada demandent des renseignements qui figurent au dossier de l'ancien combattant. Après avoir étudié cette question, le Comité Woods estime que cela place l'ancien combattant dans une mauvaise posture car s'il refuse de révéler ce renseignement, la société d'assurance conclura naturellement qu'il veut dissimuler quelque chose. On a donc proposé que ces renseignements ne soient pas divulgués.

Au cours des débats, on a soulevé plusieurs questions dans le but de savoir si l'on devrait fournir ces renseignements à un tribunal. Les cas d'exceptions figurent dans les règlements américains. Je sais qu'on a dit que si un homme veut les fournir à une société d'assurance ou à un employeur, il devrait pouvoir le faire. Toutefois, nous aimerions préciser qu'à plusieurs reprises il s'agit de renseignements médicaux que la personne intéressée ignore. Des renseignements qui n'ont aucun lien avec la condition physique qui lui ouvre droit à pension, recueillis alors qu'il était hospitalisé pendant son service, ou pendant son traitement, ou d'autres conditions pour lesquelles il

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were obtained, all of which are on the file. In our opinion, it would be to the pensioner's advantage should an insurance company asked him if he had any objection to this information being released, were he able to say, "It is not a question of my objection, the Department just will not release it."

The Chairman: Mr. Bigg.

Mr. Bigg: Suppose we put a section in the Act which said that this information could be supplied only on a court order. It seems to me that our advocate working with the Department would be able to get a court order which, I presume, would be a judge in chamber for the purpose of this Act and, therefore, if the veteran so wanted he could say to the insurance company that they could not have it without a court order which they would not be able to get. However, if it were important to his or his family's welfare then he could apply to a judge in chambers and with very little red tape and quite expeditiously the county court judge could say "I declare that under Section such and such of the Act the papers be made available for the benefit of the veteran". This is just a suggestion, but I think this would handle both sides of that dilemma. He could still say "I want my insurance" because the papers could not be made available without a court order and as he would not apply for it, they could not get it.

Mr. Thompson: Mr. Chairman, we are not happy that at present the man can be put in a position of declining the authority to a prospective employer or to an insurance company. I do not know whether the suggestion Mr. Bigg made would meet the needs. I know the Departmental people do see some instances where to put on an absolute prohibition it could cause disadvantage to the veteran. They have raised this point and we certainly can see that there are such situations. The basic point that we want to have established is that the man should not be put in a position of having to decline to authorize this release. This is the important point to us because as soon as he declines someone suspects he has something to hide. He may give the authority believing there is nothing on his file that he would not want the insurance company to see, but he may not know what the medical reports really are. In very few cases would a man really know what was on his file from a medical point of view.

The Chairman: Mr. Howard.

Mr. Howard (Okanagan Boundary): Mr. Chairman, I concur very much with this prin-

[*Interpretation*]

aurait été traité et dont on aurait obtenu des renseignements pourraient figurer au dossier. A notre avis, cela serait utile au pensionné car une société d'assurance pourrait lui demander s'il voit une objection à ce qu'on divulgue ces renseignements. Il pourrait dire qu'il n'y voit aucune objection, mais que le Ministère refusera de le faire.

Le président: Monsieur Bigg.

M. Bigg: Disons qu'on insérerait à la Loi un article stipulant que ces renseignements pourraient être fournis seulement sur une ordonnance de la cour. J'imagine que les avocats du ministère pourraient obtenir une ordonnance de la cour, ce serait je préume un juge en conseil aux fins de la Loi et, par conséquent, si l'ancien combattant le désire, il peut dire à la société d'assurance qu'on ne peut l'obtenir sans ordonnance de la cour qu'ils ne pourraient obtenir. Mais si cela est important pour le bien-être de sa famille et le sien, il pourrait demander à un juge en conseil et sans trop de délais administratifs, le juge du tribunal de comté pourrait divulguer des documents au bénéfice de l'ancien combattant en vertu des articles tel et tel de la Loi. Il s'agit d'une simple proposition, mais cela réglerait le dilemme. Il pourrait toujours dire qu'il veut l'assurance, parce que les documents ne pourraient pas être fournis sans ordonnance de la cour et comme il n'en ferait pas la demande, la société d'assurance ne pourrait pas se les procurer.

M. Thompson: Monsieur le président, nous ne sommes pas heureux qu'à l'heure actuelle cet homme peut être placé de façon à refuser un emploi éventuel ou une assurance. Je ne sais pas si la proposition de monsieur Bigg répondrait aux besoins, mais les fonctionnaires du Ministère savent que dans plusieurs cas, il faut imposer un interdit car cela pourrait s'avérer désavantageux pour l'ancien combattant. Ils ont soulevé cette question et nous pouvons voir que de telles situations existent. Nous aimerions préciser que cet homme ne devrait pas être placé dans la position de refuser d'autoriser la divulgation de ce renseignement. Pour nous, c'est un point important car dès qu'il refuse, on croit aussitôt qu'il veut dissimuler quelque chose. Il peut en donner l'autorisation en croyant qu'il consentirait à divulguer tous les renseignements que renferme son dossier mais il se peut qu'il ne connaisse pas vraiment le contenu du rapport médical, comme dans la plupart des cas.

Le président: Monsieur Howard.

M. Howard (Okanagan Boundary): Monsieur le président, je me rallie à ce principe

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ciple because I think there are too many ways in which personal privacy is being infringed upon these days, but I wonder if, in some ways, this could work to the detriment of the veteran. For example, in the matter of buying insurance, could an insurance company say that because this man is a veteran and is drawing a pension, he must have something

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wrong with him so they would put him in Class B-3 which says that his rate automatically will be 50 per cent higher than anybody else's. The veteran then would be unable to present information to the effect that his pensionable condition could have no effect on his life expectancy. Could it be detrimental in that sense or in similar situations?

Mr. Thompson: Mr. Chairman, I do not see how such a case could be to his disadvantage because in a case like that the insurance company would examine the man and make their own assessment of the situation. I would find it hard to visualize a case such as you mentioned where the information on the file would in fact be to his advantage with an insurance company. And there might well be other medical opinions there that the insurance company in their examination do not discover, something going back to service days, that could work to his advantage. I do not see a case where it would work, as you suggest, to his disadvantage. There may be other instances as were raised in connection with a court case where something from the files was needed to show, for instance, if a man had a mental condition on service and it was wanted as evidence. This is the kind of thing where the departmental people, as I understand it, consider that there needs to be a way, a loophole, to provide that, and we would certainly be quite happy to see that kind of loophole provided. But we do not want to see the situation as it is now, wherein if the man refuses access to the file, he is automatically suspect. This is what the present situation brings about.

Mr. Howard (Okanagan Boundary): It seems very reasonable that it puts him in the same position as any other applicant for insurance or something of this kind where the company cannot go beyond an immediate medical examination or immediate medical information that might be readily available.

Mr. Thompson: Yes, Mr. Chairman, because otherwise he is put at a disadvantage because he was under scrutiny by the state for X number of years while he was serving and it

[*Interprétation*]

parce qu'à mon avis, de nos jours, l'intimité d'une personne est violée si souvent, mais je me demande si cela pourrait jouer au détriment de l'ancien combattant. S'il désire, par exemple, prendre une assurance, une société d'assurance pourrait-elle dire que vu que cet homme est un ancien combattant et qu'il touche une pension, il doit avoir quelque chose. On le classe donc dans la classe B-3 qui nécessite automatiquement un taux de 50 p. 100 plus élevé que pour une autre personne. L'ancien combattant serait alors dans l'incapacité de fournir des renseignements qui indiqueraient que la condition qui lui ouvre droit à pension n'influencera pas son espérance de vie. Est-ce que cela pourrait être désavantageux dans ce cas ou dans des situations semblables?

M. Thompson: Monsieur le président, je ne vois pas comment cela pourrait le désavantager car dans un tel cas, la société d'assurance examinerait cet homme et évaluerait elle-même la situation. J'ai peine à m'imaginer un cas de ce genre où les renseignements contenus dans le dossier avantageraient en fait l'ancien combattant aux yeux de la société d'assurance. Il pourrait aussi y avoir d'autres détails de santé que la société d'assurance ne décèle pas lors de l'examen, des résultats qui datent de la période de service et qui pourraient être à l'avantage de la personne. Je ne vois pas de cas où, comme vous le dites, cela pourrait lui être désavantageux. Il est possible que dans certains cas judiciaires on ait besoin de renseignements du dossier pour prouver qu'un homme a souffert de maladie mentale au cours de son service. C'est dans ce genre de choses que les fonctionnaires du Ministère peuvent étudier la possibilité de révéler ces renseignements d'une manière ou d'une autre. Nous serions sûrement très heureux de trouver une telle solution. Nous n'aimerions pas que la personne qui refuse l'accès à son dossier soit aussitôt soupçonnée, comme en ce moment.

M. Howard (Okanagan Boundary): Il semble très raisonnable que cela le place dans la même situation que toute autre personne qui demande une assurance et où la société ne peut se servir que de l'examen médical ou des renseignements médicaux du moment.

M. Thompson: Oui, monsieur le président, autrement il est désavantagé parce qu'il était sous la surveillance de l'État pendant le nombre X d'années de service. Ce n'est que par

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just so happens that additional information is available and so it could be to his disadvantage.

Mr. Howard (Okanagan Boundary): Thank you.

The Chairman: Are there any further questions? Do you want to proceed, Mr. Thompson?

Mr. Thompson: The next one, gentlemen, on pages 25 and 25A, has to do with the reduction of pension while in hospital.

Explanatory Notes and Comment

When a pensioner is admitted to hospital for treatment of his pensioned condition he receives in addition to his award, (if 92 per cent or less) treatment allowances equivalent to 100 per cent pension less $15 per month. In 1955 the Government recognized that pensioners receiving 95 per cent and 100 per cent pensions did in fact receive less pension while in hospital and took action to rectify the situation by amending the Treatment Regulations.

The Legion has sought for many years to have all pensioners placed on an equal footing by eliminating the $15 deduction which is made in cases of those in receipt of less than 93 per cent pension. The Woods Committee noted (p. 1194) that this provision was placed in the legislation in 1923 and was apparently intended as a partial contribution by the pensioner towards the cost of his hospitalization.

Again (p. 1196) having referred to a resolution from the legion's 1952 Dominion Convention and a reply thereto by the Deputy Minister of Veterans Affairs, the Woods Committee noted that,

> "...despite the comment of the Deputy Minister that no evidence was produced to indicate that the $15 monthly deduction represented either hardship or injustice, the Government took action to remove the deduction for those in receipt of pension at a rate which exceeded the approved rate for treatment allowance. The principle seems the same, regardless of the percentage of pension in payment. Accordingly, the amendment to the Treatment Regulations of August 1st, 1955, would appear, in the view of your Committee, to have been an expedient, designed to avoid reducing the actual amount of money being receiving by the pensioners in the higher pension classes.

[*Interpretation*]

hasard que ces renseignements sont disponibles, mais cela pourrait désavantager l'ancien combattant.

M. Howard (Okanagan Boundary): Merci.

Le président: Y a-t-il d'autres questions? Veuillez poursuivre, monsieur Thompson.

M. Thompson: Les pages 25 et 25A traitent de la réduction de la pension pendant l'hospitalisation.

Notes explicatives et commentaire

Quand un pensionné est admis à l'hôpital à cause de l'affection qui lui vaut une pension, il reçoit, en sus de sa pension (si elle est de 92 p. 100 ou moins), des allocations de traitement équivalant à une pension de 100 p. 100 moins $15 par mois. En 1955, le gouvernement a reconnu que les pensionnés touchant des pensions à 95 p. 100 et à 100 p. 100 recevaient effectivement moins pendant leur hospitalisation et il a fait le nécessaire pour remédier à la situation en modifiant le Règlement sur le traitement des anciens combattants.

La Légion a cherché pendant bien des années à faire placer tous les pensionnés sur le même pied grâce à l'abolition de la déduction de $15 opérée sur l'allocation de ceux dont la pension est de moins de 93 p. 100. Le Comité Woods signale (p. 1366) que cette disposition fut insérée dans la loi en 1923 et qu'elle était probablement considérée comme une contribution partielle du pensionné à ses frais d'hospitalisation.

Puis (p. 1369) après avoir parlé d'une résolution que la Légion avait adoptée à son Congrès fédéral de 1952 et de la réponse qu'elle avait suscitée de la part du sous-ministre des Affaires des anciens combattants, le Comité Woods relève que:

> «...en dépit de la remarque du sous-ministre selon laquelle il n'y a eu aucune preuve indiquant que la déduction de $15 par mois ait été la cause de privations ou d'injustice, le gouvernement a pris des mesures pour supprimer la déduction dans le cas de ceux qui recevaient une pension à un taux excédant celui de l'allocation de traitement. Le principe semble être le même, abstraction faite du pourcentage de la pension versée. En conséquence, la modification au règlement sur le traitement du 1er août 1955 semblerait, selon votre Comité, avoir été un expédient visant à ne pas réduire le montant reçu par les pensionnés des catégories de pensions les plus élevées.

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However, having removed the deduction for the higher classes of pensioners, the Government has presumably abandoned the premise that a deduction should be made for maintenance while in hospital—at least for the 100% and 95% pensioners. It seems obvious that this premise should now be made applicable to all pensioners on the same basis."

When a pensioner is admitted to hospital for treatment of his pension condition, he receives in addition to his award, if 92 per cent or less treatment allowances equivalent to 100 per cent pension less $15 a month.

Recommendation 145 of the Woods Committee is that a pensioner undergoing treatment for his pensionable condition should receive 100 per cent pension without deduction during such period of treatment.

The point at issue here really is the $15 a month taken off, and the Woods Report said:

"...if it is accepted that pension is paid, in part, in compensation for the loss of earnings, in part as a mark of gratitude for service rendered and thirdly in payment of a debt owed to the ex-member under an implied contract. That is to say, the pension is not paid merely as subsistence and hence should not decrease just because the pensioner, while in hospital, receives his subsistence through the hospital facilities."

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In this $15 situation, an exception was made to provide that the 100 per cent pensioner, in fact anybody 92 per cent or over, would not in fact receive less money from the Department of Veterans Affairs than he was receiving prior to his hospitalization. So this meant that it used to be that when a 100 per cent pensioner went into hospital, he was docked $15 a month. They removed that situation but they did leave the situation where the 25 per cent pensioner who goes in, although he is taken out of the labour market during that period, receives the equivalent of 100 per cent less $15. It has been pointed out here that the wording of the Woods recommendation could lead one to the assumption that if a man went in with a 25 per cent pension, was raised to 100 per cent pension and died from a condition not related to his pensionable disability, under the Pension Act the widow would be

[*Interprétation*]

Toutefois, après avoir supprimé la déduction pour les pensionnés des catégories supérieures, le gouvernement a apparemment abandonné l'idée d'appliquer une déduction pour les frais d'entretien, tout au moins pour les pensionnés à 100 p. 100 et à 95 p. 100. Il semble évident que ce principe devrait être applicable maintenant à tous les pensionnés sur une même base.»

Lorsqu'un pensionné est hospitalisé dans le but d'être soigné pour l'affection qui lui ouvre droit à pension, si son allocation est de 92 p. 100 ou moins, il touche en plus des allocations de soins qui équivalent à une pension de 100 p. 100 moins $15 par mois.

La recommandation n° 145 préconise qu'un pensionné suivant un traitement pour une affection ouvrant droit à pension reçoive une pension de 100 p. 100, sans déduction, durant sa période de traitement.

On conteste en fait la déduction du $15 par mois. Le rapport Woods indiquait à ce sujet que:

«S'il est admis de fait, écrivent-ils, que la pension est versée, en partie, en compensation de la perte du revenu d'emploi, en partie en signe de gratitude pour les services rendus et, enfin, en paiement d'une dette envers un ancien combattant en vertu d'un contrat implicite.

C'est-à-dire, que la pension n'est pas versée simplement pour lui permettre de subsister et, par conséquent, ne devrait pas être diminuée du seul fait que durant son hospitalisation, le pensionné reçoit sa subsistance par l'intermédiaire de l'hôpital.»

Dans l'application de cette clause, on a fait une exception pour que le pensionné qui touche une pension de 100 p. 100, en fait celui qui touche 92 p. 100 ou plus, ne reçoive pas moins d'argent du ministère des Affaires des anciens combattants qu'avant son hospitalisation. Ainsi, le pensionné hospitalisé qui touchait une pension de 100 p. 100 se voyait retirer $15 par mois. Cela ne s'applique plus, mais le pensionné qui touchait 25 p. 100 et qui quittait le marché du travail pendant la période d'hospitalisation, recevait l'équivalent d'une pension de 100 p. 100 moins $15 par mois. On a souligné que le texte de la recommandation Woods nous amènerait à conclure que si un homme qui touche une pension de 25 p. 100 était hospitalisé, sa pension serait haussée à 100 p. 100. S'il mourait d'une affection sans lien avec l'affection qui lui ouvre droit à pension, en vertu de la Loi sur les

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pensionable. Certainly when one reads the Woods Report in its entirety and the reference to this recommendation, this was never the intention. It may be that the wording could have been better in this recommendation, but the intent is really clear when you read it through. What was meant was that the treatment allowances would be paid at a rate that the pension and treatment allowances together would equal 100 per cent, and not 100 per cent less $15. We do not see any justification for continuing to deduct the $15.

Mr. Peters: Mr. Chairman, is it not true that if he died with 85 per cent, his widow would also get a pension?

Mr. Thompson: Mr. Chairman, if he died with 50 per cent or over she would.

Mr. Peters: On that basis, anybody who died in hospital would get a pension; his widow would get a pension because they would all be over 50 per cent no matter how much you deduct unless you came down below the 50 per cent. I just do not see the validity of the argument of the $15 deduction doing anything to that because if he was in hospital, he is getting over 50 per cent and his widow is entitled to a pension—if that is the basis, and I am sure that is not the basis on which we have been paying them.

Mr. Thompson: Mr. Chairman, my understanding of the reason given why this was not done was that if you did expressly what the Woods recommendation says—to raise it to 100 per cent pension, the widow of the man who was in there for 25 per cent and was automatically, in accordance with the Woods recommendation, raised to 100 per cent, and who died while he was in there of something that had no relationship whatever to service, would have to be pensioned because he was receiving 100 per cent pension. Now that is not the intent...

Mr. Peters: But if she was receiving 25 per cent and he was receiving 55 per cent, she would still, under that argument. In other words, what we are saying is that this is raised to 100 per cent pension, but it is not raised to 100 per cent pension. What the person in hospital does is to receive the equivalent of 100 per cent pension less $15. It is a treatment allowance. It does not mean the pension was raised because as long as it is over 50 per cent under the pension basis, it would not make any difference what the amount was.

[*Interpretation*]

pensions, la veuve aurait droit à une pension. Il est certain que la personne qui lit tout le texte du Rapport Woods et la référence de la recommandation, s'aperçoit que telle n'en était pas l'intention. Il est vrai que le texte de la recommandation aurait pu être meilleur, mais lorsqu'on en fait lecture, on comprend très bien. On voulait dire que les allocations de soins seraient versées de façon à ce que la pension et les allocations de soins soient égales à 10 p. 100 et non pas à 100 p. 100 moins $15. Rien ne justifie plus le maintien de la déduction de $15.

M. Peters: Monsieur le président, n'est-il pas exact que s'il mourait au moment où il touche 85 p. 100, la veuve recevrait elle aussi une pension?

M. Thompson: Monsieur le président, s'il meurt au moment où il touche 50 p. 100 ou plus, elle devrait en effet recevoir une pension.

M. Peters: Ainsi, tout pensionné qui meurt pendant son hospitalisation permet à sa veuve de toucher une pension car à ce moment-là, il recevrait plus de 50 p. 100, peu importe la somme déduite, du moment que vous n'atteignez pas moins de 50 p. 100. Je ne vois pas l'utilité de la déduction de $15 car s'il est hospitalisé, il touche plus de 50 p. 100 et sa veuve aura droit à une pension, si naturellement c'est le critère établi. Mais je suis convaincu qu'on n'a pas suivi cette méthode jusqu'à présent.

M. Thompson: D'après ce que je puis voir, monsieur le président, la raison pour laquelle cela n'a pas été appliqué c'est que si vous aviez suivi à la lettre la recommandation du rapport Woods et que pendant son hospitalisation vous aviez élevé à 100 p. 100 la pension du pensionné qui touchait 25 p. 100 s'il était mort à ce moment-là, d'une affection sans lien avec l'affection qui lui ouvre droit à pension, la veuve aurait droit à une pension, parce qu'il recevait 100 p. 100 pendant l'hospitalisation. Mais tel n'était pas le contenu de....

M. Peters: Et si elle touchait 25 p. 100 et lui, 55 p. 100, elle aurait encore droit à une pension en vertu de cet argument. Autrement dit, lorsqu'on dit que la pension est élevée à un niveau de 100 p. 100, en fait, elle ne l'est pas. La personne hospitalisée reçoit en fait l'équivalent d'une pension de 100 p. 100 moins $15. Il s'agit d'une allocation de soins. Cela ne signifie pas que la pension est portée à un plus haut niveau car du moment qu'elle se situe au-dessus de 50 p. 100, peu importe le montant précédent.

[*Texte*]

Mr. Thompson: This is the point we are making, Mr. Chairman. To us the explanation given did not really provide a valid answer to not accepting this recommendation. We feel that this $15 deduction is not justified. It has gone on for years and we recommend that it be abolished so that when a man goes in for treatment of his pensionable condition, he continues to receive his pension and in addition treatment allowances so that the total of the two will be the equal of 100 per cent pension.

Mr. Peters: Yes, as long as it is understood that this is not raising his pension up to 100 per cent or up to anything over 50 per cent because we would have the same problem. The $15 is not going to make any difference one way or the other except as a nuisance value.

Mr. Thompson: No, we are not suggesting that his pension should be raised. I think that the wording of this recommendation may not state it clearly, but when you read the whole of that part of the Woods Report, what they mean is clear and is just as Mr. Peters stated.

The Chairman: Mr. Bigg.

Mr. Bigg: In the event that you had 25 per cent and were in hospital getting treatment for that and you died, say, under the surgeon's knife, are there any cases where they have allowed 100 per cent pension because obviously he died of his pensionable disability and therefore he was actually 100 per cent pensionable at the time he died? Have we any cases where this was argued?

Mr. Thompson: Mr. Chairman, in that case, of course, the widow would be pensionable because this death would have resulted from his pensionable condition. Therefore, his death would have been related to service even though he was 25 per cent or 15 per cent. There would be no problem.

Mr. Bigg: There is a clause that says that if he dies as a direct result of his wounds, that is to say if amputation went to gangrene and he died, then he would be raised posthumously to 100 per cent.

Mr. Thompson: Mr. Chairman, they would not raise him to 100 per cent. What they would do is to say that his death resulted from this condition. It would amount to the same thing. The widow would get the full widow's pension as though he had been killed, actually. She would get the same pension.

[*Interprétation*]

M. Thompson: C'est ce que nous voulons préciser, monsieur le président. L'explication qu'on nous a fournie ne nous suffit pas pour rejeter la présente recommandation. A notre avis, cette déduction de $15 n'est pas justifiée. Cela dure depuis des années. Nous recommandons que cela soit aboli de sorte que lorsqu'un homme est hospitalisé pour être soigné pour une affection qui lui ouvre droit à pension, il continue de recevoir cette pension et en outre des allocations de soins de façon à ce que les deux allocations égalent une pension de 100 p. 100.

M. Peters: Du moment qu'on comprend que cela ne signifie pas qu'on élève la pension à 100 p. 100 ou à plus de 50 p. 100, car nous aurions des problèmes. Les $15 ne marqueront pas une aussi grande différence d'une manière ou d'une autre, mais c'est un chiffre qui nuit.

M. Thompson: Nous ne disons pas que sa pension sera élevée. Je crois que le texte de la recommandation ne l'indique peut-être pas clairement, mais si on lit toute la partie du Rapport Woods, le contenu est précisé de la façon dont l'a expliqué monsieur Peters.

Le président: Monsieur Bigg.

M. Bigg: Si le pensionné touche une pension de 25 p. 100 et est hospitalisé pour être soigné et s'il meurt disons à la suite d'une opération chirurgicale, y a-t-il des cas où on lui a donné une pension de 100 p. 100 parce que de toute évidence, il serait mort des suites de l'affection qui lui ouvre droit à pension et qu'il touchait une pension de 100 p. 100 au moment de sa mort? Y a-t-il des cas de ce genre?

M. Thompson: Monsieur le président, dans ce cas, il ne fait aucun doute que la veuve aurait droit à une pension parce que la mort serait attribuable à l'affection qui ouvre droit à pension. Par conséquent, sa mort serait rattachée à son service même si le pensionné touchait une pension de 25 p. 100 ou 15 p. 100. Il n'y aurait pas de problème.

M. Bigg: Une clause stipule que s'il meurt des suites de ses blessures, soit que la gangrène s'installe après l'amputation, sa pension serait portée de façon posthume, à 100 p. 100.

M. Thompson: Monsieur le président, on ne l'élèverait pas à 100 p. 100. On dirait simplement que sa mort est attribuable à sa condition physique. Cela reviendrait au même. La veuve toucherait toute la pension comme s'il avait été tué. Elle recevrait la même pension.

[*Text*]

Mr. Knowles (Winnipeg North Centre): If he died in hospital because he was being treated for something other than his pensionable disability, what would happen then?

Mr. Thompson: Mr. Chairman, if the man was in receipt of 50 per cent pensions . . .

Mr. Knowles (Winnipeg North Centre): meant less than 50 per cent.

Mr. Thompson: Less than 50 per cent, then if the death was not related to service there would be no pension paid. The mere fact that he had died in hospital being treated for another condition would not establish the right to pension.

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Mr. Bigg: Below 48 per cent.

Mr. Thompson: Right.

The Chairman: Are there any other questions? Mr. Foster.

Mr. Foster: If the veteran goes into the hospital for an examination to determine whether the disease that he is suffering from is attributable to his war service, does his pension then automatically go up to the 100 per cent? For instance a friend of mine who was suffering from pernicious anemia and his civilian doctor said that in his opinion this was probably attributable to his war service, and the Canadian Pension doctor said," no, it is not": He was taken into a veterans' hospital for two or three weeks and as I recall the circumstances he did not receive any extra pension because he was in there. He was there for a couple of weeks and the hospital decided that this was not due to his war service. Is it only when he is put in the hospital because of his pensionable condition that the pension goes from whatever it is, 30 or 40 per cent up to 100 per cent?

Mr. Thompson: Yes, Mr. Chairman, if he were hospitalized for a condition not related to his pensionable condition, he would just continue to receive his monthly pension cheque and would not receive a supplementary payment under treatment allowances. If he were in there under treatment for pensionable condition then he would get the supplementary payment of treatment allowance.

Mr. Foster: Even when the Department put him in there to prove that what his civilian doctor said was wrong?

[*Interpretation*]

M. Knowles (Winnipeg-Nord-Centre): S'il était mort à l'hôpital des suites d'une autre affection que celle qui lui ouvre droit à pension, qu'arriverait-il?

M. Thompson: Monsieur le président, si le pensionné touchait 50 p. 100...

M. Knowles: Je sous-entendais qu'il touche une pension de moins de 50 p. 100.

M Thompson: Pour une pension de moins de 50 p. 100, si la mort n'est pas reliée au service, on ne versera pas de pension, car s'il meurt pendant son hospitalisation des suites d'une autre affection que celle qui ouvre droit à pension, la veuve n'a pas droit à la pension.

M. Bigg: Au-dessous de 48 p. 100.

M. Thompson: Oui.

Le président: Y a-t-il d'autres questions? Monsieur Foster.

M. Foster: Si l'ancien combattant est hospitalisé pour subir un examen dans le but de déterminer si l'affection dont il souffre est attribuable à sa période de service, sa pension est-elle aussitôt portée à 100 p. 100? Prenons, par exemple, le cas d'un de mes amis qui souffrait d'anémie pernicieuse. Son médecin lui a dit qu'à son avis cela provenait de son service militaire, mais le médecin de la Commission canadienne des pensions lui a dit le contraire. On l'a hospitalisé pendant deux ou trois semaines dans un hôpital d'anciens combattants et si j'ai bonne mémoire des faits, il n'a pas touché de pension supplémentaire pour son hospitalisation. Il y est resté pendant quelques semaines après quoi, l'hôpital en est venu à la conclusion que cela n'était pas attribuable à son service militaire. Faut-il uniquement qu'il soit hospitalisé à cause de l'affection qui lui ouvre droit à pension pour que la pension soit portée de 30 ou 40 p. 100 à 100 p. 100?

M. Thompson: En effet, monsieur le président, si le pensionné est hospitalisé pour une affection indépendante de l'affection qui lui ouvre droit à pension, il continuera à recevoir le chèque de pension mensuel sans toucher d'allocation de soins supplémentaire. S'il était hospitalisé en vue d'être traité pour une affection qui lui ouvre droit à pension, il pourrait ainsi jouir de l'allocation de soins supplémentaire.

M. Foster: Même si le Ministère l'hôpitalise pour prouver que son médecin avait tort?

[*Texte*]

Mr. Thompson: No. He could be admitted under Section 16, the treatment regulations, for examination and exploration of this condition, but this would not carry treatment allowance with it.

Mr. Foster: His pension stays at whatever level it is otherwise?

Mr. Thompson: Yes.

Mr. Foster: This is not directly connected with this but yesterday we were talking about provision of pay for days lost when a veteran appeared before the Pension Commission and travelling and this sort of thing. I understand this does not apply when veterans go to have their regular medical examinations though?

Mr. Thompson: Yes, Mr. Chairman, when a pensioner goes for examination they provide his transportation, pay him on a set scale. If it is required for him to be away overnight, there is a scale laid down by the government by which he can be reimbursed. There is also a scale for his loss of wages provided he can show proof of loss of wages.

Mr. Foster: For instance, area, it takes the veterans in my area about two days to go for an examination because it is quite a long distance. My understanding is that they are allowed $5 for their overnight accommodation and you do not get much of a motel or hotel room for this amount.

Some hon. Member: Not any more.

Mr. Foster: My understanding was they did not get anything for their loss of wages for the one or two days they are away.

Mr. Thompson: Mr. Chairman, there is a scale. I regret we do not have it with us here but there is a scale authorizing the payment. We have brought to the government's attention a number of times, just a few months ago most recently, the inadequacy of the present scale of reimbursement and we have asked that they again amend this.

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Mr. Chairman, I am sorry, we have that information. Under the treatment regulations, they provide for cost of railway transportation, mileage allowance at the rate of five cents a mile where the transportation is provided by a privately-owned automobile, the necessary costs incurred for road, ferry,

[*Interprétation*]

M. Thompson: Non; il pourrait être hospitalisé en vertu de l'article 16, les règlements sur les soins, aux fins d'examen de sa condition physique, mais il ne toucherait pas par le fait même d'allocation de soins.

M. Foster: Sa pension reste au même niveau?

M. Thompson: Oui.

M. Foster: Cela n'a pas tout à fait trait à ce que l'on dit, mais hier, nous parlions d'une disposition par laquelle on rembourserait le salaire que l'ancien combattant aurait perdu pour témoigner devant la Commission canadienne des pensions, son déplacement et autres choses du genre. Je crois comprendre que cela ne s'applique pas aux anciens combattants qui vont subir leur examen médical régulier?

M. Thompson: En effet, monsieur le président, lorsqu'un pensionné doit subir un examen, on assure son transport en le remboursant d'après une échelle fixe. S'il doit se loger pour la nuit, le gouvernement a établi une échelle d'après laquelle il peut être remboursé. Il existe aussi une autre échelle pour son salaire s'il prouve qu'il y a effectivement perte de salaire.

M. Foster: Par exemple, dans ma région, les anciens combattants mettent deux jours pour subir un examen parce qu'ils doivent parcourir une assez longue distance. Je crois qu'on leur alloue $5 pour le logement, mais où peut-on trouver une chambre d'hôtel ou de motel pour cette somme?

Une voix: Plus maintenant.

M. Foster: Et je crois qu'ils n'ont rien reçu pour le salaire perdu des journées d'absence au travail.

M. Thompson: Monsieur le président, il existe une échelle. Je regrette de ne pas l'avoir sous la main mais, il existe une échelle qui autorise ce remboursement. A plusieurs reprises, et plus récemment il y a quelques mois, nous avons souligné au gouvernement l'insuffisance de l'échelle actuelle de remboursement et nous avons demandé qu'il y apporte des modifications.

Monsieur le président, je m'excuse, mais nous possédons ce renseignement. En vertu des règlements sur les soins, on assure le coût du transport par chemin de fer; une allocation du transport autour de 5 cents du mille pour le transport d'un particulier, par automobile les frais de péage de la route, du

[*Text*]

bridge and tunnel tolls, necessary parking charges incurred at the place where the veteran or qualified person reports for examination of treatment . .

> reasonable charges for modes of transportation other than train automobile where necessary; the cost of meals at the rate of two dollars...

per breakfast or lunch and $3 for dinner where travel is by train and where the meals are not provided by the transportation company or $1.50 for breakfast or lunch and $3 for dinner where travel is other than by train and where their meals are not provided by the transportation company; and

> (e) the cost of board and lodging when it is not available at a departmental hospital at the rate of $1.50 for breakfast or lunch and $3 for dinner and at a rate not exceeding $9 a night for lodging when supported by a statement of account.

Now, that is the new rate.

Mr. Guay (St. Boniface): Five cents a mile both ways, surely?

An hon. Member: Yes.

Mr. Foster: Is there any allowance for loss of pay? I did not notice that.

Mr. Thompson: Yes, Mr. Chairman, the provision in the treatment regulations for loss of earnings reads as follows:

> Compensation in respect of loss of earnings may be paid at a rate not exceeding fourteen dollars a day to a person who
> (a) is directed to report for examination by the Commission or for examination or treatment by the Department; or
> (b) reports for examination or treatment and would have been directed to report by the Department or the Commission had he so requested

The rate formerly was $11 and it has now been raised to $14.

Mr. Foster: On this other matter, where there is a discrepancy of medical opinion between the medical examiner of the Department and the civilian or private medical practitioner, is there any provision for appeal or is the departmental doctor right and that is it and there is no provision. Consider the example I gave a few minutes ago. We had two opinions; the departmental doctor was backed up by the hospital where the veteran went for a two-week examination and this

[*Interpretation*]

transbordeur, du pont ou du tunnel, les frais de stationnement à l'endroit où l'ancien combattant ou la personne compétente se rend pour l'examen du...

> les frais raisonnables pour les modes de transport autres que le train, l'automobile si cela est nécessaire; le coût des repas au taux de $2...

pour le petit déjeuner ou le lunch et de $3 pour le déjeuner quand le déplacement se fait par train et si les repas ne sont pas fournis par la compagnie de transport ou $1.50 pour le petit déjeuner ou le lunch et $3 pour le déjeuner si le voyage se fait par un autre moyen que le train et si les repas ne sont pas fournis par la compagnie de transport et

> le coût de la chambre et pension quand cela n'est pas fourni à l'hôpital du ministère au taux de $1.50 pour le petit déjeuner ou le lunch et de $3 pour le déjeuner et à un taux qui n'excède pas $9 pour la nuitée si l'on apporte une facture à l'appui.

Il s'agit évidemment du nouveau taux.

M. Guay (Saint-Boniface): 5 cents du mille à l'aller et au retour, naturellement?

Une voix: Naturellement.

M. Foster: Accorde-t-on une allocation pour la perte de salaire? Je n'ai pas remarqué si on en avait parlé.

M. Thompson: Les règlements sur les soins indiquent pour les pertes de gains que l'indemnité d'une perte de gains peut être versée à un taux qui n'excède pas $14 par jour pour la personne qui doit se présenter pour un examen de la Commission ou pour un examen ou un traitement du Ministère; ou se présenter pour un examen ou un traitement et qu'on aurait prié de se présenter au Ministère ou à la Commission s'il en avait fait la demande.

Le taux précédent était de $11 et il est maintenant passé à $14.

M. Foster: Si le médecin du Ministère et son médecin ne sont pas d'accord sur les questions d'ordre médical, prévoit-on la possibilité d'un appel ou donne-t-on uniquement foi à l'opinion du médecin du Ministère? Ainsi dans l'exemple que je vous ai donné il y a quelques instants, il y avait deux opinions contradictoires, le médecin du Ministère a été appuyé par l'hôpital où l'ancien combattant a été hospitalisé pendant deux semaines pour subir un examen et cette décision a été

[*Texte*]

was final. There is no provision for appeal to another independent medical group or body?

Mr. Thompson: Under current legislation the applicant can apply to an appeal board of the Commission, which is made up of three members of the existing Pension Commission. This is the same body that had previously adjudicated on the claim and he can go for appeal there. If that is turned down and new evidence is obtained you can apply for leave to reopen to have the case reconsidered.

However, the question of medical opinion is a very important one to us because we do see cases where, although outstanding specialists will support the application, the medical people with the Commission do not agree. Also, although in many cases they are not in active practice and their qualifications in our opinion are not equal to the qualification of the specialists who give the opinion, the tendency seems to be to accept the in-staff recommendation rather than that of the opinion of the specialist in the field—if there is a conflict in opinion, as often happens.

Mr. Foster: Has any consideration been given by the Legion to supporting a separation—to get away from this sort of in-house medical service and relying completely on private medical opinion? The medical profession is bound by ethics and a desire to seek the truth and tell the truth. It seems to me there is some question as to why we should

•1130

have a sort of private in-house group of medical people giving their opinions when often they are not as qualified, as you have mentioned, as the private civilian medical people.

Mr. Thompson: Mr. Chairman, this is one of the problems that the Woods Committee Report attempted to deal with by suggesting that the Appeal Board they propose should not be tied to a specific medical staff but rather that they could set up a medical panel of people who are not directly associated with the Department of Veterans Affairs to whom they could refer cases. In our own experience we do this. When we have a case where we want a specialist's opinion we will send it to one, two or three of the most outstanding specialists in the country in that particular field, and get their opinions. In the case of the Woods Committee Report, they recommend that this appeal body should not be tied to an in-staff medical situation but should have a panel of outstanding men in that particular

[*Interprétation*]

définitive. Ne pourrait-on pas faire appel auprès d'un autre groupe ou organisme médical indépendant?

M. Thompson: En vertu de la mesure législative actuelle, le requérant peut présenter une demande à un bureau d'appel de la Commission qui est composé de trois membres de la Commission canadienne des pensions actuelle. Il s'agit du même organisme qui décidait auparavant de la plainte. Il peut donc faire appel à cette Commission. Si cet appel est rejeté et s'il obtient de nouvelles preuves, on peut demander d'étudier à nouveau le cas.

Toutefois, la question de la consultation médicale est très importante parce que nous avons eu des cas où même si d'éminents spécialistes appuyaient la demande, le corps médical de la Commission n'approuvait pas. Même si dans plusieurs cas, ils ne pratiquent pas et si à notre avis leur compétence n'est pas comparable à celle des spécialistes que nous consultons, il semble qu'on accepte plus les recommandations du personnel interne que l'opinion de spécialistes en la matière s'il y a conflit d'opinions, comme cela se produit souvent.

M. Foster: La Légion n'a-t-elle pas étudié la possibilité d'appuyer une séparation en vue de s'éloigner de ce genre de service médical interne et de se fier tout à fait à l'opinion de médecins particuliers? La profession médicale obéit à une éthique et au désir de chercher la vérité et de dire la vérité. A mon avis, on pourrait se demander pourquoi il y aurait une sorte de groupe médical interne qui donnerait leur avis alors qu'ils n'ont pas souvent la même compétence, comme je l'ai déjà mentionné, que les médecins particuliers.

M. Thompson: Monsieur le président, le rapport du Comité Woods a essayé de traiter ce problème en proposant que le bureau d'appel projeté ne soit pas lié à un personnel médical précis, mais qu'il détermine plutôt un groupe de médecins, qui ne soient pas directement associés au ministère des Affaires des anciens combattants auquel on pourrait référer certains cas. Nous le faisons en nous appuyant sur notre propre expérience. Lorsqu'un cas requiert l'avis de spécialistes, nous l'envoyons chez un, deux ou trois des plus éminents experts du pays en la matière. Le rapport du Comité Woods a recommandé que le bureau d'appel ne soit pas lié à un personnel médical interne, mais qu'il crée un groupe d'hommes éminents dans le domaine médical auquel il pourrait référer certains cas. S'il

[*Text*]

medical field to which they could refer cases. If it is a legal question, then they could do the same thing. They felt there was merit in the very point you are raising. It should be possible at the appeal stage to get away from the built-in system that now exists.

Mr. Foster: I would agree with that. It seems to me that we have a sort of closed shop situation where everybody agrees with everybody else and the veteran loses.

Mr. Thompson: I think this is inevitable in a situation where people are working in the same type of thing. I think Mr. Justice Woods said that it is good to get a fresh look medically.

The Chairman: Mr. Bigg.

Mr. Bigg: I think there is a danger there, but I believe in a great many cases our departmental doctors have a greater knowledge of the service conditions, and so forth, and if you are talking about justice, in many cases they are more able to understand the soldier's condition having themselves served and having had many cases of the same type before them. However, I think in rare cases this might not be so. They certainly had difficulty with avitaminosis and things like that, where I think there is a field for specialists but, on the other hand, with battle fatigue and things like that, the civilian doctor knows nothing whatever about it and I like to think that the service doctor on many occasions can say that he knows from personal experience the effect on the human frame and the human personality of long subjection to this type of trauma.

Mr. Thompson: May I say, Mr. Chairman, for Mr. Bigg's information that many of the outstanding specialists in Canada today in the various fields are ex-servicemen. They are not employed in the government. We have many outstanding men right here in the City of Ottawa.

Mr. Bigg: There could also be a danger, if we do not keep that in mind, that these people do not necessarily have better information than some of our own doctors, in the same way that one's family doctor is in a much better position—at least I feel that he is—to handle his family's health than Harley Street or John Hopkins specialists.

The Chairman: Are there any further questions? Mr. Foster.

Mr. Foster: In reply to this idea, it seems to me that your family doctor probably has a better opinion on you because he sees you every day. He has a better opinion of your medical condition than a departmental doctor

[*Interpretation*]

s'agit d'une question d'ordre juridique, on pourrait faire la même chose. A leur avis, le point que nous soulevons est valable. Il devrait être possible, lors de l'appel, de s'échapper du système fermé actuel.

M. Foster: Je serais d'accord. Il me semble que nous nous trouvons en présence d'un cercle fermé où tous sont d'accord au détriment de l'ancien combattant.

M. Thompson: Je crois que c'est inévitable quand des personnes travaillent à la même chose. C'est le juge Woods qui a dit, je crois, qu'il est bon d'avoir une nouvelle opinion, du point de vue médical.

Le président: M. Bigg.

M. Bigg: Il me semble y avoir un danger ici. Car les médecins du ministère connaissent mieux les conditions du service etc., et du point de vue de la justice, sont, dans bien des cas, plus aptes à comprendre l'état du militaire, ayant été militaires eux-mêmes et ayant souvent vu des cas de ce genre. Dans de rares cas, il pourrait n'en pas être ainsi. Ils ont eu des difficultés avec les cas d'avitaminose et les cas similaires qui sont, je crois, du ressort des spécialistes. Mais s'il s'agit de la fatigue du combat et d'états analogues, les médecins civils n'en connaissent rien, tandis que le médecin militaire, à mon avis, connaît souvent par expérience personnelle, les effets exercés par un trauma de ce genre sur l'esprit et la constitution de l'homme.

M. Thompson: Puis-je dire, monsieur le président, pour l'information de M. Bigg, que nombre de célèbres spécialistes du Canada sont d'anciens militaires.

M. Bigg: Il pourrait y avoir un danger—si nous ne gardons pas cela à l'esprit—car ces gens-là ne sont pas nécessairement aussi bien renseignés que certains de nos propres médecins, un peu comme notre médecin de famille est mieux placé pour soigner notre famille qu'un spécialiste de Harley Street ou de John Hopkins.

Le président: D'autres questions? M. Foster.

M. Foster: Oui. Il me semble que, sur ce point, si votre médecin de famille connaît mieux votre état de santé, c'est parce qu'il vous voit chaque jour. Il est ainsi mieux renseigné sur votre état que le médecin du

[*Texte*]

who is brought in cold and only sees you on the one day. I think an argument could be made both ways, Mr. Bigg.

The Chairman: Mr. Thompson, do you have anything further to say on this matter?

Mr. Thompson: No.

The Chairman: Are there any questions by members of the Committee? Mr. Thompson, do you want to continue?

Mr. Thompson: Mr. Chairman, the next item is the matter of income tax exemption.

Explanatory Notes and Comment

It might be said that a pension is intended to replace earnings. This is only true in part, since such payment is also the fulfillment of a debt by reason of the implied contract between the Government and a serviceman. Obviously a disability pension is not retirement income, nor in the ordinary sense, is the Pension Act social welfare legislation. There is a very deep significance to such pensions stemming mainly from gratitude of a country to provide recompense, in some measure, for the highest order of service.

Historically, the original provision that exempted pensions from income tax came about in 1919 and followed the same principle as had been applied to the pay of persons on active service. The then Minister of Finance suggested that it would be manifestly unjust to tax pensions paid for a disability or death arising from military service.

It seems well established that pension is payable as a matter of right and without any relation to the financial circumstances of the individual. The Royal Commission on Taxation stated that, "If specific relief were required...the need should be met through higher payments." This clearly violates the fundamental principle, and the administrative complications of such a suggestion, to quote the Woods Report, "appear frightening".

Pension is by tradition and practice, not taxable, and to propose any such change in Canada at this time would be virtually a violation of contract with pensioners.

It was dealt with in the Woods Report in Recommendation No. 143. It is stated on white page 26:

> We are pleased to learn that the Government has agreed with the Woods Committee, accepted their recommendation and rejected that of the Carter Commission which would have the effect of tax-

[*Interprétation*]

ministère qui ne vous voit qu'en une occasion. Je crois que l'argument peut être invoqué des deux côtés, M. Bigg.

Le président: M. Thompson, avez-vous autre chose à ajouter sur ce sujet?

M. Thompson: Non.

Le président: Y a-t-il des questions de la part des membres du Comité? Voulez-vous poursuivre, monsieur Thompson.

M. Thompson: Monsieur le président, la prochaine question a trait aux exemptions d'impôt.

Notes explicatives et commentaire

On pourrait dire qu'une pension a pour objet de remplacer des gains. Mais ce n'est que partiellement le cas, puisque ce paiement constitue aussi le remboursement d'une dette en vertu d'un contrat implicite entre l'État et le militaire. Il est évident qu'une pension d'invalidité n'est pas un revenu de retraite, non plus qu'au sens ordinaire la loi sur les pensions n'est une mesure de bien-être social. Ces pensions ont un sens très profond qui vient surtout de la gratitude d'un pays qui veut récompenser, dans une certaine mesure, les services les plus nobles.

La première disposition soustrayant les pensions à l'impôt sur le revenu date de 1919; elle s'inspirait du principe applicable à la solde des militaires en service actif. Le ministre des Finances de l'époque avait exprimé l'avis qu'il serait manifestement injuste d'imposer les pensions versées pour une invalidité ou un décès découlant du service militaire.

Il semble bien établi que la pension est un droit qui n'est nullement fonction de la situation financière de l'intéressé. La Commission royale d'enquête sur la fiscalité a soutenu que s'il fallait accorder un secours particulier, il fallait le faire par le truchement d'une augmentation des paiements. Voilà qui est une violation flagrante du principe fondamental; les complications administratives d'une telle proposition, selon le rapport Woods, sont formidables.

Par tradition, les pensions ne sont pas imposables et ce serait une violation de contrat que de proposer un tel changement aujourd'hui au Canada.

Elle a été traitée dans la recommandation 143 du Rapport Woods. Elle est exposée à la page blanche 26:

> Nous sommes heureux de voir que le gouvernement, en accord avec le Comité Woods, accepte leur recommandation et rejette celle de la Commission Carter, qui aurait eu pour effet de taxer les pensions

[*Text*]

ing pensions awarded for disabilities and death resulting from war service.

This question has come before your Committee before and we should just like to underline our feelings that historically this pension has been exempt from tax, and when this measure was first introduced in 1919 the then Minister of Finance suggested that it would be manifestly unjust to tax pensions which are paid for disability or death arising from military service. We feel that this situation should continue as is.

• 1135

The Chairman: Mr. Thompson, I just want to caution you that this is not a tax committee, nor is the Department the authority or the ultimate voice of the government in regard to taxation. As a veteran I feel as you do, but I believe that your organization should avail itself of the opportunity, following the presentation of the White Paper on taxation when there will be public hearings in regard to proposed changes in the law, to make a representation to the appropriate body at that time.

Mr. Guay (St. Boniface): Mr. Chairman, I think we should also point out that this has been discussed quite fully by this Committee and it was my impression that most of the members of the Committee looked upon this very favourably, and even more so as the various veterans associations appeared before us. I think it is on the record that the Committee's recommendation was that this be accepted unchanged. We were accepting it on that principle.

The Chairman: Mr. Guay, there is no commitment by the government on this.

Mr. Guay (St. Boniface): Just a moment, Mr. Chairman. You say that this matter should be dealt with by a different committee and I do not disagree with you, but I still insist there is nothing wrong with this Committee going on record on any point and saying that we are either in favour of it or we are not, if and when we discuss these matters later on in the Committee. My impression at the moment is that everybody who has attended these Committee meetings since we started has certainly accepted this principle, and we feel that they should not be taxed.

The Chairman: If you will excuse me, Mr. Knowles, I just want to put something on the record. Mr. Thompson said that the government has accepted this. I feel obliged to add a caveat to that. There is no official statement

[*Interpretation*]

accordées pour une incapacité ou la mortalité survenues au cours du service militaire.

Cette question a déjà été étudiée par votre Comité et nous ne voulons que rappeler que cette pension a, de tout temps, été exemptée d'impôt et que, lorsque cette mesure a été introduite tout d'abord en 1919, le ministre des Finances a allégué qu'il serait injuste de taxer les pensions versées pour incapacité ou mortalité survenues au cours du service. Nous proposons qu'il en demeure ainsi.

Le président: Je tiens à vous prévenir, monsieur Thompson, que nous ne sommes pas un comité sur la fiscalité, et que le ministère ne constitue pas non plus l'autorité ultime en matière de fiscalité. En tant qu'ancien combattant, je suis de votre avis, mais je crois que votre association devrait profiter des séances publiques qui suivront la présentation du Livre blanc sur la fiscalité, pour formuler ses représentations à l'organisme compétent.

M. Guay (Saint-Boniface): Je crois qu'il faudrait dire aussi que ce Comité a déjà approfondi cette question. La majorité des membres de ce Comité m'a semblée en faveur, à mesure que se faisaient entendre les diverses associations d'anciens combattants. Il est, je crois, déjà convenu que le Comité recommande que cette proposition soit acceptée sans modification.

Le président: M. Guay, il n'y a sur ce point aucun engagement du Comité.

M. Guay (Saint-Boniface): Un instant, monsieur le président. Vous dites que cette question devrait être traitée par un autre comité, et je ne dis pas le contraire, mais je répète que rien ne s'oppose à ce que le présent Comité signifie officiellement son approbation ou sa désapprobation. J'ai l'impression qu'en ce moment, tous ceux qui ont assité aux séances de ce comité ont accepté la chose en principe, et nous pensons que les pensions ne devraient pas être taxables.

Le président: Excusez-moi, je vous prie, M. Knowles, je voudrais faire une mise au point. M. Thompson a dit que le gouvernement avait accepté ceci. Je dois apporter une réserve. Il n'y a aucune déclaration officielle

[*Texte*]

from the Government of Canada that they have in fact accepted it. This was Mr. Thompson's comment when he was making his remarks.

Mr. Knowles (Winnipeg-Nord-Centre): Mr. Chairman, on a point of order. I do not think you have a right to say that the White Paper, which was given to us and which was published in the name of a member of the government, is not a statement by the government.

The Chairman: In relation to this point, is there a statement in the White Paper that there will be exemption from taxation?

Mr. Knowles (Winnipeg North Centre): You have me on that for the moment, but certainly...

The Chairman: There is no such statement, Mr. Knowles.

Mr. Knowles (Winnipeg North Centre): —the Minister said that the views of the government would be given to this Committee, and the view was given to this Committee on behalf of the Minister that this recommendation was not accepted—I am sorry, I meant that the Carter Commission recommendations were not accepted and the Woods Committee recommendations were. I would find it pretty hard on the principle of government solidarity if another Minister took a different view.

The Chairman: Mr. Knowles, this is precisely why I am making a comment. I do not want other members of the Committee to come back and say that we have made commitments or said things which can be so interpreted. I simply say that I do not believe that a spokesman in the Department of Veterans Affairs who is not an authority on tax matters or who is not a spokesman on tax views can give an authoritative statement on behalf of the Department in regard to tax matters. I have my views, I am sure other members of this Committee have their views and I am sure the veterans in the House have their views, but I do feel that this Committee cannot give a statement of government position in regard to a tax proposal.

Mr. Knowles (Winnipeg North Centre): We spent an awful lot of time listening to Mr. Ward, and he spent a lot of time here, if it does not have some authority.

The Chairman: I think I have dealt with the point, Mr. Knowles. I know it is your turn to get on the record and I am making quite clear what I am putting on the record.

[*Interprétation*]

du gouvernement voulant qu'il l'ait accepté. C'était là l'objet de la remarque de M. Thompson.

M. Knowles (Winnipeg-Nord-Centre): J'en appelle au Règlement, monsieur le président. Je ne crois pas que vous ayiez le droit de dire que le Livre blanc, qui nous a été remis et dont la publication a été autorisée par un député, ne soit pas une déclaration du gouvernement.

Le président: Y a-t-il, dans le Livre blanc une déclaration à cet effet?

M. Knowles (Winnipeg-Nord-Centre): Je ne saurais le dire, pour le moment, mais assurément...

Le président: Il n'y a aucune déclaration de ce genre, M. Knowles.

M. Knowles (Winnipeg-Nord-Centre): ... le ministre a dit qu'il ferait connaître les vues du gouvernement au présent Comité et l'opinion a été manifestée au présent Comité à l'effet que cette recommandation n'avait pas été acceptée—pardon, j'entends que les recommandations de la Commission Carter n'ont pas été acceptée. Il serait difficile qu'un autre ministre ait une opinion différente, sans du coup déroger au principe de la solidarité gouvernementale.

Le président: Voilà précisément la raison de mes commentaires. Je ne veux pas que d'autres membres du comité puissent dire que nous avons pris des engagements ou dit quoi que ce soit qui puisse être interprété en ce sens. Je dit tout simplement que je ne crois pas qu'un porte-parole du ministère des Affaires des anciens combattants qui n'est pas une autorité en matière de fiscalité et qui n'est pas un porte-parole dans le même domaine puisse faire, au nom du ministère, une déclaration d'autorité sur les questions de fiscalité. Je suis sûr que d'autres membres du comité ont leurs opinions et que les anciens combattants qui sont à la Chambre ont leurs opinions, mais j'estime que ce Comité ne peut faire une déclaration relative à l'attitude du gouvernement concernant une proposition fiscale.

M. Knowles (Winnipeg-Nord-Centre): Nous avons passé beaucoup de temps à écouter M. Ward et il a passé beaucoup de temps ici, pour en arriver là.

Le président: Je crois que la question est réglée, monsieur Knowles. Je sais que c'est à votre tour de faire une mise au point et je pense formuler bien clairement la mienne.

[*Text*]

Mr. Knowles (Winnipeg North Centre): You are only the Chairman, I am a member! I am sorry, I am not even a member; I am just a member of Parliament.

The Chairman: Mr. Knowles, I think you would agree that we have not distinguished in any respect that way.

Mr. Thompson: If I might make the point, Mr. Chairman, the reason this is brought before you is because it is one of the recommendations of the Woods Committee which was referred to your Committee. From the information given to the Committee it was our understanding that this recommendation had been accepted unchanged, and we felt that we should express our appreciation of that understanding.

The Chairman: Again, Mr. Thompson, I must put a caveat on the record. I know what you are saying and I know what Mr. Knowles was trying to say but I have to say in all honesty to the Committee that I just do not believe that the government has given a firm commitment on this matter, and that is all I can say.

Mr. Knowles (Winnipeg North Centre): Does that also apply to the Woods Committee recommendations which we were told had not been accepted?

The Chairman: Mr. Knowles, we have a White Paper, which is an expression of general policy of the government. The Minister has said that this is an expression of policy and that it is flexible, and he has asked for the views of the Committee in regard to these matters. It is my understanding that the Committee will prepare a report and make its recommendations on a whole series of points, and this is going to take some time. The fact is that the general indication of what the government was inclined to accept was for the guidance of the Committee and to give us some priority in terms of our agenda, which I

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am sure you will agree is a long and complicated one. Having said that, I think the reports of this Committee will carry a good deal of weight.

Mr. Peters: Mr. Chairman, I might suggest that if the Minister of Veterans Affairs feels that he wants to implement his suggestion in the White Paper he can decide to pay all the income tax premiums that might be involved through the Department of Veterans Affairs.

[*Interpretation*]

M. Knowles (Winnipeg-Nord-Centre): Vous n'êtes que le président, et je suis un des membres! Pardon, je ne suis même pas un des membres, je ne suis qu'un député.

Le président: Monsieur Knowles, nous n'avons pas fait de distinction de cette nature, vous le reconnaîtrez.

M. Thompson: La raison pour laquelle nous vous avons soummis cette question, monsieur le président, c'est qu'il s'agit d'une des recommandations référées à notre Comité par le comité Woods. On nous avait laissé entendre que cette recommandation avait été acceptée telle quelle, et nous avions cru devoir exprimer notre gratitude.

Le président: Je dois à nouveau apporter une réserve, M. Thompson. Je comprend ce que vous vous dites comme je comprends ce que dit M. Knowles, mais je dois dire en toute franchise que je ne crois pas que le gouvernement se soit fermement engagé sur ce point. C'est tout ce que je puis dire.

M. Knowles (Winnipeg-Nord-Centre): Cela s'applique-t-il aussi aux recommandations du Comité Woods qui, nous a-t-on dit, n'ont pas été acceptées?

Le président: Nous avons un Livre blanc qui exprime la politique générale du gouvernement. Le ministre a dit qu'il s'agit ici d'une question de politique générale, et cela est flexible, et il a demandé les vues du Comité à ce sujet. Si j'ai bien compris, le Comité fera ensuite son rapport et fera ses recommandations sur une foule de points, ce qui prendra du temps. Le fait est que les indications générales quant à ce que le gouvernement est prêt à accepter étaient données pour la gouverne du Comité et pour nous permettre de dresser un ordre du jour d'après les priorité: il est, vous êtes d'accord, plutôt long et complexe. Ceci étant dit, je crois que les rapports du présent Comité auront beaucoup de poids.

M. Peters: Si le ministre des Affaires des anciens combattants songe à mettre en œuvre sa suggestion dans le Livre blanc, il peut, par l'intermédiaire du ministère, verser toutes les primes d'impôt qui sont en cause.

[*Texte*]

The Chairman: I am not aware that the Minister has changed his portfolio, Mr. Peters. I think he is still the Minister of Veterans Affairs and he can speak in regard to his Department.

Mr. Peters: I am just saying that there are ways of overcoming this problem within the Department.

The Chairman: I have no further comment.

Mr. Thompson: Mr. Chairman, if you have no further questions, I know that in conclusion for our delegation that Mr. Adams...

Mr. Marshall: Mr. Chairman, may I ask a question before Mr. Thompson concludes? Mr. Thompson, was there any reason the Royal Canadian Legion did not bring anything up in their deliberations with regard to the Civilian War Pensions and Allowances Act where it concerns the merchant marine, Newfoundland foresters, firefighters and the R.C.M.P.?

Mr. Thompson: Yo uare referring here to

The Chairman: That is a good question.

Mr. Thompson: You are referring here to the reference in the White Paper, Mr. Marshall?

Mr. Marshall: No, they are a class of veterans that disturbs me and this is mainly because a lot of them are in the province I represent. I am wondering why they were not considered in your approach to the Woods Committee?

The Chairman: I wonder if I could make a suggestion. No doubt there will be further appearances by Mr. Thompson's group before this Committee. I wonder whether they would care to think about the point which Mr. Marshall has raised, and the next time they appear they migh have some observations on the matter.

Mr. Thompson: Yes, Mr. Chairman.

Mr. Bigg: As a supplementary to that, do you not represent the RCMP in some aspects of this work? Does the Legion represent the Mounted Police veterans to a certain extent or not?

Mr. Thompson: Mr. Chairman, we have cases—not a large number—where ex-members of the RCMP want representations made on their behalf in connection with a disabling condition incurred during service and we do make representations on their behalf.

Mr. Bigg: I am thinking of a very specific problem. There is not uniformity in the pen-

[*Interprétation*]

Le président: Je ne sache point que le ministre ait chargé de portefeuille, M. Peters. Il est toujours ministre des Affaires des anciens combattants, et il peut se prononcer à ce titre.

M. Peters: Je dis tout simplement qu'il y a des moyens de résoudre ce problème au sein du ministère.

Le président: Je n'ai rien à ajouter.

M. Thompson: Si vous n'avez pas d'autres questions, je sais que M. Adams de notre délégation...

M. Marshall: Une dernière question. Monsieur Thompson, y a-t-il une raison pour que la Légion royale canadienne ne parle pas de la Loi sur les pensions de guerre et les allocations aux civils, lorsqu'il s'est agit dans ses délibérations de la marine marchande, des forestiers de Terre-Neuve, des pompiers et de la gendarmerie royale?

M. Thompson: Non, monsieur le président.

Le président: C'est une question pertinente.

M. Thompson: Vous faites allusion au passage dans le Livre blanc, M. Marshall?

M. Marshall: Non. Ils constituent une classe d'anciens combattants qui m'inquiètent, surtout que plusieurs d'entre eux se trouvent dans la province que je représente. Je me demande pourquoi il n'en a pas été question dans vos représentations au comité Woods.

Le président: Puis-je faire une proposition. Il y aura sans doute d'autres comparutions du groupe de M. Thompson devant le présent comité, peut-être pourrait-il songer à la question soulevée par M. Marshall et nous livrer ses observations à la prochaine occasion.

M. Thompson: Oui, monsieur le président.

M. Bigg: Une question supplémentaire: ne représentez-vous pas la gendarmerie royale sous certains des aspects de son travail? La Légion représente-t-elle la Gendarmerie royale dans une certaine mesure, ou pas du tout?

M. Thompson: Monsieur le président, il y a quelques ex-membres de la Gendarmerie royale qui désirent faire des représentations pour des invalidités survenues en cours de service et nous les représentons.

M. Bigg: Je pense à un problème précis. Il me semble qu'il n'y a pas d'uniformité quand

[*Text*]

sion provisions in Canada between members who served in the Army and in the Mounted Police, and in the Mounted Police and in the Army. I do not know whether you follow me, but if you left the Mounted Police to serve in the Army, your consideration before the pension groups in different than if you served in the Army and then in the Mounted Police.

There is an anomaly here and I am not sure where or when this matter could be discussed, but I am sure that you must have had representations to your group at some time. I would like to discuss this matter further with you if you do not think that service should be even. If you left the Army and went into the Mounted Police, surely it should be the same deal all around for pensions and disabilities as if the opposite occurred, particularly where it is a sandwich. In other words, if you went from the Mounted Police into the Army and back in again in continuous service, surely you should receive exactly the same treatment as if you went the other way.

The Chairman: I wonder if this is not in the same category as Mr. Marshall's question?

Mr. Bigg: I am putting this on the record intentionally, Mr. Chairman, so it can be discussed in the proper place, if there is one.

The Chairman: I am sure, Mr. Bigg, your point is well taken. Mr. Peters.

Mr. Peters: Mr. Chairman, on the point that Mr. Marshall did raise, when we are doing as extensive a review as we are of the veterans charter and particular types of legislation, it would seem to me that we should hear representations on behalf of these groups. I realize the Legion in the past has made representations—at least I think the Legion did—on behalf of firefighters, the merchant navy which was attached under the Navy where they were using guns for defence, and this sort of thing. Is there some other agency or organization that we could have before us to give us some information on that? Would the Legion be prepared to do so at a later date?

The Chairman: I wonder if that again is a matter to be raised with the Steering Committee, Mr. Peters. It raises a very valid point . . .

Mr. Peters: I am just asking that, because I do not know who represents them.

The Chairman: —in our own agenda. I think that having asked the question and put

[*Interpretation*]

aux dispositions relatives à la pension du Canada entre ceux qui ont servi dans l'armée et ceux qui ont servi dans la Gendarmerie Royale, ou vice-versa. J'entends que, si vous laissez la Gendarmerie royale pour servir dans l'armée, votre statut est différent, du point de vue pension, de ce qu'il serait si vous aviez quitté l'armée pour entrer dans la gendarmerie.

Il y a ici une anomalie, et j'ignore quand il commencerait d'en discuter, mais je suis sûr que vous avez eu sur ce point des représentations. J'aimerais savoir si vous ne croyez pas qu'il devrait y avoir parité de service. Si vous laissez l'armée pour prendre la gendarmerie, les conditions de pensions devaient être équivalentes à celles qui auraient prévalu si, de la gendarmerie, vous étiez entré dans l'armée. Surtout si la chose se répète de la gendarmerie à l'armée, et de l'armée à la gendarmerie.

Le président: Je me demande si cela n'entre pas dans la même catégorie que la question de M. Marshall?

M. Bigg: J'en fais mention ici intentionnellement, monsieur le président, pour que nous puissions traiter cette question en temps opportun.

Le président: Soyez assuré que j'en prends note, M. Bigg. Monsieur Peters?

M. Peters: Monsieur le président, au sujet de la question soulevée par M. Marshall, lorsque nous faisons une étude poussée de la charte et des mesures législatives aux anciens vétérans, il me semble que nous devrions entendre les instances de la part de ces groupes. Je sais que la Légion a formulé des instances—du moins je le crois—au nom des pompiers, de la marine marchande qui était reliée à la marine, quand des canons étaient utilisés aux fins de défense, etc. Y a-t-il d'autres organismes à qui nous pourrions demander de témoigner afin de nous renseigner à ce sujet, à une date ultérieure?

Le président: Je me demande si ce n'est pas une question qui devrait être étudiée par le Comité de direction? C'est un point très pertinent . . .

M. Peters: Je pose cette question parce que j'ignore qui les représente.

Le président: . . .dans notre ordre du jour. Très bien. J'en prends note.

[*Texte*]

it on the record you have served your purpose at this point.

Mr. Peters: No, I have not had an answer. I am curious to know if there is anyone.

Mr. Thompson: Mr. Chairman, we would be pleased at some later date, if it would be of help to this Committee, to appear and provide information in connection with the T124 exrating I think Mr. Peters is referring to, the merchant tug rescue service and these other groups. Anything we can do to facilitate the consideration of this Committee we would be very pleased to do.

The Chairman: We thank you very much, Mr. Thompson.

Mr. Peters: Are there other organizations that represent them as well, or do they really have an organization?

Mr. Thompson: At one time there was a merchant seaman's association. I do not know if this is still in existence or not.

Mr. Peters: Do you take these people into the Legion?

Mr. Thompson: Yes, we admit them to membership and we handle pension claims for them.

Mr. Peters: So you would speak for a broad section of them?

Mr. Thompson: Yes.

An hon. Member: And the firefighters too?

Mr. Bigg: The volunteer nurses, the Victorian Order of Nurses, can they also have the services of the Legion?

Mr. Thompson: Oh, yes. The service facilities of the Legion are open to any veteran or dependent. I would say that 80 per cent of our work is done for non-members of the Legion.

Mr. Knowles (Winnipeg North Centre): I was going to ask the same question about the firefighters.

Mr. Thompson: Yes, any claims from firefighters we will process.

Mr. Knowles (Winnipeg North Centre): They have their own organization still in existence, do they not?

Mr. Thompson: They do and they appeared a few years ago, I think, before your Committee.

[*Interprétation*]

M. Peters: Je n'ai pas obtenu de réponse à ma question; je suis curieux de savoir s'il y a quelqu'un.

M. Thompson: Nous serons heureux de revenir plus tard, si c'est utile au Comité, pour vous donner des renseignements à ce sujet. Nous ferons tout ce que nous pouvons pour faciliter l'étude de cette question.

Le président: Merci beaucoup, M. Thompson.

M. Peters: Est-ce qu'il y a également d'autres associations qui les représentent ou s'ils ont leur propre association.

M. Thompson: Il y a eu, à un moment donné, une association des marins de la Marine marchande.

M. Peters: Les gens sont-ils dans la légion?

M. Thompson: Oui. Ils en sont membres et nous les représentons en matière de pension.

M. Peters: Vous représentez donc un grand nombre d'entre eux.

M. Thompson: Oui.

Une voix: Les pompiers également?

M. Bigg: Les infirmières volontaires, l'Ordre des infirmières Victoria? Peuvent-elles aussi se prévaloir des services de la Légion?

M. Thompson: Oui. La Légion est à la disposition de tout organisme d'anciens combattants ou de personnes à charge. Je dirais même que 80 p. 100 de notre travail se fait au profit de personnes qui ne sont pas membres de la Légion.

M. Knowles (Winnipeg-Nord-Centre): J'étais sur le point de poser la même question au sujet des pompiers.

M. Thompson: Oui, nous nous occupons de toute réclamation formulée par les pompiers.

M. Knowles (Winnipeg-Nord-Centre): Mais leur propre organisation existe encore, n'est-ce pas?

M. Thompson: Elle existe, et elle a comparu, je crois, devant le Comité, il y a quelques années.

[*Text*]

Mr. Knowles (Winnipeg North Centre): Herb Magill heads it up.

The Chairman: Are there other questions that members wish to raise at this point? If not, on behalf of the Committee I would like to thank you, Mr. Thompson, and the members of your delegation who appeared for your courtesy and for your answering in detail a number of questions as well as for a well prepared brief which we are pleased to have on the record—it was reproduced by agreement last night by resolution of the Committee—and to say that the door is open.

We have a major task ahead of us in examining the recommendations. It is quite clear that the areas of consensus on basic points are not as broad as some of us would like to see at this point and the Committee has its work cut out for it. We will look forward to hearing from you with regard to a number of other points that have been raised. I wish to thank you for what you have done.

Mr. Thompson: Mr. Chairman, Mr. Adams our Vice-President would like to close the remarks for our delegation, but before he speaks I would like to express sincere appreciation from myself and other members of our staff and organization for the hearing that you have given us, and for the give and take that there has been within the Committee.

I think the veterans organizations were very fortunate to have this tradition of a Committee where there is this give and take and we firmly believe that you gentlemen are as anxious as we are to reach a sound solution, because we do believe that what is done now will have to stand for a good many years.

We know you are anxious for this and we are available to assist you in any way that we can. I would like to say again, thank you for your kind hearing.

Mr. Arthur Adams (2nd Vice President, Dominion Command, Royal Canadian Legion): On behalf of Bob Kohaly who had to leave us yesterday—I am sorry, he and I are in the same boat; we represent the policy of the Legion—I would like to thank you for the attention which you gave him and also the attention which you gave Mr. Thompson in trying to justify the points brought forward in this brief.

We know that you have probably listened to some of these arguments before from some other committees, but I am most appreciative and would like to express the appreciation of the Legion for the utmost attention that you

[*Interpretation*]

M Knowles (Winnipeg-Nord-Centre): Elle est dirigée par Herb Magill.

Le président: Y a-t-il d'autres questions que quelqu'un aimerait soulever à ce moment? Si non j'aimerais, au nom du Comité, remercier monsieur Thompson et les membres de son comité qui ont donné des réponses détaillées à nos questions et nous ont présenté un mémoire si bien préparé.

Il nous reste un travail capital à accomplir: examiner les recommandations. Il est clair que les questions fondamentales sur lesquelles il y a convergence d'opinion ne sont pas aussi étendues qu'on l'aurait voulu à ce moment et le Comité a du pain sur la planche. C'est avec plaisir que nous vous entendrons à nouveau au sujet d'autres questions qui ont été soulevées. Merci.

M. Thompson: Monsieur le président, M. Adams, notre vice-président, aimerait mettre fin aux remarques au nom de notre association, mais avant de lui laisser la parole, je voudrais vous remercier, en mon nom et en celui des membres de notre organisation et de notre personnel, de nous avoir écoutés avec autant de compréhension.

Je crois qu'il est heureux que les associations d'anciens combattants aient pu se prévaloir de cette tradition du comité doté d'une certaine souplesse et nous sommes assurés que vous avez autant que nous à cœur d'en arriver à une solution satisfaisante, car nous croyons que les mesures prises devront demeurer en vigueur pendant de nombreuses années.

Nous savons que c'est aussi votre vœu et nous serons toujours prêts à vous accorder notre collaboration. Encore une fois, merci.

M. Arthur Adams (2e vice-président, Légion royale canadienne): Au nom de Bob Kohaly, qui a dû partir hier—nous nous occupons tous deux de la politique de la Légion—je me permets de vous remercier de l'attention que vous lui avez portée ainsi qu'à M. Thompson, lors de l'étude de ce mémoire.

Vous aviez probablement déjà entendu certains de ces arguments, exposés par d'autres organisations. Je désire donc vous remercier pour l'attention que vous avez manifestée lors de l'étude de notre mémoire.

[*Texte*]

have given all the points that have been presented since we have met here.

We in the Legion naturally are very keen to try to do our level best to present all the facts. I am agreeably interested and am very happy to see that all the members of this Committee—no doubt you have to answer questions from your constituents—are very much aware of the points that we have been trying to bring forward. I am quite sure that in your duties ahead you will do your level best to present this to Parliament so that we may have the best possible deal come forward.

This is a paramount thing that has to happen, because in the lifetime of the people we represent there may never be another chance. Those of us who have been in the service never want to see another war, but surely if we do our best job will it not be an example of which we, as Canadians, will be very, very proud?

On behalf of The Royal Canadian Legion I thank you very, very much for the opportunity for appearing before you and I wish you luck in the work that you have ahead of you. Thank you.

• 1150

The Chairman: The meeting is adjourned until Monday, October 20. Other matters may intervene. This appears to be the date which is generally suitable. Certainly we must adjourn long enough to catch up with our transcripts and give members of the Committee an opportunity to study the record and the testimony that has been presented to us. As I have indicated, the steering committee will have to examine the agenda for the next phase of our work, namely the calling of other witnesses and the raising of research memoranda, and so on, on points which are of concern.

At this stage all I can say is that we will try to meet the date of Monday, October 20, and should other matters intervene, members of the Committee will be informed.

[*Interprétation*]

Nous, de la Légion, faisons l'impossible pour vous fournir tous les faits. Je suis heureux de voir que tous les membres de ce Comité—qui, sans doute, ont à répondre de leurs actes à leurs commettants—sont très sensibilisés aux questions que nous avons essayé de présenter. Je suis assuré que vous transmettrez nos représentations au Parlement afin que nous puissions obtenir satisfaction.

Il s'agit d'une occasion capitale qui nous a été donnée et qui ne se représentera peut-être plus du vivant des personnes que nous représentons. Ceux d'entre nous qui avons déjà servi ne voulons plus voir de guerre; si nous faisons de notre mieux ici, ne serait-ce pas là un exemple dont nous, Canadiens, seront très fiers?

Au nom de la Légion, je vous remercie beaucoup et nos vœux vous accompagnent pour ce qui est du travail qu'il vous reste à faire. Merci.

Le président: La séance est levée jusqu'au lundi 20 octobre. D'autres questions peuvent survenir. Cette date semble convenir. L'ajournement doit être suffisant pour nous permettre la transcription du procès-verbal et de donner aux membres du Comité le temps d'étudier les témoignages qui ont été soumis. Comme je l'ai indiqué, le comité de direction devra examiner notre ordre du jour—surtout en ce qui a trait à la convocation d'autres témoins à entendre au cours de la prochaine étape de notre travail; convocation d'autres témoins, mémoires de recherches, etc. sur les questions qui nous intéressent.

Tout ce que je peux dire, c'est que j'essaierai de m'en tenir à cette date du lundi, 20 octobre et s'il survient d'autres questions, les membres du Comité seront prévenus.

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